

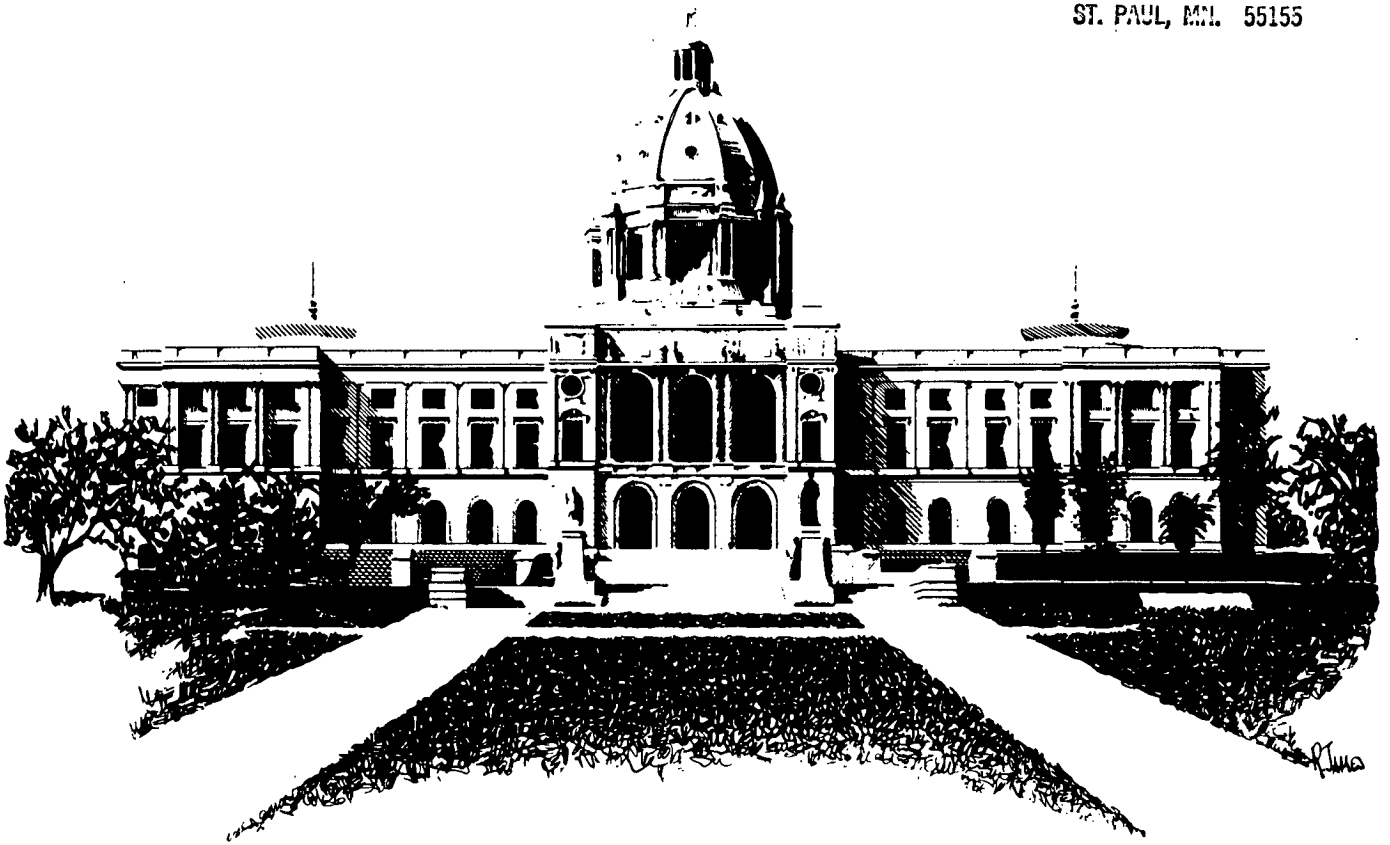
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STATE OF MINNESOTA

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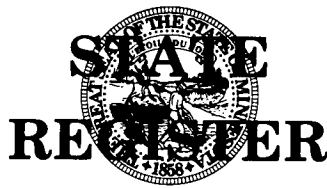
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VOLUME 9, NUMBER 45

May 6, 1985

Pages 2419-2466



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			
46	Monday Apr 29	Monday May 6	Monday May 13
47	Monday May 6	Monday May 13	Monday May 20
48	Monday May 13	Monday May 20	Monday May 27
49	Monday May 20	Monday May 27	Monday June 3

*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:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
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PROPOSED RULES

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

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

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

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

Department of Energy and Economic Development

Proposed Rules Relating to Thermal Insulation Products

Notice of Hearing

Notice is given that a public hearing will be held pursuant to Minn. Stat. § 14.14, subd. 1 (1984) in the above-entitled matter in the Large Hearing Room, 715 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota, on June 6, 1985, at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing by sending them to Administrative Law Judge Richard Luis, 4th Floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415 (Ph. (612) 341-7610). The rule hearing procedure is governed by Minn. Stat. §§ 14.14-14.20, (1984) and by Minn. Rule 1400.0200-1400.1200 (1983). Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

The Commissioner proposes to adopt rules relating to Thermal Insulation Standards for manufacturers and contractors. Authority for adoption of these rules is contained in Minn. Stat. § 325F.20-24, § 116J.03, and § 116J.10 (1984).

The proposed rules, if adopted, would establish standards for the product quality, safety, installation and labeling of thermal insulation products used in residential buildings and establish test requirements and procedures to ensure that standards established by the rules will be met. The rules apply to certain residential products and certain persons. The regulated thermal insulation materials include mineral fibrous, mineral cellular, organic fibrous, and organic and plastic cellular materials, whether in loose-fill, flexible, rigid or semi-rigid form. The persons to whom the rules apply include: persons engaged in the production and supply of materials from which insulation is made and who promote the sale or use of insulation; manufacturers of insulation materials or component materials; jobbers, wholesalers and retailers of insulation, installers and appliers who sell and install insulation in both new and retrofit applications; those engaged in the marketing or insulation who are, or who purport to be, agents of manufacturers, suppliers, or installers of insulation; and trade associations when engaged in the practices listed above. The rules establish standards for product quality and safety by imposing general requirements for the testing of insulation materials and the reporting of the testing, and by imposing specific materials standards and physical properties requirements on each type of insulation material regulated. The rules further impose specific installation or application requirements for different types of insulation material. The rules impose general requirements for manufacturers' written application instructions and testing for below ground use. The rules have a variety of effective dates including a deadline for laboratories contracted with to be accredited by the United States Department of Commerce National Voluntary Laboratory Accreditation Program.

Many of the standards that would be imposed by the rules are developed by the American Society for Testing and Materials (ASTM) and are incorporated by specific reference. The materials to be incorporated by reference are on file at the Minnesota State Law Library. The Minnesota Department of Energy and Economic Development Library can respond to inquiries about other places for convenient viewing and copying the referenced material, or for acquiring them.

Notice: The proposed rules may be modified as a result of the rules hearing process. The Agency therefore strongly urges those who may be affected in any manner by the substance of the proposed rules to participate in the rules hearing process directly or by representative.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Department of Energy and Economic Development and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and

the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department of Energy and Economic Development or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Pursuant to Minn. Stat. § 14.115 (1984) the impact on small business has been considered in the adoption of the rules. The rules, if adopted, will have an impact on small business. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to explain the purpose or intended operation of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules.

As a result of the hearing process, the proposed rule may be modified. Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the five to twenty day submission period, there will be a three-day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three-day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the Department of Energy and Economic Development may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Minnesota Department of Energy and Economic Development at any time prior to the filing of the rules with the Secretary of State.

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

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including 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 spend more than \$250, not including traveling expenses and membership dues in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

One free copy of this notice and the proposed rules may be obtained by contacting Jay L. Johnson, Insulation Standards Coordinator, Department of Energy and Economic Development, 900 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101 (phone: 612-297-1769). Additional copies will be available at the door on the date of the hearing.

Mark B. Dayton
Commissioner

Rules as Proposed (all new material)

THERMAL INSULATION STANDARDS

4155.0100 AUTHORITY AND PURPOSE.

The commissioner is authorized by Minnesota Statutes, sections 325F.20, subdivision 1 and 325F.21, subdivisions 1 and 3 to

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

establish standards for the product quality, safety, installation, and labeling of thermal insulation products, and establish test programs and procedures to ensure that standards established by this chapter shall be met.

4155.0110 APPLICABILITY.

Subpart 1. Products. This chapter applies to the following thermal insulation materials:

- A. cellulose fiber (loose fill and spray applied);
- B. mineral fiber (blankets, loose fill, board and spray applied);
- C. perlite (loose fill);
- D. polystyrene (board form, expanded and extruded);
- E. polyurethane and polyisocyanurate (board form and field applied);
- F. reflective foil;
- G. urea formaldehyde foam (field applied);
- H. vermiculite (loose fill); and
- I. other products advertising thermal resistance/R-values for use in residential buildings.

Subp. 2. Conduct. This chapter applies to the manufacture, distribution, sale, and application of insulation material within Minnesota. For the purpose of this chapter the sale of a building or appliance that contains installed insulating material is not considered the manufacturing and distribution of the insulating material.

Subp. 3. Affected parties. This chapter applies to all members of the insulation industry including:

- A. those who engage in the production and supply of materials from which insulation is made;
- B. those who promote the sale or use of insulation;
- C. manufacturers of insulation materials or component materials;
- D. jobbers, wholesalers, and retailers of insulation;
- E. contractors and applicators who sell and install residential insulation; and
- F. those engaged in the marketing of insulation who are, or who purport to act as, agents of manufacturers or suppliers of insulation.

4155.0120 DEFINITIONS.

Subpart 1. Applicability. For the purposes of this chapter, the following definitions of terms apply. Technical, scientific, and engineering terms undefined by this part have the meanings given in the ASHRAE Handbook of Fundamentals or in ASTM C 168-80a, Standard Definitions of Terms Relating to Thermal Insulation Materials.

Subp. 2. Application or installation. "Application" or "installation" means placing insulation materials into a residential building system or structure for the purpose of increasing the thermal resistance of the building. Installation methods include, but are not limited to, pouring, laying, affixing by chemical bonding or mechanical devices, pneumatic blowing, or in situ foaming.

Subp. 3. Approved laboratory. "Approved laboratory" means any testing facility, including a facility owned or operated by a manufacturer, that has been approved by NVLAP to perform the required test.

Subp. 4. ASHRAE. "ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

Subp. 5. ASTM. "ASTM" means American Society for Testing and Materials or a specification or standard adopted by the American Society for Testing Materials.

Subp. 6. CABO. "CABO" means the One & Two Family Dwelling Code prepared by the Council of American Building Officials, (1983 Edition).

Subp. 7. Commissioner. "Commissioner" means the commissioner of the Minnesota Department of Energy and Economic Development.

Subp. 8. CPSC. "CPSC" means the United States Consumer Product Safety Commission or a standard issued for thermal insulation materials by that commission.

Subp. 9. Department. "Department" means the Minnesota Department of Energy and Economic Development.

Subp. 10. Drainage. "Drainage" means a water removal system for a residential building that meets the following conditions:

- A. Drains are provided around foundations enclosing habitable or usable spaces, located below ground, that are subjected to ground water conditions. Drains are installed at or below the area to be protected and shall discharge by gravity or mechanical means

into an approved drainage system. The top joints and perforations of drain tiles are protected with strips of building paper and the tiles are placed on two inches of crushed rock and covered with not less than six inches of the same material. (See, Section R-305 of CABO.)

B. The finish grade of soil next to the foundation wall has at least a one-half inch per foot slope away from the wall to a distance of five feet.

Subp. 11. FS. "FS" means a federal specification or test required by the General Services Administration that is used by federal agencies for the purchase of supplies.

Subp. 12. FTC. "FTC" means the United States Federal Trade Commission or a standard issued for thermal insulation materials by that commission.

Subp. 13. Industry members. "Industry members" means:

- A. producers and suppliers of materials from which insulation is made who promote the sale or distribution of insulation;
- B. manufacturers of insulation, jobbers, wholesalers, and retailers of insulation;
- C. contractors and applicators who sell and install residential insulation; and

D. those engaged in the marketing of insulation who are, or who purport to act as, agents of manufacturers or suppliers of insulation.

Subp. 14. Insulation. "Insulation" means thermal insulation, a material or assembly of materials designed to provide resistance to heat flow in residential building structures, including but not limited to mineral fibrous, mineral cellular, organic fibrous, organic and plastic cellular and reflective materials, whether in loose-fill, flexible, rigid, or semirigid form. Any material advertised for use in residential buildings as having a thermal resistance R-value shall be considered as insulation for purposes of this chapter.

Subp. 15. Intermediate consumer of insulation materials. "Intermediate consumer of insulation materials" means a purchaser of insulation materials who resells or otherwise transfers possession of insulation materials to an ultimate consumer.

Subp. 16. Label. "Label" means written, printed, or graphic matter attached to or inscribed upon an article or its container.

Subp. 17. Label notice. "Label notice" means a written or printed statement accompanying the sale of an insulation product that contains information equivalent to that of a label; a label notice is used where no label is affixed to the insulation material or where a notice is otherwise required by this chapter.

Subp. 18. Manufacturer of insulation. "Manufacturer of insulation" means an industry member who produces insulation materials in their final form for distribution or sale to intermediate and ultimate consumers or who is a urea-formaldehyde foam or spray-urethane foam insulation manufacturer of the component resins and catalysts used for in situ foaming.

Subp. 19. Materials standard. "Materials standard" means a standard or specification of product quality and safety for regulated thermal insulation materials adopted or proposed by the department.

Subp. 20. NVLAP. "NVLAP" means the United States Department of Commerce National Voluntary Laboratory Accreditation Program.

Subp. 21. Polyurethane. "Polyurethane" means a cellular plastic derived from urethane, isocyanurate, resins, or any combination of these. For purposes of this chapter, polyurethane includes products labeled polyisocyanurate.

Subp. 22. R or R-value. "R or R-value" means the measure of resistance to heat flow through a material or assembly of materials. It may be stated as the reciprocal of the heat flow through a material expressed in British thermal units per hour, per square foot, per degree Fahrenheit. R-value indicates "thermal performance."

Subp. 23. Representative thickness. "Representative thickness" means a thickness of insulating material at which the change in thermal performance per inch will vary no more than plus or minus two percent with increases in thickness.

Subp. 24. Residential building. "Residential building" means a low-rise residential structure, including detached one- and two-family dwellings, lodging houses, and multiple-family buildings not more than three stories in height and their accessory structures.

Subp. 25. Thermal performance. "Thermal performance" means the tested thermal conductivity, thermal conductance, or thermal resistance (R-value), as appropriate, of an insulating material.

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Subp. 26. Ultimate consumer of insulation. "Ultimate consumer of insulation" means the final purchaser of insulation for installation within a residential building.

Subp. 27. Urea formaldehyde foam. "Urea formaldehyde foam" means a cellular plastic insulation material generated in a continuous stream by mixing the components which are a urea formaldehyde resin, air, and a foaming agent.

Subp. 28. UBC. "UBC" means the Uniform Building Code, authored by the International Conference of Building Officials.

4155.0130 INSULATION MATERIALS STANDARDS.

Subpart 1. Scope. This part sets forth standards for the product quality and safety of thermal insulation materials specified herein, as well as minimum procedures for the testing and reporting of insulation materials under these standards. Regulated thermal insulation materials that do not demonstrate by tests conformance to these standards shall not be sold, used, distributed, or installed in Minnesota by an industry member.

Subp. 2. General testing and reporting requirements. General testing and reporting requirements for regulated thermal insulation materials in this part are as follows:

A. All regulated thermal insulation materials shall be tested for compliance with the standards set forth in this part within 120 days of the effective date of this chapter. Testing procedures are as follows:

(1) Testing shall, at a minimum, be performed annually and the testing shall be completed prior to June 1 of every year.

(2) Until 120 days after the effective date of this chapter, testing shall be performed only at a testing laboratory possessing the appropriate equipment, facilities, and qualified personnel necessary to perform testing required by parts 4155.0130 to 4155.0150. Tests performed in the 1985 calendar year are acceptable.

(3) After 120 days following adoption of this chapter, all testing shall be performed by laboratories approved and accredited by NVLAP to perform the required tests. In the event that the NVLAP program is temporarily delayed in accrediting a laboratory or is not capable of accrediting a test or tests, subitem (2) applies.

(4) The thermal insulation material chosen for testing shall be representative of material produced by the manufacturer during normal production runs.

(5) Manufacturers without NVLAP approved testing facilities shall contract with an approved laboratory to conduct an annual surprise on-site inspection of the manufacturer's production facilities for the following two purposes:

(a) to take random samples of insulation from the manufacturer's assembly or process system for testing under this chapter; and

(b) to evaluate manufacturing techniques and make recommendations for improvement if the insulation fails to meet the assigned testing standards.

(6) Testing for each type of insulation shall be performed in accordance with the methods specified in subparts 3 to 15.

B. A reporting to the department shall be made on an annual basis and shall be received by the department prior to June 1 of every year. Annual testing shall be performed at least ten months apart. Reports shall be sent to: Director, Office of Energy Conservation and Development, Energy Division, Department of Energy and Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, MN 55101.

The report shall disclose the following information:

(1) the name and address of the testing laboratory;

(2) the name and address of the manufacturer;

(3) the nature of the business relationship between the manufacturer and the testing laboratory; for example, contractual for the purpose of testing, subsidiary, or in-house;

(4) the specific tests performed by the laboratory;

(5) the date of testing;

(6) a list of uniform product groups tested together;

(7) a certification of compliance with all applicable test standards;

(8) the testing laboratory's NVLAP certification history; and

(9) all updates of application reporting requirements in part 4155.0150, subpart 8.

C. Additional testing information shall be made available as follows:

(1) Upon the request of the commissioner, the manufacturer, a representative of the manufacturer, or the testing laboratory

shall provide all applicable information pertaining to the testing program. The information shall include, but not be limited to, test procedures and protocols, test equipment specifications and calibrations, the qualifications of test laboratory personnel exclusive of personal identifiers, full test data, and proof of NVLAP certification.

(2) Upon the written request of intermediate and ultimate consumers of insulation the manufacturer shall make available a current certification of conformance to applicable test standards.

D. All thermal performance tests shall be conducted in accordance with this item, unless additional requirements are imposed within the body of a materials standard. All insulation's thermal performance shall be stated in R-value.

(1) The following ASTM test methods shall be used: ASTM C 177-76, ASTM C 236-80, ASTM C 518-76, or ASTM C 976-82. Manufacturers shall select the appropriate test method for the material unless a specific method or procedure is referenced within a materials specification.

(2) R-value testing shall be performed at representative thicknesses of use, which shall be not less than:

- (a) 3.5 inches for loose-fill materials;
- (b) three inches for blanket fibrous materials;
- (c) one inch for cellular plastic board materials;
- (d) 3.5 inches for urea-based foam materials; and
- (e) two inches for spray applied products.

(3) Unit R per inch shall be derived from R-value testing performed to its representative thickness, as specified in subitem (2).

(4) Except as otherwise provided within a materials standard, the thermal performance test results shall be the average of the values obtained from at least three tests.

(5) Thermal performance as measured by test shall not be more than ten percent below the stated or claimed thermal performance of the insulation material.

Subp. 3. Cellulose fiber in loose-fill form. The following requirements apply to cellulose fiber in loose-fill form:

A. The product shall comply with ASTM C 739-84, Standard Specification for Cellulosic Fiber (wood-base) Loose-Fill Thermal Insulation in conjunction with the CPSC Interim Safety Standard for Cellulose Insulation, Federal Register, volume 44, pages 39966-39982 (July 6, 1979). When a CPSC test is performed, the ASTM C 739-84 test need not be repeated.

B. All manufacturers shall contract with an independent NVLAP approved laboratory for the following two purposes:

(1) The laboratory shall pick up three unopened bags of manufacturer's cellulose from the marketplace for annual testing under this chapter.

(2) The laboratory shall conduct a minimum of one in-plant inspection every two months. The inspection shall be unannounced, and the inspector shall conduct tests in the plant laboratory, on a sample taken from the marketplace, for settled density, smoldering combustion, critical radiant flux, corrosiveness (ph), and starch.

C. The department shall be immediately notified of any failure to meet test standards.

Subp. 4. Cellulose fiber spray applied. The following requirements apply to cellulose fiber spray:

A. The basic material shall consist of virgin or recycled wood-based cellulosic fiber and may be made from related paper or paperboard stock, excluding contaminated materials and extraneous foreign materials such as metals and glass that may reasonably be expected to be retained in the finished product. Suitable chemicals may be introduced to improve flame resistance, processing, adhesive and cohesive qualities, and handling characteristics. The added chemicals shall not create a health hazard.

The basic material shall be processed into a form suitable for installation by pneumatic conveying equipment and simultaneous mixing with water or adhesive at the spray nozzle.

B. All testing shall be performed on applied spray cellulose.

C. Determination of thermal performance shall be in accordance with ASTM C 177-76, ASTM C 236-80, ASTM C 518-76 or ASTM C 976-82 at the manufacturer's option, at the test-defined density of the material. R-value testing shall be performed at a

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thickness of material of two inches, unless the material is designed for use at a lesser maximum thickness and the material is so designated on the label or label notice by the manufacturer. It shall then be tested at the maximum thickness of suggested use.

D. Density shall be determined in accordance with section 7 of ASTM E 605-77. The density established by this test shall be used in the preparation of manufacturer's installation guidelines and in the determination of thermal performance.

E. Critical radiant flux, smoldering combustion, and starch shall be tested for in accordance with the CPSC Interim Safety Standard for Cellulose Insulation, Federal Register volume 44, pages 39966-39982 (July 6, 1979) [or the ASTM equivalent in C 739-84]. Values achieved shall not exceed those established by the CPSC.

F. Moisture absorption shall be determined in accordance with section 15 of ASTM C 553-70. Moisture absorption shall not exceed 15 percent by weight.

G. The product shall comply with test standards for air erosion, bond strength, and bond deflection that have been accepted by the ASTM or a federal or state government agency.

H. Test procedures in item F are not required of products that are installed in such a manner that physical restrictions imposed by the construction elements preclude any possibility of subsequent delamination, erosion, or dusting, and the product is identified only for such installations.

Subp. 5. Mineral fiber in loose-fill form. The product shall comply with ASTM C 764-84, Standard Specification for Mineral Fiber Loose-Fill Thermal Insulation.

Subp. 6. Mineral fiber in batts and blankets form. The product shall comply with ASTM C 665-84, Standard Specification for Mineral-Fiber Blanket Thermal Insulation for Light Frame Construction and Manufactured Housing.

Subp. 7. Mineral fiber in board form. The following requirements apply to mineral fiber in board form:

A. The basic material shall be made from mineral substances such as rock, slag, or glass processed from a molten state into a fibrous form. Insulation shall be composed of mineral fibers with water resistant binder added and formed into flat rectangular units. Insulation boards shall be uniform in quality and free from defects, such as broken edges, splits, or loose materials which would impair its intended use.

B. Determination of the thermal performance shall be in accordance with ASTM C 177-76, ASTM C 236-80, ASTM C 518-76, or ASTM C 976-82 at the manufacturer's option.

C. Surface burning characteristics of materials with facings and membranes intended for exposed applications shall be determined according to ASTM E 84-84 and shall not exceed the following values: flame spread, 25; and smoke developed, 450. Facings and membranes of materials intended for exposed applications shall be exposed to the flame during the ASTM E 84-84 test. Insulation boards exclusive of facings and membranes shall not exceed the following values: flame spread, 25; and smoke developed, 50.

Subp. 8. Mineral fiber spray applied. The product shall comply with ASTM C 1014-84, Standard Specification for Spray-Applied Mineral Fiber Thermal or Acoustical Insulation.

Subp. 9. Perlite in loose-fill form. The following requirements apply to perlite loose fill insulation:

A. The product shall comply with ASTM C 549-81, Standard Specification for Perlite Loose Fill Insulation.

B. The manufacturer shall disclose to the department any chemical treatment of the perlite material and the purpose of the treatment.

Subp. 10. Polystyrene in board form. The product shall comply with ASTM C 578-83, Standard Specification for Preformed, Cellular Polystyrene Thermal Insulation and the accompanying Supplementary Requirements.

Subp. 11. Polyurethane and polyisocyanurate in board form. The product shall comply with ASTM C 591-83, Standard Specification for Unfaced Preformed Rigid Cellular Polyurethane Thermal Insulation.

Subp. 12. Reflective foil. The following requirements apply to reflective foil:

A. Specimens for tests shall consist of pieces of insulation cut to approximately three by six inches, suspended in a vertical position and heated to a temperature of 180 degrees Fahrenheit (plus or minus five degrees Fahrenheit) for at least five hours. At the end of the heating period, examine the reflective surfaces to determine whether the adhesive has bled through the surface or delamination has occurred.

Adhesive used in bonding shall be waterproof and shall show no sign of bleeding when tested in accordance with the test procedure in item B. Bleeding at cut edges may be disregarded.

B. Reflective foil insulation shall be tested according to ASTM C 976-82 to determine the thermal performance in horizontal, upward, and downward directions. The tested thermal performance in the heat-flow direction or directions of the intended

application shall be labeled on the material. The manufacturer shall test once in each direction of intended application; except that, for products labeled with only one heat-flow direction, the manufacturer shall test two samples in that direction.

(1) Thermal performance shall be determined according to ASTM C 976-82. The test panel shall consist of a panel utilizing a wooden frame of two by six-inch boards 16 inches apart and at least 24 inches long, covered with three-fourths inch plywood on both sides. For tests in the vertical position, the test panels shall be at least seven feet high. The resultant thermal performance shall be based upon the insulation only.

(2) Reflective foil systems with more than one sheet are tested under ASTM C 976-82, at a mean temperature of 75 degrees Fahrenheit, with a temperature differential of 30 degrees Fahrenheit.

(3) Foil facings on insulation material must comply with Federal Trade Commission requirements in section 460.5 of Federal Register, volume 44, page 50242 (August 27, 1979).

C. Layers of insulation composed of unsupported foil that is exposed shall have a minimum thickness of 0.0004 inch. Unsupported foil that is sandwiched in multilayer sheet shall have a minimum thickness of 0.00035 inch. Foil bonded to kraft paper shall have a minimum thickness of 0.00025 inch. Minimum space between layers of a multilayer sheet shall conform with FS HH-I-1252B dated August 18, 1976.

D. Surface burning characteristics shall be determined according to ASTM E 84-84 and shall not exceed the following values: flame spread, 25; and smoke developed, 50.

E. Foil shall be folded and the folded edge smoothed using a light finger pressure. The finished insulation shall not crack when folded to 180 degree bend at a temperature of 70 degrees Fahrenheit (plus or minus two degrees Fahrenheit) and a relative humidity of 50 percent (plus or minus five percent).

Subp. 13. Urea formaldehyde foam field applied. The following requirements apply to urea formaldehyde foam:

A. The product shall comply with ASTM C 951-83, Standard Specification for Urea-Formaldehyde-Based, Foam-in-Place Insulation.

B. Resin and foaming agent containers shall be marked with conditions of proper storage and the derated R-value and shrinkage of the prepared foam as certified by the manufacturer.

C. Installers of urea formaldehyde foam insulation shall present a safety notice to the purchasers of the foam prior to the signing of the contract for installation. The notice shall be printed in a minimum of eight point type size. One copy of the notice signed by the purchaser shall be immediately given to the purchaser; one copy shall be retained by the installer; and one copy shall be mailed by the installer to the Director of the Office of Energy Conservation and Development, Department of Energy and Economic Development within 24 hours after the contract for installment is completed with the purchaser.

Manufacturers shall make all sales of urea formaldehyde foam insulation components expressly subject to the application restrictions listed in the notice described in subpart 14.

Subp. 14. Urea Formaldehyde Form Insulation Safety Notice.

UREA FORMALDEHYDE FOAM INSULATION SAFETY NOTICE

This product (housing unit) contains the chemical formaldehyde. For some people formaldehyde may cause health problems, such as irritation of the eyes, nose, and throat, sneezing, coughing, headaches, shortness of breath, or chest or stomach pains. Children under the age of two, elderly people, people with breathing problems, or people with allergies may have more serious difficulties. If you have questions about problems you may have with formaldehyde, consult a doctor. See Minnesota Statutes, section 325F.18 (1984).

UFFI SALES NOTICE TO THE DEPARTMENT
(Please print or write legibly)

Purchaser Name or Names _____
Purchaser's Address _____
City _____ State _____ Zip _____
Purchaser's Phone Number Home () _____
Work () _____

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LOCATION OF INSULATION IF DIFFERENT FROM ABOVE

Location Address _____
City _____ State _____ Zip _____

The purchaser acknowledges he or she
has read and understands this notice.

Signed X _____ Date _____
Signed X _____ Date _____

Name of Installer _____

Address _____

City _____ State _____ Zip _____

Phone Number () _____

Signature _____

Name of Manufacturer _____

Address _____

City _____ State _____ Zip _____

Phone Number () _____

Signature _____

Mail one copy to:

Director, Office of Energy Conservation and Development
Energy Division
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
Saint Paul, MN 55101

Subp. 15. Vermiculite in loose-fill form. The following requirements apply to vermiculite in loose-fill form:

- A. The product shall comply with ASTM C 516-80, Standard Specification for Vermiculite Loose-Fill Thermal Insulation.
- B. The manufacturer shall disclose to the department any chemical treatment of the vermiculite material and the purpose of the treatment.

4155.0140 OTHER INSULATIONS; REPORTING AND TEST DATA.

Subpart 1. Reporting. Manufacturers of insulation other than insulation specified in part 4155.0130 that is intended to be sold, marketed, or advertised for use in residential structures in Minnesota shall report to the department by June 1 of every year. The report must contain, at a minimum, the following information:

- A. description of insulation;
- B. nature of insulation;
- C. intended use and recommended application;
- D. the results of thermal performance or R-value test;
- E. the result of surface burning characteristics test;
- F. the result of moisture resistance test;
- G. citation to, and description of tests applied to product;
- H. name and address of a manufacturer; and
- I. the documents required by part 4155.0150 for department acceptance.

Subp. 2. Required test. Before an insulation is accepted for use in Minnesota, the manufacturer must test the insulation with an approved laboratory and submit a certification of compliance with a federal, state, or ASTM standard specification that addresses all of the performance characteristics of the product. When no federal, state, or ASTM standard specification has been developed, the manufacturer must present test data from an approved laboratory that shows the insulation and its intended uses are safe and effective and do not pose a threat to human health.

4155.0150 APPLICATION AND INSTALLATION STANDARDS.

Subpart 1. Applicability. Industry members who offer insulation installation services for residential buildings shall comply with the application standards in this part.

The application standards in this part shall not apply to nonresidential buildings or construction.

This part applies to new residential construction and retrofit applications.

Subp. 2. Reporting requirements and acceptance of data. All information required in this part shall be sent to the department for acceptance.

Manufacturers shall specify, as to each residential insulation that they market, whether the product is intended to be used above or below ground, in exterior or interior applications, in walls, in attics, under flooring, under roofing, or in other areas of use. Application instructions shall accompany each recommended use.

The department shall maintain a data file for accepted material and information if:

- A. the insulation complies with this chapter; and
- B. the insulation complies with the uniform state building code requirements.

Subp. 3. Application, generally. Industry members installing insulation must follow manufacturers written application instructions. Applicators of an insulation for a use that is not recommended by the manufacturer must comply with this part as if the applicator is a manufacturer.

Subp. 4. Inspection of heat sources. In attic areas where insulation is to be installed, all flush and recessed light fixtures, and other heat producing appurtenances shall be identified by the installer.

A. In accordance with section 410-66 of the National Electrical Code (1984), insulation shall not be installed closer than three inches to the sides of recessed light fixtures. Rigid nonflammable blocking shall be installed to maintain a three-inch minimum clearance from the sides of the fixture. This requirement shall be waived if the fixture is approved for coverage with thermal insulation in accordance with section 410-66 of the National Electrical Code (1984).

B. A three-inch minimum air space shall be maintained around other heat-producing appurtenances, such as motors, fans, and heaters, unless the fixture is specifically approved for coverage with thermal insulation materials. If the fixture is designated by the manufacturer to require a larger air space than three inches, such larger air space shall be maintained. Rigid nonflammable blocking shall be installed to maintain the designated clearances.

Subp. 5. Prohibitions. The following prohibitions apply to the installation and application of insulation regulated by this chapter:

A. Industry members shall not install any regulated thermal insulation material in residential structures unless it is in conformance with the product quality standards established by this chapter.

B. Industry members and other persons shall not engage in the mobile manufacture of cellulose insulation, that is, the simultaneous on-site production and installation of cellulose insulation as an integral mechanical and manufacturing process.

C. Urea formaldehyde foam or pre-cured forms shall not be used in attics or ceilings.

D. Cellulose fiber spray-applied shall not be used in below ground application.

E. Polystyrene loose fill shall not be used in attics unless it complies with building code requirements.

Subp. 6. Manufacturer's installation or application instructions. The following are manufacturer's installation and application instructions:

A. The manufacturer's written instructions describing areas of recommended use, the proper methods of application, and required or recommended safety measures shall be provided to each intermediate consumer and installer of all insulation sold for use in Minnesota within ten days of the sale.

B. Intermediate consumers and installers have a duty to provide or make available all written instructions to ultimate consumers.

C. Written instructions on below ground use of insulation shall, at a minimum, address:

- (1) optimal application techniques;

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- (2) drainage, as specified in section R-305 of the One & Two Family Dwelling Code by CABO (1983 Edition);
- (3) waterproofing and dampproofing, as specified in section R-306 of the One & Two Family Dwelling Code by CABO (1983 Edition);
- (4) varying soil and soil moisture conditions;
- (5) temperature effects on application;
- (6) optimal backfill techniques for protection from physical damage; and
- (7) manufacturers' warranty, stating whether the insulation's below ground use is warranted, the length of warranty, and the conditions of warranty. The warranty must state, at a minimum, the number of years for which the product is warranted to maintain 80 percent of its original R-value.

D. Manufacturers that recommend a product for below ground use in the vertical or horizontal position shall provide complete instructions for its respective applications.

Subp. 7. Practice of insulation use for exterior below ground installation. The following requirements apply to the exterior installation or application of insulation below the ground:

A. The installation or application of insulation in the vertical and horizontal position shall conform to the manufacturers' instructions and recommendations.

B. All insulations extending above the ground line shall be covered with an exterior wall finish to protect the insulation from ultraviolet sunlight, moisture absorption, freeze-thaw durability, air erosion, and general weather conditions.

C. Polyurethane or polyisocyanurate spray-applied application must meet the following conditions:

(1) Manufacturers shall recommend the type of urethane systems to be used for below ground use and applicators shall only use a recommended system.

(2) Polyurethane or polyisocyanurate spray-applied application shall have a protective coating applied to its exterior surface above and below ground. The type of protective coating and method of application shall be in accordance with the insulation manufacturer's instructions and recommendations.

D. Mineral fiber foundation insulation and drainage boards must meet the following conditions:

(1) The board shall be manufactured to facilitate proper downward drainage, or in the alternative, manufactured in such a manner that moisture will not substantially penetrate horizontally toward the foundation wall.

(2) The board shall not be used without exterior drainage, as defined in part 4155.0120.

Subp. 8. Application testing requirements for use of exterior below ground insulation. The following testing requirements apply to exterior below ground insulation:

A. The insulation by itself or as part of a system shall be in-service tested in a testing facility designed to duplicate actual below ground conditions. The testing environment shall reflect the extremes of weather, moisture, and soil conditions. The purpose of the testing shall be to determine aged R-value performance, giving consideration to the conditions listed in item C. A summary of the test results shall be submitted to the department.

B. As an alternative to item A, the testing initiator may elect to have an insulation tested by an approved laboratory and listed for below ground use, with consideration given to the conditions listed in item C.

C. The listing of the product for below ground use shall be based on the most recent applicable ASTM tests that give consideration to each of the following conditions:

- (1) moisture absorption;
- (2) mechanical durability under freeze-thaw cycling conditions;
- (3) soil compatibility;
- (4) flexural strength or compression; and
- (5) vapor drives due to high-low pressure gradients.

D. The initiator seeking the listing shall select the appropriate ASTM tests that best address the conditions stated in item C.

E. Associations or trade representatives may initiate a product's listing on behalf of its constituency. The association must submit representative samples for testing, and certify to the department which manufacturers within its constituency the samples are representative of. The association must have an internal certification procedure to determine constituency conformity to the representative samples submitted for testing.

F. A summary of test results for item B shall be submitted to the department.

4155.0160 LABELING.

All insulations used or offered for sale in Minnesota shall be labeled in accordance with the United States Consumer Products Safety Commission requirements set forth in Federal Register, volume 44, pages 39966-39982 (July 6, 1979), the United States Federal Trade Commission requirements set forth in Federal Register, volume 44, pages 50242-50245 (August 27, 1979), and any other applicable state or federal law.

4155.0170 INCORPORATIONS BY REFERENCE AND CITATIONS.

Subpart 1. Generally. Portions of the following standards listed in subparts 2 and 3 which are found throughout this chapter are incorporated by reference; most of the material is subject to frequent change, and all of the standards listed are available to the public at the public libraries and the organizations listed in subpart 4.

The standards and tests selected are all an integral part of current insulation industry testing procedures. All manufacturers and testing laboratories presently possess or have access to each referenced incorporation.

Subp. 2. ASTM. The following apply to incorporations by reference of ASTM standards:

A. ASTM is the American Society of Testing and Materials, a scientific and technical organization responsible for the development and authoring of the tests and standards listed. The incorporated references are published by the organization in the "Annual Book of ASTM Standards." All but one of the standards are published in the annual book of 1984, volumes 04.06 and 04.07. Test Standard ASTM C 764-84 will be published in the annual book of 1985, volume 04.06 (released October 1985), but it is available immediately for order from ASTM.

The last two digits of each test standard number indicate the year of publication and version incorporated by reference.

B. ASTM Quick Reference.

(1) C 168-80a	(7) C 553-70	(13) C 951-83
(2) C 177-76	(8) C 578-83	(14) C 976-82
(3) C 236-80	(9) C 591-83	(15) C 1014-84
(4) C 516-80	(10) C 665-84	(16) E 84-84
(5) C 518-76	(11) C 739-84	(17) E 605-77
(6) C 549-81	(12) C 764-84	

- (1) ASTM C 168-80a, Standard Definitions of Terms Relating to Thermal Insulation Materials.
- (2) ASTM C 177-76, Steady-State Thermal Transmission Properties by means of the Guarded Hot Plate.
- (3) ASTM C 236-80, Steady-State Thermal Performance of Building Assemblies by means of a Guarded Hot Box.
- (4) ASTM C 516-80, Standard Specification for Vermiculite Loose-Fill Thermal Insulation.
- (5) ASTM C 518-76, Steady-State Thermal Transmission Properties by means of the Heat Flow Meter.
- (6) ASTM C 549-81, Standard Specification for Perlite Loose Fill Insulation.
- (7) ASTM C 553-70, Standard Specification for Mineral Fiber Blanket and Felt Insulation.
- (8) ASTM C 578-83, Standard Specification for Preformed, Cellular Polystyrene Thermal Insulation.
- (9) ASTM C 591-83, Standard Specification for Unfaced Preformed Rigid Cellular Polyurethane Thermal Insulation.
- (10) ASTM C 665-84, Standard Specification for Mineral Fiber Blanket Thermal Insulation for Light Frame Construction and Manufactured Housing.
- (11) ASTM C 739-84, Standard Specification for Cellulosic Fiber (wood-base) Loose-Fill Thermal Insulation.
- (12) ASTM C 764-84, Standard Specification for Mineral Fiber Loose-Fill Thermal Insulation.
- (13) ASTM C 951-83, Standard Specification for Urea-Formaldehyde-Based, Foam-in-Place Insulation.
- (14) ASTM C 976-82, Thermal Performance of Building Assemblies by means of a Calibrated Hot Box.
- (15) ASTM C 1014-84, Standard Specification for Spray-Applied Mineral Fiber Thermal or Acoustical Insulation.

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(16) ASTM E 84-84, Surface Burning Characteristics of Building Materials.

(17) ASTM E 605-77, Thickness and Density of Sprayed Fire-Resistive Material Applied to Structural Members.

Subp. 3. Other incorporations and citations. The following non-ASTM standards are also incorporated by reference:

A. ASHRAE Handbook of Fundamentals, (1981 Edition) by the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (Technical Reference Book).

B. CABO, sections R-305 and R-306 of the One & Two Family Dwelling Code, by the Council of American Building Officials (1983 Edition).

C. Federal Specification (FS) HH-I-1252B (August 18, 1976) by the General Services Administration.

D. Federal Trade Commission (FTC) requirements in Code of Federal Regulations, title 16, part 460, (Federal Register, volume 44, page 50242, August 27, 1979).

E. National Electrical Code, section 410-66 (1984 Edition), by the National Fire Protection Association.

F. Consumer Products Safety Commission (CPSC) Interim Safety Standard for Cellulose Insulation, Code of Federal Regulations, title 16, part 1209 (Federal Register, volume 44, pages 39966-39993, July 6, 1979).

G. Uniform Building Code (1982 Edition), by the International Conference of Building Officials.

Subp. 4. Availability. The standards incorporated by reference are available for public inspection as follows:

A. All documents incorporated by reference in this chapter are available at the following locations:

- (1) Minnesota State Law Library; and
- (2) James J. Hill Reference Library.

B. All ASTM test standards are available through the following additional locations:

- (1) Minneapolis Public Library;
- (2) University of Minnesota Engineering Library; and
- (3) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

C. General Services Administration Federal Specifications are available by:

(1) Mail: GSA Federal Specification Request, Superintendent of Documents, Government Printing Office, Washington, D.C. 20402;

(2) Phone: GSA, Chicago Documents Ordering line: (1) (312) 353-5383.

D. CABO, the One & Two Family Dwelling Code, by the Council of American Building Officials (1983 Edition), is available at: (CABO) Building Officials and Code Administrators International, Inc., 17926 South Halsted Street, Honewood, Illinois 60430.

4155.0180 TEST VERSIONS.

Subpart 1. Reapproved test method. When ASTM reapproves an existing standard test method incorporated by reference in this chapter, the department shall treat the reapproved test as synonymous with the version originally incorporated by reference, if in fact, no amendments are made.

Subp. 2. Modified test method. When ASTM amends or modifies a standard test method and the manufacturer or testing laboratory desires to use the new version, the department may be petitioned to adopt the new test method version. Until the department adopts or decides not to adopt the new version, the petitioner may request a temporary variance to use the new test method version. Criteria or factors in granting a variance shall include:

- A. whether the new test method version amounts to a substantial change over the old version;
- B. whether the amendment to the test version was controversial within the ASTM decision making body;
- C. whether the department sees the new test version as an improvement in testing quality control;
- D. whether the new version adversely affects consumers or manufacturers; and
- E. whether there is strong opposition outside of the ASTM organization to the new test version.

The department has the option of issuing variances.

Subp. 3. Reorganized test method. When ASTM reorganizes the series of tests that it offers for a type of insulation into one standard test method, the department may be petitioned to adopt the new standard test method. Until the department adopts or decides not to adopt the new standard test method, the petitioner may request a temporary variance to use the new standard test method based on the criteria given in subpart 2. The department has the option of issuing variances.

Subp. 4. Non-ASTM test methods. All other incorporations by reference in this chapter not developed by ASTM can be the subject of a petition for removal, adoption of a replacement by an ASTM standard test version, and a temporary variance as outlined in subpart 2, when an ASTM standard test method has been developed and is substantially the same. Substantiality shall be determined by the department, based in part, on whether the manufacturers who satisfy the existing standard might fail to meet the requirements of the proposed ASTM standard, and the criteria listed in subpart 2.

Department of Energy and Economic Development Energy Division

Proposed Rules Relating to Minimum Mandatory Energy Efficiency Standards for Residential Rental Units; Definition of Good Cause; Establishment of Fine Schedule

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Energy and Economic Development proposes to adopt the above-entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions on Minnesota Statutes, sections 14.13 to 14.18.

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

William Grant
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101 (612) 297-1773

Authority for the adoption of these rules is contained in Minnesota Statutes, section 116J.27, subdivisions 4a and 4b. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from William Grant upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to William Grant. A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting William Grant.

Mark Dayton
Commissioner
Department of Energy
and Economic Development

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

Rules as Proposed (all new material)

4170.4105 GOOD CAUSE.

As required by Minnesota Statutes, section 116J.27, subdivision 4b, "good cause" means any one of the following:

A. That the installation of a program measure to comply with a standard in part 4170.4100 is economically infeasible as defined in part 4170.0100, subpart 8.

B. That the installation of a program measure to comply with a standard in part 4170.4100 is technologically infeasible. Technological infeasibility means that the installation of the measure would threaten the structural integrity of the building.

C. That the installation of a program measure to comply with a standard in part 4170.4100 would necessarily violate the building's esthetic or historic value.

4170.4110 FINE SCHEDULE.

If an administrative law judge finds that an owner or an owner's agent has not demonstrated good cause for failure to comply with the minimum mandatory energy efficiency standards, the judge shall assess the following penalties:

A. For a one-to-four unit building, an immediate fine of \$100 plus \$200 each month beginning 120 days after the finding of failure to show good cause, until the owner demonstrates to the administrative law judge that he or she has complied with the standards. If a person certified to conduct evaluations under this chapter certifies that an owner complies with the applicable standards, the judge shall consider the certification as proof of compliance by the owner.

B. For a building with five or more units, an immediate fine of the greater of \$10 per unit or \$100, up to a maximum of \$500. The maximum fine of \$500 is also the maximum fine for a residential complex situated on one or more contiguous parcels of land under common ownership. In addition, a fine each month of two times the amount assessed beginning 180 days after the finding of failure to show good cause, until the owner demonstrates to the administrative law judge that he or she has complied with the standards. If a person certified to conduct evaluations under this chapter certifies that an owner complies with the applicable standards, the judge shall consider the certification as proof of compliance by the owner.

Department of Human Rights

Proposed Rules Relating to Human Rights & Processing of Discrimination Charges (Second Notice)

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the State Department of Human Rights proposes to adopt the above-entitled rule without a public hearing. This notice originally appeared in the *State Register* on April 8, 1985. It is being republished to include the department's position regarding whether the proposed rules will have an impact on small business as defined in Minn. Stat. § 14.115.

The Commissioner of Human Rights 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.

These rules are procedural in nature, establishing some definitions, criteria for certain dismissals (frivolous/without merit, failure to provide required information), establishing factors to be considered in reopening cases, requiring preservation of records and other such matters. For the most part, these rules have been in effect as temporary rules for the past year.

1. A new 30-day comment period commencing from the date of publication of this notice is established. The Department of Human Rights encourages all interested persons to submit comments in support of or opposition to the proposed rules. Comments should be mailed to the address listed below and received no later than June 6, 1985.

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

3. The department has determined that these rules will not have an impact on small business as defined in Minn. Stat. § 14.115 because they are essentially procedural in nature. Persons are encouraged to submit comments regarding the probable impact of these proposed rules upon small business.

4. 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. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 14.13 through 14.20.

5. 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.

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

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

Eileen Shields
Minnesota Department of Human Rights
500 Bremer Tower
7th and Minnesota Street
St. Paul, Minnesota 55101
(612) 297-2786

Authority for adoption of these rules is authorized by Minnesota Statutes, 363.05, subdivision 1 (8) (1984) which authorizes the commissioner to adopt suitable rules and regulations for effectuating the purposes of Chapter 363.

Upon adoption of the final rule without a 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 rules as proposed for adoption, should submit a written statement of such request to Eileen Shields.

A copy of the proposed rules is printed in the *State Register* on March 8, 1985, pages 2249-2252 (9 SR 2249).

April 22, 1985

Linda C. Johnson
Commissioner
Department of Human Rights

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.

Department of Agriculture Planning Division Soil and Water Conservation Board

Adopted Amendments to the Soil and Water Conservation Board's Cost Share

The rules proposed and published at *State Register*, Volume 9, Number 29, pages 1594-1606, January 14, 1985 (9 S.R. 1594) are adopted with the following modifications:

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ADOPTED RULES

Rules as Adopted

8400.0100 DEFINITIONS.

Subp. 16b. High priority water quality problems. "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated protected waters or to a sinkhole or ground water so as to impair their quality or usefulness, including high priority feedlots and sedimentation problems.

"High priority feedlots" means feedlots where the pollution potential rating from the feedlot model is greater than or equal to one and which is are discharging pollutants to Department of Natural Resources designated protected waters or to a sinkhole or shallow soils overlying fractured or cavernous bedrock or within 100 feet of a water well. Feedlots not meeting these criteria are not eligible for cost-sharing assistance except as provided in part 8400.2600, subpart 3.

8400.0600 ALLOCATION OF FUNDS.

Subp. 4. Grants. Following review and approval of the annual and comprehensive plans, the state board shall allocate to districts in the form of grants at least 70 percent of the cost-sharing funds available statewide for conservation practices to address high priority erosion or water quality problems. ~~At least 50 percent of the cost-sharing funds available statewide must be allocated for conservation practices to control high priority erosion problems. Up to 20 percent of the cost-sharing funds available statewide may be used to control high priority water quality problems.~~ The remaining cost-share funds may be allocated by the board to districts for technical and administrative assistance or special projects. ~~Technical and administrative assistance grants shall be based on the extent of high priority erosion and water quality problems in each district and the demonstrated interest of the district in identifying and addressing those problems.~~ Technical and administrative assistance grants may be used for controlling secondary priority nonshoreland erosion problems.

8400.0900 ADMINISTRATION OF FUNDS.

Following receipt of grant funds from the state board, a district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter 40 and all other applicable laws. The district board may make all decisions concerning use of these funds in accordance with parts 8400.0100 to 8400.2900.

As a condition to receiving grant funds from the state board, the district shall ensure compliance with the maintenance provisions of part 8400.1700 and Minnesota Statutes, chapter 40 by monitoring all cost-share contracts made with land occupiers.

Prior to considering any applications from land occupiers for cost-share assistance, the district board shall establish the cost-share ~~or flat~~ rates for practices to be installed under the program, which may not exceed the maximum rates established by the state board. This decision shall be based on the following factors:

8400.1400 DISTRICT APPROVAL.

Subp. 2. High priority problems. In order to ensure compliance with part 8400.0600, subpart 4, the district board shall approve only those applications that involve the high priority problems for which they received funds. ~~The district board may allocate high priority water quality funds for high priority erosion projects, but not the converse.~~

8400.2100 APPROVED PRACTICE: STRIPCROPPING.

Subpart 1. Definition. "Stripcropping" means the development and application of a cropping system for a farming unit which provides for planting row crops with the contour where practicable and incorporates alternate strips of row crops, close ~~sown~~ grown crops, sod crops, or fallow.

Subp. 2. Purpose. The purpose of stripcropping is to establish a system of farming with contour ~~or~~ field, or wind stripcropping to control soil erosion or protect or improve water quality. Stripcropping may provide additional benefits to wildlife.

Subp. 4. Policies. Cost-sharing is authorized for ~~a per acre rate not to exceed \$11 whether solely state cost shared or in combination with federal cost sharing equipment and labor costs involved in the marking of individual strip lines. Equipment and labor costs must not exceed equivalent total costs as listed in "Custom Rate Estimates for Minnesota," published annually by the University of Minnesota Agricultural Extension Service, and available in county agricultural extension offices. That publication is adopted by reference.~~

A project is not eligible for state cost-share assistance if federal cost-share funds are used on the same project.

8400.2300 APPROVED PRACTICE: DIVERSIONS.

Subpart 1. Definition. "Diversion" means a channel with a supporting ridge on the lower side constructed across the slope.

Subp. 2. Purpose. The purpose of a diversion is to divert water away from erosive areas or areas that pose a threat to water quality to areas where it can be used or disposed of safely. Diversions may provide additional benefit to wildlife.

8400.2600 APPROVED PRACTICE: ANIMAL WASTE CONTROL SYSTEMS.

Subp. 3. Applicability. Animal waste control systems may be used in any animal confinement area for which the feedlot evaluation model has been applied and a potential pollution hazard has been determined to exist with any high priority feedlot or where the land occupier was cited by the Minnesota Pollution Control Agency or other situations where that agency determines there is a potential feedlot pollution hazard.

8400.2800 MAXIMUM RATES.

The maximum percent of the total cost of a practice installed to control a high priority erosion or water quality problem that may be funded by state cost-share funds is 75 percent except where a flat rate is authorized as stated in part 8400.2100, subpart 4. The maximum percent of the total cost of a practice installed to control a secondary priority nonshoreland erosion problem that may be funded by state cost-share funds is 50 percent except where a flat rate is authorized as stated in part 8400.2100, subpart 4. State cost-share funds may be matched with federal money or other state funds except as stated in part 8400.2100, subpart 4. The combined state and federal amount may not exceed the maximum rates in this part or part 8400.2705, subpart 5.

Department of Energy and Economic Development Energy Division

Extension of Emergency Rules Relating to Minimum Mandatory Energy Efficiency Standards for Residential Rental Units; Definition of Good Cause; Establishment of Fine Schedule

NOTICE IS HEREBY GIVEN by the State Department of Energy and Economic Development of the continuation of emergency rules in the above-entitled matter. These emergency rules appear at Minn. Rule pt. 4170.4105 through 4170.4110.

The Order to adopt Emergency Rules regarding the above-entitled matter was published in the *State Register* on December 10, 1984 (9 SR 1337) and are therefore valid for 180 days ending June 8, 1985. These emergency rules are hereby continued for 180 days beginning June 9, 1985, or until permanent rules are adopted, whichever comes first.

This notice will be given to all persons who have registered their names with the State Department of Energy and Economic Development for that purpose and will be published in the *State Register*.

Mark B. Dayton
Commissioner

Department of Human Services

Adopted Emergency Rules Relating to Medical Assistance for Home and Community-Based Services for the Mentally Retarded

The rules proposed and published at State Register, Volume 9, Number 33, pages 1788-1793, February 11, 1985 (9 S.R. 1788) are adopted with the following modifications:

Emergency Rules as Adopted

9525.1850 [Emergency] PROVIDER REIMBURSEMENT.

A provider may receive medical assistance reimbursement for home and community-based services only if the provider meets the criteria in items A to J. Items B to E only apply to persons who provide services which can be billed for under part 9525.1860 [Emergency] subpart 3, item A.

B. The provider ensures that the provider and all employees or subcontractors meet all professional standards established in Minnesota Statutes, Minnesota Rules, and Code of Federal Regulations which apply to the services to be provided. If no training standards have been established, the provider, employee, or subcontractor must have completed, within the last two years, at least

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ADOPTED RULES

24 hours of documented training subject to approval by the case manager. The training must be in areas related to the care, supervision, ~~and~~ or training of persons with mental retardation including first aid, medication administration, behavior management, cardiopulmonary resuscitation, human development, and obligations under Minnesota Statutes, sections 626.556 and 626.557. The county may grant a variance to the training requirements in this item for a respite care provider who provides the respite care in his or her residence or in the client's residence or for a provider who ensures that the training will be completed within six months of the date the contract is signed. This item does not apply to providers of minor physical adaptations.

C. The provider ensures that the provider and all employees or subcontractors have at least one year of experience within the last five years in the care, training, ~~and~~ or supervision of persons with mental retardation, epilepsy, autism, or cerebral palsy. The county may grant a variance to the requirements in this item for a respite care provider who provides the respite care in his or her residence or in the client's residence. This item does not apply to providers of minor physical adaptations or homemaker services.

D. The provider ensures that all home and community-based services, except homemaker services, respite care services, and minor physical adaptations, will be provided by, or under the ~~general~~ supervision of a qualified mental retardation professional who meets the requirements in Code of Federal Regulations, title 42, section 442.401 and has been approved by the case manager.

E. The provider ensures that the provider and all employees or subcontractors will ~~meet~~ complete the amount of inservice training requirements of required in any Minnesota rules applicable to the home and community-based services to be provided. If no Minnesota rules apply, the provider, except a provider of minor physical adaptations, agrees that the provider and all employees or subcontractors will complete at least 18 hours of documented inservice training each fiscal year. To meet the requirements of this item the inservice training must be in a field related to the care, training, and supervision of persons with mental retardation ~~each~~ each fiscal year and must be approved by the case manager based on the needs identified in the individual service plans of the clients served by the provider. The county may grant a variance to the requirements in this item for a respite care provider who provides the respite care in his or her residence or in the client's residence.

9525.1860 [Emergency] REIMBURSABLE SERVICES.

Subp. 3. Service limitations. The provision of home and community-based services is limited as follows in items A to I.

G. Respite care must:

- (1) be provided only for the client's family or foster family, or if the client is in a supported living arrangement, for the client's primary caregiver; and
- (2) be provided in a facility service site serving no more than six clients at one time.

If there are no service sites which meet the requirements in subitem (2) available in the community to serve clients with multiple handicaps, the county may grant a variance to the requirement for a period of no more than one year for each client. When a variance is granted, the county must submit to the commissioner a written plan documenting the need for the variance and stating the actions that will be taken to develop services which meet the requirements of subitem (2).

Subp. 4. Other applicable rules. Home and community-based services must be provided as required under items A to G.

A. Homemaker services must be provided under in compliance with parts 9565.1000 to 9565.1300.

B. Day habilitation and training services must be licensed ~~under parts 9545.0510 to 9545.0670~~ by the department.

9525.1870 [Emergency] PROVIDER CONTRACTS AND SUBCONTRACTS.

Subp. 5. Exception to part 9525.1930 [Emergency] penalties and appeals. The penalties and appeals provisions of part 9525.1930 [Emergency] apply to providers under parts 9525.1850 to 9525.1870 [Emergency] except that providers who contracted with the county to provide home and community-based services before May 1, 1985, have until January 1, 1986, to comply with parts 9525.1850 [Emergency], items B to F; 9525.1860 [Emergency], subpart 3, item G, subitem (2); 9525.1860 [Emergency], subpart 4; and 9525.1870 [Emergency], subpart 1, item L.

Municipal Board

Adopted Rules Relating to Municipal Board Procedures

The rules proposed and published at State Register, Volume 9, Number 31, pages 1683-1688, January 28, 1985 (9 S.R. 1683), and State Register, Volume 9, Number 34, page 1914, February 18, 1985 (9 S.R. 1914) are adopted with the following modifications:

Rules as Adopted**6000.3400 SCHEDULE OF FILING FEES.**

Subp. 9. Waiver of fees. Where the strict application of the filing fee requirements would unfairly impose a burden an unreasonable hardship on the petitioner, the board, in its discretion, may waive the filing fee.

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 Education
Management Effectiveness Division****Applications Solicited for the School Administration Advisory Task Force**

The State Board of Education is seeking applications for membership on the School Administration Advisory Task Force. This task force meets three times per year, and members are reimbursed for travel and living expenses. The task force advises the State Board on the licensure and relicensure of school administrators. Task force members are appointed by the State Board of Education for a term of two years.

The task force consists of 14 voting members:

- Two elementary school principals
- Two secondary school principals
- Two school superintendents
- One practicing classroom teacher
- Two administrators or faculty members in education from colleges with approved school administration programs
- One member of a Minnesota school board
- One individual employed outside education who has an executive or management position with a level of responsibility similar to that of a superintendent in a large school district.
- Two members of the public
- One student representative from an approved Minnesota program in school administration.

Applications should be requested from:

Dr. George B. Droubie, Manager
Personnel Licensing and Placement
Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2046

Applications must be received by the Department of Education at the close of the business day on May 24, 1985.

**Department of Energy and Economic Development
Financial Management Division****Availability of Issuance Authority in Competitive Pool, May, 1985**

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 May 5, 1985, is \$175,000.00, and will be

OFFICIAL NOTICES

available to qualifying Industrial Development Bond Issuers submitting qualification criteria applications by May 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.

Balance of Competitive Pool on April 5, 1985—\$125,000.00.

Add:

Unused Entitlement Allocations as of August 31, 1984:

\$N/A

Returned Allocations:

\$ 50,000.00

Total Pool Available as of April 22, 1985:

\$175,000.00

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

<u>Issuer</u>	<u>Project</u>	<u>No. of Pts.</u>	<u>Amount</u>
NONE			
Total Allocations Awarded:			\$ None
Amount of Issuance Authority Available as of May 5, 1985			\$175,000.00

Department of Energy and Economic Development Energy and Economic Development Authority

Public Hearing on Proposed Project and Issuance of Bonds to Finance Project for Continental Custom Bridge Company

Notice is hereby given that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on May 22, 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 Minn. Stat., Chapter 116M, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Continental Custom Bridge Company (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 addition to an existing building now owned by the Company and the acquisition of land and an existing building, and the equipping thereof, for office and manufacturing purposes for use in connection with the Company's business operations in the manufacture of products for the prefabricated bridge industry and the automobile collision repair industry, to be located in the Township of Carlos, Douglas County, Minnesota (street address: the addition to the existing facility at the intersection of State Highway 29 and Douglas County State Aid Highway 13, also known as Carlos Corners, approximately eight miles north of Alexandria, Minnesota; the acquisition of land and building approximately 500 feet north of said intersection) (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.

April 29, 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 Energy and Economic Development Authority

Public Hearing on Proposed Project Issuance of Bonds to Finance Project for Litchfield Precision Components, Incorporated

Notice is hereby given that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on May 22, 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 Minn. Stat., Chapter 116M, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Litchfield Precision Components, 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 acquisition of new production equipment for use at the Company's existing plant for use in connection with its business operations in manufacturing precision components for the computer, electronic and medical electronics industries, to be located in the City of Litchfield, Meeker County, Minnesota (street address: 110 Industrial Boulevard, Litchfield, 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.

April 29, 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
Energy and Economic Development Authority**

**Public Hearing on Proposed Project and Issuance of Bonds to Finance Project for
Plastech Corporation**

Notice is hereby given that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on May 22, 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 Minn. Stat., Chapter 116M, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Plastech Corporation (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 now owned by the Company and the equipping thereof for use as a corporate office facility in connection with its business operations in the manufacturing of plastic products, to be located in the City of Rush City, Chisago County, Minnesota (street address: 800 South Field Avenue, Rush City, Minnesota 55069) (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 \$666,000. 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.

April 29, 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

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations, May, 1985

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of May will be eleven (11) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to twelve (12) percent per annum.

For further information contact:

Peter Sausen, Director
Debt Management
State of Minnesota
Department of Finance
(612) 296-8372.

Department of Transportation

Amended Order No. 70006 of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minnesota Statutes § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, and 69796 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 11—From Jct. T.H. 32 (Greenbush) to Jct. T.H. 89 (Roseau).
Effective 4/29/85.

T.H. 32—From South Limits of Red Lake Falls to Jct. T.H. 11 (Greenbush).
Effective 4/29/85.

April 24, 1985

R. J. McDonald
for
Richard P. Braun
Commissioner

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 Information Services Bureau

Contract Available for Backup Programming Services

The Information Services Bureau (ISB), Department of Administration, for the State of Minnesota is requesting a proposal from qualified firms to provide back-up programming services to be used by the Bureau on an as-needed basis. This may involve programming in COBOL, BAL, BASIC, or MANTIS programming languages, with emphasis on COBOL, and BAL. This may also involve coding for the report generators ASI-ST and SAS. These services may also include designing and coding the linkages to the TOTAL data base manager, and designing and coding for the interface to the on-line monitor CICS. This work may be on projects for any of forty-one (41) State agencies. Proposals for part of this work will be considered (i.e., responders are not required to commit to the entire \$1,000,000.00). However, the Bureau will not consider proposals for increments of less than \$250,000.00.

The Bureau reserves the right to contract this work out to several responders, or to award the entire amount to one responder. The total amount expended for this activity will not exceed \$1,000,000.00 for fiscal year 1986 (i.e., July 1, 1985 through June 30, 1986).

STATE CONTRACTS

The full text of the Request for Proposal is available on request. Inquiries and responses must be directed to:

Susan C. Rose, Director
Application Services Division
Information Services Bureau
658 Cedar Street, Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-6391

Responses must be received no later than 4:00 p.m. on May 25th, 1985.

Department of Administration Information Services Bureau

Contract Available for Backup Systems Analysis

The Information Services Bureau (ISB), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide backup systems analysis services to be used by the Bureau on an as-needed basis. This will involve basic systems analysis using the PRIDE systems development methodology and structured systems design. This may involve backup assistance to a staff analyst of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the Bureau. This work may be on projects for any of forty-one (41) state agencies. The total amount expended for this activity will not exceed \$250,000.00 for fiscal year 1986, i.e., July 1, 1985 through June 30, 1986).

The full text of the Request For Proposal is available on request. Inquiries and responses must be directed to:

Susan C. Rose
Application Services Division
Information Services Bureau
658 Cedar Street, Centennial Office Building
Saint Paul, Minnesota 55155
(612) 296-6391

Responses must be received no later than 4 p.m. on May 18, 1985.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
22-400-00815 Rebid	Addendum #1— Film Duplication	Energy & Economic Development— Tourism	St. Paul	Contact buyer
29-000-37968 26-074-10043	Inflatable Boats Used Truck & Aerial Bucket	Natural Resources Winona State University	Grand Rapids Winona	Contact buyer Contact buyer
78-550-04845 Rebid	Electric Convection Oven	MN Correctional Facility	Lino Lakes	Contact buyer
26-072-09266	Paper Cutter	Moorhead State University	Moorhead	Contact buyer
Contract	Mop Buckets, Mop Outfits & Supplies	Various	Various	\$15,000-20,000
29-004-06141- 06137	Seed	Natural Resources	Watson	Contact buyer

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Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
27-148-42973	Purchase of Robot & Accessories	Rochester Community College	Rochester	Contact buyer
79-000-46897	Loop Embedding Material	Transportation	Roseville	Contact buyer
79-150-00379	Stockpile Class 5 Aggregate	Transportation	Virginia	Contact buyer
26-137-03163	Purchase of Optical Mark Reader & Printer	Bemidji State University	Bemidji	Contact buyer
32-300-12574, 75, 76, 77	Purchase of CPT Word Processing System	Pollution Control	Roseville	Contact buyer
27-145-46370	Purchase of CPT Word Processing System	Willmar Community College	Willmar	Contact buyer
26-073-17549	Purchase of CPT Word Processing System	St. Cloud State University	St. Cloud	Contact buyer
78-830-07183	Air Compressor (CM)	MN Correctional Facility	St. Cloud	Contact buyer
Contract	Straighten Light Poles & Install New Bases	Transportation	St. Paul	\$15,000-25,000
29-005-07716	Crushed Limestone	Natural Resources	Preston	Contact buyer
29-004-06171	Fish Netting	Natural Resources	Hutchinson	Contact buyer
29-000-37923	Arm Patches	Natural Resources	St. Paul	Contact buyer
Various	Meat & Meat Products for the month of June 1985	Various	Various	Contact buyer
79-000-46921	Aircraft Rental	Transportation	St. Paul	Contact buyer
26-073-17584	Purchase of DEC Equipment & Software	St. Cloud State University	St. Cloud	Contact buyer
55-101-06160	Addendum #1 Rental of Aerial Work Platform	Fergus Falls State Hospital	Fergus Falls	Contact buyer
29000-37875	Used Tractor	Natural Resources	Taylors Falls	Contact buyer
02443-44639	Purchase of Documate Microfiche Titling System	Administration	St. Paul	Contact buyer
29000-37885 & 37924	Ammunition & Reloads	Natural Resources	St. Paul	Contact buyer
21200-09489	Maint. Contract on Pillar Equipment	Economic Security	St. Paul	Contact buyer
37001-01271	Commercial Oven Removal	Education— School for the Deaf	Faribault	Contact buyer
26072-09284	Repair of 4 Steinway "L" Grand Pianos	Moorhead State University	Moorhead	Contact buyer
26175-06084	Mailing Machine & scale	Southwest State University	Marshall	Contact buyer
29006-04424	Treated Lumber	Natural Resources	St. Paul	Contact buyer
99650-28282	Purchase of Photocopy Machine	Waste Management Board	Crystal	Contact buyer
02515-45606	Film Preparation Work for the 85-86 Official Highway Map	Administration	St. Paul	Contact buyer
26175-06074	1985-87 Information Bulletin	Southwest State University	Marshall	Contact buyer
29000-40017	Bedding Plow	Natural Resources	Hill City	Contact buyer
07-500-53884, 7719	Uniform Traffic Ticket	Public Safety	St. Paul	Contact buyer
29-000-37830, 7702	State Park Vehicle Permit	Natural Resources	St. Paul	Contact buyer
29-004-06228, 7716	Roadside for Wildlife	Natural Resources	St. Paul	Contact buyer
99-906-27497-8-9, 7633-4-5	Bonds	Finance	St. Paul	Contact buyer
60-000-04193, 7707	MN College Admission Forms	Higher Education Coordinating Board	St. Paul	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-072-09272	Replace Simplex Time Recorders	Moorhead State University	Moorhead	Contact buyer
26-137-03171	Purchase of Graphic Terminals	Winona State University	Winona	Contact buyer
01-000-04265	Clean Sewer	Military Affairs	Little Falls	Contact buyer
21-200-09279	Move Office Furniture & Equipment	Economic Security-Voc. Rehabilitation	St. Paul	Contact buyer
79-500-02818	PBX Telephone System	Transportation	Golden Valley	Contact buyer
Rebid 26-073-17723	Satellite Video Receivers	St. Cloud State University	St. Cloud	Contact buyer
79-000-46861	Microprocessor Controlled Communications Monitor	Transportation	Detroit Lakes	Contact buyer
30-000-15100	Film Recorder	State Planning	St. Paul	Contact buyer
29-000-37989	Purchase of Controller, Memory Board, CRT & Digitizer	Natural Resources—Forest Inventory	Grand Rapids	Contact buyer
79-100-03333	Stockpile Class I Aggregate	Transportation	Graham Lake	Contact buyer
02-307-46002	Window Washing Capitol Complex	Administration—Plant Management	St. Paul	Contact buyer
29-000-37999	Containerized Tree Seedlings	Natural Resources	Pick Up	Contact buyer
26-073-17492	Printer with Cables	St. Cloud State University	St. Cloud	Contact buyer
02-520-44425	Inserting Machine	Administration	St. Paul	Contact buyer
29-000-37873 & etc.	Chain Saws	Natural Resources	Various	Contact buyer
26-137-03173	Purchase of Band Printer	Winona State University	Winona	Contact buyer
55-101-06160	Rental of Aerial Work Platform	Fergus Falls State Hospital	Fergus Falls	Contact buyer
07-300-33518	Video Spectral Comparator	Public Safety	St. Paul	Contact buyer
07-500-33801	35mm Camera's	Public Safety-State Patrol	St. Paul	Contact buyer
78-630-06286	Addendum #1 Trucks	MN Correctional Facility	Oak Park Heights	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Corrections Minnesota Correctional Facility-Lino Lakes

Request for Proposals for Two Clinical Psychologists and Laboratory X-Ray/EEG Technician Services

In order to comply with state law, the Minnesota Correctional Facility-Lino Lakes hereby publishes its intention to contract for certain services for the period of July 1, 1985 through June 30, 1987. Where current contractors have at least equal qualifications, they will be given preference in order to maintain program consistency and stability.

The following contracts are up for renewal:

Clinical Psychologist—Provide psychological evaluations on adult male inmates as requested by program teams and administrative personnel. Also advise staff concerning treatment needs of residents. Consulting sessions to consist of two five hour visits per week, limited to 95 visits per year. Desired qualifications include a Doctorate in Clinical Psychology with at least five years of experience in working with adult correctional institution clients. Estimated amount of the contract will not exceed \$19,000 per year.

Clinical Psychologist—Provide consultation and training in group psychotherapy techniques to staff in adult male sex offender treatment program. Consultation visits to be arranged with program director and will not exceed 125 hours per year. Desired qualifications include a Doctorate in Clinical Psychology plus at least four years experience working with sex offender treatment programs. Estimated amount of this contract will not exceed \$7,500 per year.

Laboratory/X-ray/EEG Technician—Provide certain laboratory services for the institution to include taking and developing x-rays, carrying out laboratory procedures, taking EEG and EKG readings, providing bacteriological and environmental control systems with the laboratory area. Consultation sessions to include up to three, three hour visits per week and will include on-call availability. Desirable qualifications to include appropriate certification as a technician and extensive experience in a correctional institution infirmary. Estimated amount of this contract will not exceed \$7,800 per year.

Proposals for the above contracts to be submitted by May 25, 1985, to William J. McGrath, Business Manager, Minnesota Correctional Facility-Lino Lakes, 7525 Fourth Avenue, Lino Lakes, MN 55014.

Department of Corrections Minnesota Correctional Facility-Oak Park Heights

Request for Proposals to Provide Employee Physicals

Notice is hereby given that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing employee physical examinations to potential Correctional Counselor employees. The contract period will run from July 1, 1985 through June 30, 1987 at an estimated cost of \$12,000 for the two years. Specific details on the purpose and scope of these pre-employment physical examinations can be obtained by calling Leanne Phinney, MCF-Oak Park Heights Personnel Director at (612) 779-1480. The proposals must be submitted by 4:30 p.m., May 31, 1985 to: Leanne Phinney, MCF-Oak Park Heights, Box 10, Stillwater, Minnesota 55082.

Department of Corrections Minnesota Correctional Facility-Sauk Centre

Request for Proposals for Licensed Psychological Services

Notice is hereby given that the Minnesota Correctional Facility-Sauk Centre is requesting proposals for psychological services including duties such as evaluations, staff consultations and direct service. Approximately 52 days per year are required. A two-year (F.Y. 86-87) proposal is preferred. The contract amount will not exceed \$29,755.

Request for Proposals for Protestant Chaplain

Notice is hereby given that the Minnesota Correctional Facility-Sauk Centre is requesting proposals for (CPE) Protestant Chaplain to provide services including duties such as religious counseling and working with other religious staff to provide weekly worship services as well as a meaningful religious program for all students. Approximately 14 hours per week are required. A two-year (F.Y. 86-87) proposal is preferred. The contract amount will not exceed \$18,150.

Request for Proposals for Qualified Chemical Dependency Services

Notice is hereby given that the Minnesota Correctional Facility-Sauk Centre is requesting proposals for qualified chemical dependency services including duties such as evaluations, counseling, training, and staff consultations. Approximately 14 hours per week are required. A two-year (F.Y. 86-87) proposal is preferred. The contract amount will not exceed \$17,680.

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Proposals for each of the above three contracts must be submitted by 8:00 a.m. May 24, 1985. For guidelines to proposals or additional information contact:

Dennis Rykken
Corrections Juvenile Program Director
MCF-Sauk Centre
Box C
Sauk Centre, Minnesota 56378
Phone: (612) 352-2296

Department of Corrections Minnesota Correctional Facility-Shakopee

Request for Proposals for Food Service Management

Notice is hereby given to request proposals for the professional management of MCF-Shakopee food service activity, for the period of July 1, 1985 through June 30, 1987 at a cost not to exceed \$106,200 (\$51,700-FY'86 and \$54,500-FY'87). Proposals shall include all civilian personnel to operate the service. Proposals must be submitted by 4:00 p.m., May 31, 1985.

For additional information contact:

Will Dague, Business Manager
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 445-3717

Department of Corrections Minnesota Correctional Facility-Shakopee

Request for Proposals for General Psychological Treatment Program

Notice is hereby given to request proposals to provide psychological testing, evaluation and treatment to all female inmates incarcerated at the Minnesota Correctional Facility in Shakopee. Average population is currently 80-90 inmates. Proposal should cover the period of July 1, 1985 through June 30, 1987 at a cost not to exceed \$32,800 (\$16,000 in FY'86 and \$16,000 in FY'87). Proposals must be submitted by 4:00 p.m., May 31, 1985.

For additional information contact:

D. Jacqueline Fleming, Superintendent
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 445-3717

Department of Corrections Minnesota Correctional Facility-Shakopee

Request for Proposals for Sexual Offender Treatment Program

Notice is hereby given to request proposals to provide a treatment program for female sexual offenders incarcerated at the Minnesota Correctional Facility in Shakopee, for the period of July 1, 1985 through June 30, 1987 at a cost not to exceed \$52,000 (\$25,300 in FY'86 and \$26,700 in FY'87). Proposals must be submitted by 4:00 p.m., May 31, 1985.

For additional information contact:

D. Jacqueline Fleming, Superintendent
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 445-3717

Department of Energy and Economic Development Energy and Economic Development Authority

Applications Now Available for Loans from Technology Product Loan Program

Notice is hereby given that applications are now being accepted for the Technology Product Loan Program according to the emergency rules proposed and published at *State Register*, Volume 9, #28, on pages 1544-1548 [9 S.R. 1544] and *State Register*, Volume 9, #29, on pages 1612-1613 [9 S.R. 1612] and adopted at *State Register*, Volume 9, #43, on pages 2381-2383 [9 S.R. 2381].

The Authority shall make technology product loans to "eligible small businesses" located in Minnesota which are starting or expanding operations and are creating new jobs through the development of technology-related products. The Authority shall also consider the value of the technology-related product in terms of promoting the public good of the state, especially in education and training. Loans may be made to eligible applicants for the development and marketing of technology-related products that exist as completed products, prototypes, or as conceptual product designs. Initial loans will focus on the development of computer software products.

Persons, partnerships, firms or corporations engaged in and determined by the Authority to constitute a "small business" as defined in the regulations of the United States Small Business Administration, Code of Federal Regulations, Title 13, Part 121, Standard Industrial Code (SIC) 7372, as amended from time to time, are considered an "eligible small business" and an eligible borrower for a Technology Product Loan.

Details regarding the Technology Product Loan Program are contained in the emergency rules. Application materials may be obtained from:

Office of Software Technology Development
Department of Energy & Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 297-1554

Department of Energy and Economic Services Energy and Economic Development Authority

Request for Proposals for Audit Services

The Minnesota Energy and Economic Development Authority intends to engage the services of a Certified Public Accounting firm for its annual audit for the year ending June 30, 1985, and for any cold comfort reviews required during the year ending June 30, 1986. It is anticipated that the contract will be renewed each year for an additional three years. The project cost estimate is about \$15,000 per year.

The Authority reserves the right to reject any specific proposal. Proposals must be received no later than 4:30 p.m. Tuesday, May 21, 1985. For detailed information, please contact Mr. Ed Meyer, Jr. Deputy Commissioner, Department of Energy and Economic Development, 900 American Center Building, St. Paul, Minnesota 55101, (612) 296-6616.

Department of Energy and Economic Development Energy Division

Request for Proposals to Develop Draft Administrative Rules and Statement of Need and Reasonableness for the Commercial and Apartment Conservation Service Program

Notice is hereby given that the Department of Energy and Economic Development intends to engage the services of a contractor to develop a draft of the administrative rules and the Statement of Need and Reasonableness for the federally mandated Commercial and Apartment Conservation Service Program. CACS is a program in which major gas and electric utilities offer energy audits to their large residential (multi-family) and small commercial customers. The actual delivery of audit services will be provided

STATE CONTRACTS

directly by these utilities or through private energy service firms. A State Plan which fully describes the program will serve as the basis for the rules.

The full Request For Proposals includes detailed tasks to be performed under this contract. The Energy Division does not expect this contract to exceed \$10,000. The Energy Division reserves the right to cancel this solicitation. All work must be completed by June 30, 1985.

The full Request for Proposals is available upon request. Inquiries and requests should be directed to:

Greg Hubinger
Manager, Residential Programs
Energy Division
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 297-2117

Proposals must be received by the Department of Energy and Economic Development no later than 4:00 p.m., May 24, 1985.

Department of Finance

Request for Proposals for Accounting Services to Verify Mathematical Accuracy of Escrow Fund

The selection of a Public Accounting Firm to verify the mathematical accuracy of the escrow fund established for the proposed state of Minnesota advance refunding bond issue.

I. Purposes and Duties

The state of Minnesota, Department of Finance, is considering the advance refunding of 3 issues of state general obligation bonds. The Department of Finance is seeking a Public Accounting Firm to verify the mathematical accuracy of the cash flows and yields of the proposed refunding and escrow fund.

II. Preparation of Proposal

Each Public Accounting Firm should respond to the following:

- A. Your method of verifying the escrow fund.
- B. A list of recent governmental advance refundings which your firm verified the escrow fund.
- C. State the cost of providing the service. Payment will be made from proceeds of the refunding bond sale.
- D. Provide the name of a contact person within your company and a phone number.

III. Timetable

The state expects the refunding will occur in the spring, 1985.

IV. Information Contact

For additional information contact:

Peter Sausen
Debt Management Director
Department of Finance
309 Administration Building
St. Paul, Minnesota 55155
Phone: (612) 296-8372

V. Proposal Selection

A. Nature of Procurement

This procurement is undertaken by the state pursuant to the provisions of M.S. 16B.098. As such it is not governed by strict competitive bidding requirements frequently associated with the purchase of supplies and materials by the state. Accordingly, the state shall select the consultant whose proposal demonstrates clear capabilities to best fulfill the purposes of the RFP in a cost

effective manner. The state reserves the right to accept or reject proposals in whole or in part and to negotiate to serve the best interests of the state of Minnesota.

B. Selection Criteria

1. Knowledge of escrow fund verifications.
2. Costs.
3. Results of personal interviews (if necessary).

VI. Additional Proposal and Contract Requirements

A. Duration of Offer

All proposals must indicate that they are valid for a minimum of ninety (90) calendar days.

B. Public Status of Proposals Submitted

Pursuant to Minnesota Law, all proposals submitted in response to this RFP shall become the property of the state of Minnesota. Such proposals constitute public records and shall be available for viewing and reproduction by any person.

C. Contractual Terms

The contract resulting from this procurement shall, in addition to terms initiated by the parties, contain the terms and conditions set forth in state of Minnesota form 1051.

Department of Human Services

Request for Proposals for Medical Services

Notice is hereby given that the Moose Lake State Hospital, Mental Health Bureau, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of the Moose Lake State Hospital. Contracts may be written for the period July 1, 1985 thru June 30, 1986, with option to renew for one year period ending June 30, 1987 or they may be written for the period July 1, 1985 thru June 30, 1987.

1) Services of Family Practices Physicians to perform routine medical services including diagnostic and treatment of common ailments including ear and foot problems, minor surgical procedures and treatment of injuries such as fractures, lacerations, etc., admission histories and physical examinations. The estimated amount of the contract will be \$58,368.00 for the first year with an option to renew for the second year.

2) Anesthesiology Services performed by a Registered Nurse Anesthetist for Dental Work Performed on unmanageable Mentally Retarded clients, and for Electroconvulsive Therapy. The estimated amount of the contract will be \$23,000.00 for the first year with an option to renew for the second year.

3) Services of consultants who are trained and experienced in the specialty of Gerontology and in consultations in this field. The estimated amount of the contract is \$31,000.00 for the first year with an option to renew for the second year.

Responses to the above services must be received by June 30, 1985.

Direct inquiries to:

Frank R. Milczark
Chief Executive Officer
Moose Lake State Hospital
Moose Lake, MN 55767
(218) 485-4411, Ext. 242

Department of Human Services Health Care Programs Division

Health Care Consultation Contracts Available for Various Medical Specialties

The Department of Human Services intends to issue consultant contracts to (13) physicians for the purpose of providing professional advice and recommendations in the administration of the Medical Assistance and General Assistance Medical Care Programs. All physicians must be Board Certified within their respective specialties. Specialty areas being sought are:

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Adult Psychiatry
Child Psychiatry
Obstetrics and Gynecology
Plastic Surgery
Surgery
Ophthalmology
Family Practice
Neuro Surgery
Internal Medicine
Otorhinolaryngology
Pediatrics
Physical Medicine
Orthopedics

The Department of Human Services also intends to issue consultant contracts to three physicians and one social worker with a background and experience in the determination of disability. These positions will comprise the State Medical Review Team.

Other contracts for professional advice and recommendations in the administration of the Health Care programs will be issued to:

A doctor of Pharmacy
Two Licensed Consulting Psychologists
A Doctor of Optometry
A Doctor of Chiropractic
A Dentist specialized in Orthodontics
A Certified Audiologist
A Certified Physical Therapist
A qualified Respiratory Therapist
A Dietician
Six Dentists
Six Registered Pharmacists

All contracts will be awarded to candidates based on their experience, education, achievements, professional standing and the Department's need for types of specialists. The Department of Human Services shall make the final selection of consultants and issue contracts of varying amount of time and money for the period of July 1, 1985 through June 30, 1986 with an option for a one year renewal to June 30, 1987.

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, MN 55101
(612) 297-2022

Department of Labor and Industry

Request for Proposals for Cost Containment Program for Special Compensation Fund for Workers' Compensation

The Special Compensation Fund, Workers' Compensation Division, is requesting this proposal in order to establish a project for a cost containment program for workers' compensation and to evaluate results of the project through application to the rapidly escalating costs for Special Compensation Fund workers' compensation reimbursement claims.

This request for proposal does not obligate the State to complete the project. The State reserves the right to cancel solicitation if it is considered to be in its best interests.

A. Scope of Project:

Bid for claims adjustment review work on a temporary and/or permanent basis with a demonstration of significant reduction of workers' compensation reimbursement costs due to file review to assure claims are being properly managed.

B. Goals and Objectives:

The goal of this project is to determine if claimants are properly managing their files and to develop recommendations for modification of Special Compensation Fund monitoring procedures.

C. Project Tasks:

Evaluate the problems that exist and determine an action plan for the project. This may include, but is not limited to:

1. Provide professional expertise for high exposure claims and alleviate the work load on a temporary or possibly permanent basis.

3. Analysis of workers' compensation claims problems of the sampled files and design a comprehensive review procedure.

Responder will propose additional tasks or activities if they will substantially improve the results of the project.

D. Department Contacts:

Prospective responders who have any questions regarding this request for proposal may call or write B. James Berg, Fund Director, Special Compensation Fund, Workers' Compensation Division, 444 Lafayette Road, St. Paul, Minnesota 55101, telephone (612) 297-2058.

Please note other Department personnel are not allowed to discuss the project with responders prior to the submittal of the proposal deadline.

E. Submission of Proposal:

Proposals must be sent to B. James Berg, Fund Director, Special Compensation Fund, Workers' Compensation Division, 444 Lafayette Road, St. Paul, Minnesota 55101. Please submit three (3) copies of the proposal. The proposal is to be sealed in a mailing envelope or packaged 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.

F. Project Completion Date:

An action plan encompassing project tasks with a design timely completion of all referrals.

G. Proposal Contents:

The following shall be considered minimum contents of the proposal:

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.

2. Identify and describe all services to be provided by the responder.

3. Outline the responder's background and experience with particular emphasis on prior design of claims management review and previous experience with Minnesota Workers' Compensation Law. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to a project will be permitted without the approval of the Fund Director.

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

5. Identify the level of the Department's participation in this project as well as any other services to be provided by the Department.

6. Provide a method of evaluating the effectiveness of the project including, but not limited to a final written report.

H. Evaluation:

All proposals received by the deadline will be evaluated by representatives of the Department of Labor and Industry, Special Compensation Fund, Workers' Compensation Division. In some instances, an interview will be part of the evaluation process. The factors upon which the proposal will be judged will include but are not limited to the following:

1. Expressed understanding of the project's objectives.

2. Project work plan.

3. Project cost detail.

STATE CONTRACTS

4. Qualification of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Department of Natural Resources

Notice of Intent to Hold State Copper, Nickel, and Associated Minerals Lease Sale State Lands to Be Offered for Copper, Nickel, and Associated Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's ninth sale of copper, nickel, and associated minerals exploration and mining leases. The sale is tentatively scheduled for September of 1985. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The areas under consideration for lease sale cover portions of Aitkin, Carlton, Itasca, Koochiching, Lake, Pine and St. Louis Counties. Some of the lands being considered have been offered in previous copper, nickel, and associated minerals lease sales and certain new lands of interest are also being considered.

The purpose of Minnesota's copper, nickel, and associated minerals rules is to promote and regulate the prospecting for, mining and removal of copper, nickel and associated minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, require the lessee to pay minimum rentals that increase with the passage of time, to pay royalties for all ore mined and removed, to submit data and other reports, and to address environmental considerations.

The exact time of the lease sale and a list of the state lands offered will be announced at least thirty days prior to the sale. A map showing the general areas under consideration may be obtained from the Division of Minerals, Box 45, 500 Lafayette Road, St. Paul, MN 55146, telephone (612) 296-4807.

Department of Transportation

Request for Proposals to Assist Transportation Employees to Find New Homes in New Work Location

The Minnesota Department of Transportation is requesting proposals for services involved in relocating Transportation Department managerial employees from one work location to another which is at least 35 miles from the original location.

Services to be Provided

The provider shall offer the home purchase service to an employee who owns a one or two family house, condominium or cooperative apartment which is the principal resident of the employee and has a lot size typical for the area and located in any of the states of the United States, the District of Columbia or Puerto Rico.

The provider shall establish the fair market value of the property by obtaining at least two appraisals of the value of the employee's property. Fair market value is the price expected if a reasonable time is allowed to find a purchaser and if both seller and prospective purchaser are fully informed.

Provider shall offer as the purchase price for the employee's property, the average of the two appraisals. If the lower appraisal varies by more than 5% from the higher, or if provider, with the written concurrence of the State wishes to disregard an appraisal with a valuation which it considers to be unsupportable, provider will select a third appraiser and the two closest appraisals shall be averaged to determine the purchase price.

If the Employee requests funds for a down payment or deposit on a home at the new location prior to the closing, provider will advance up to 95% of the estimated equity, as needed after provider has received the signed contract of sale. Equity is the difference between the purchase price and the balance of liens outstanding against the property. The balance of the equity will be paid on the date of closing as defined in the contract of sale with the employee.

Provider shall be responsible for the property from the date the employee accepts provider's offer or vacates the property, whichever is later, to the date it conveys title of the property to a purchaser.

Beginning with the date when provider becomes responsible for the property and until title to the property is transferred to the eventual buyer, provider shall:

a. Make all mortgage payments on account of mortgages affecting the property.

b. Provider may purchase the property subject to the existing mortgage and make the payments thereon, or may elect to pay in full or part any such existing indebtedness. Provider may resell the property subject to said mortgage if in provider's judgment it becomes necessary to do so in order to effect a sale within a reasonable time. If, upon resale of the property provider permits the existing loan to be assumed by the buyer, it will indemnify the employee against any loss resulting from said assumption including, specifically, but not by way of limitation, a suit by a mortgagee against an employee upon the mortgage note. It is further specifically agreed that if any of the transfers contemplated by this paragraph are in default of a due on sale clause in such mortgage, Provider shall indemnify and hold harmless the employee and, if necessary to protect said employee's interests, provider shall pay said mortgage in full. Provider further agrees to pay off an existing FHA or VA mortgage if required to enable the employee to obtain FHA or VA loan on the home being purchased at the new location. Notwithstanding anything to the contrary contained herein, it is specifically agreed that in all sales contemplated by this agreement, passage of title to the ultimate purchaser shall be through provider.

c. Pay all taxes, charges, assessments and utility costs.

d. Keep the property neat and in good repair or redecorate the property where desirable, in the opinion of provider, to maintain or improve marketability of the property, provided aggregate expenditures do not exceed 1% of the purchase price without the written concurrence of the State.

e. Keep the surrounding lawn neat and free from debris and remove snow from sidewalks to permit access by potential buyers and to comply with local ordinances.

f. Provide comprehensive public liability and fire and extended coverage insurance in an amount equal to the fair market value of the property. The fire and extended coverage insurance in an amount equal to the fair market value of the property. The fire and extended coverage insurance will provide for a deductible of \$1,000 and, if such fire and extended coverage is not carried, provider will assume responsibility for any loss that exceeds \$1,000 with respect to any loss occurring on or after the date of closing with the employee.

Upon receipt by provider of the contract of sale, executed by the employee, the property shall be listed for sale with a real estate broker or brokers selected by provider. Provider shall be free at all times to accept any reasonable offer which it deems satisfactory under prevailing market conditions, provided however, in the event the resale price is less than 95% of the purchase price (including net of discount points and other financing concessions), provider will not accept the offer without the written concurrence of the State, it being understood that such concurrence will not be unreasonably withheld. In the event that provider wishes to sell the property on a contract for deed basis, and the State agrees in writing, the terms of the contract for deed and the procedure by which the State pays provider for services performed with respect to that property shall be mutually agreed upon at that time. Provider may not sell the property on a contract for deed basis without the written concurrence of the State.

Provider will pay all reasonable costs connected with the resale of each property, together with any loan discount fee which it may have to pay to secure financing for a buyer. The loan discount fee shall not exceed the amount which provider, with the concurrence of the State, determines is reasonable for the area.

If the employee, during the 30-day acceptance period and prior to accepting the contract of sale, enters into a bona fide sales agreement to sell the property to a third party at a price equal to, or higher than, provider's offered purchase price, and if the terms of the third party agreement are consistent with provider's contract of sale, the employee may submit and assign the sales agreement and any security deposit thereunder to provider together with the signed contract of sale and the amendment to the contract of sale.

Provider shall accept assignment of that third party agreement and revise its offered purchase price subject to the closing by provider with the third party. Provider shall exert its best effort to consummate the sale negotiated by the Employee. Provider shall not, however, be obligated to accept an assignment of a contract of sale, which provides for a closing date more than 60 days after the date of the assignment, or a contract contingent upon the sale of another property, without the State's written concurrence.

Provider shall advance up to 95% of the estimated equity as needed when the employee assigns the sale to the provider. Equity is the difference between the original offered purchase price and the balance of liens outstanding against the property. The balance of equity will be paid at closing with provider.

The difference in the original offered purchase price and the assigned sale price (less any mortgage discount points, repairs, or other concessions agreed to by the employee as part of the third party sales agreement or other charges not allowed under the State's relocation policy) will be paid to the employee following the closing of the sale to the third party. If, for any reason, the assigned sale does not close, the price paid to the employee shall be the original purchase price offered by Provider and all parties shall be relieved from further liability under the terms of the amendment to the contract for sale and shall remain bound only by the contract of sale.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

STATE CONTRACTS

Prospective responders who have any questions regarding this Request for Proposal may call or write:

Roger W. Durbahn
Assistant Personnel Director
Minnesota Department of Transportation
John Ireland Blvd., St. Paul, MN 55155
(612) 296-3101

All proposals must be sent to and received by:

Roger W. Durbahn
Assistant Personnel Director
John Ireland Boulevard
St. Paul, MN 55155

Not later than 4:30 p.m., May 24, 1985.

Late proposals will not be accepted. 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.

The Department has estimated that the cost of this project should not exceed \$200,000 during the two year period commencing July 1, 1985 and ending June 30, 1987.

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

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by May 31, 1985. Results will be sent immediately by mail to all responders.

Department of Transportation Technical Services Division

Contract Available for Bridge Design

The Minnesota Department of Transportation intends to engage a consultant to prepare concept studies and preliminary and construction plans for Bridge No. 62082 carrying T.H. 212 over Mississippi River between St. Paul and Minneapolis, Minnesota.

Work is proposed to start after July 1, 1985. Approximately two years 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: 4:00 p.m., May 22, 1985.

SUPREME COURT

Decisions Filed Friday, April 26, 1985

Compiled by Wayne O. Tschimperle, Clerk

CX-83-1347 State of Minnesota, v. Grace Elaine Campbell, Appellant. St. Louis County.

Admission of her statements to police, the fruits of a search done with her consent, and the testimony of her sister did not violate defendant's right to counsel.

The trial court did not err in admitting other crime evidence, in allowing defendant to be convicted of both second-degree murder and conspiracy to commit first-degree murder, or in sentencing defendant to double the presumptive sentence for second-degree murder.

Affirmed. Peterson, J.

C6-83-1569 State of Minnesota, Petitioner, Appellant, v. Timothy Joseph Gobely. Court of Appeals.

Under the suspicious circumstances of this case, the stop and frisk of defendant for weapons was constitutionally permissible.

Defendant was neither unduly prejudiced by admission into evidence of his prior theft convictions nor denied effective assistance of counsel.

Reversed. Peterson, J.

Dissenting, Wahl, J. & Coyne, J.

C5-84-1282 State of Minnesota v. Albert James Peake, Appellant. Court of Appeals.

A departure from the presumptive sentence is proper when the defendant's current conviction is for an offense in which the victim is injured and the defendant has a prior felony conviction in which the victim was injured, regardless of whether injury to the victim was an element of either crime.

Reversed. Yetka, J.

C3-84-1040 Charles H. Hansen v. Jer Her Builders and General Accident Group, Relators. Workers' Compensation Court of Appeals.

Employee sustained comminuted fractures of bones in the left cheek and subsequently was awarded compensation for 50 weeks representing "10% permanent partial disability of the body as a whole," pursuant to a stipulation based on an ophthalmologist's opinion that employee has sustained a "13% permanent partial disability to the visual field or the body as a whole." In this proceeding to obtain benefits for a 15% permanent partial disability of the head resulting from the same injury, based on a plastic surgeon's opinion, it is held:

The prior settlement award does not bar employee from asserting this claim for permanent partial disability of the head.

The Workers' Compensation Court of Appeals did not err in determining that the compensation judge's finding of a 5% noncompensable permanent partial disability of the head was manifestly contrary to the evidence. That court's substituted finding that employee sustained a compensable permanent partial disability of the head has substantial evidentiary support.

This case is remanded to determine to what extent the disability rating awarded on the second claim petition includes disabilities already included in the prior settlement.

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

PRIOR OPINION FILED 3-22-85 IS WITHDRAWN AND THIS OPINION IS SUBSTITUTED THEREFORE.

TAX COURT

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

State of Minnesota Tax Court Regular Division

John E. Jones, Appellant, v. Commissioner of Revenue, Docket No. 4282

Order for Summary Judgement Dated April 23, 1985

This is an appeal from an Order of the Commissioner of Revenue dated January 17, 1985 relating to the sales tax liability of appellant for the tax periods ending 12/82, 01/83, 02/83, 06/84, 07/84, 08/84, 09/84 and 10/84, in the total amount of \$5,870.68 plus penalty and interest.

Appellee moved for summary judgment and the motion was heard in St. Paul, Minnesota at 2:00 p.m. on April 19, 1985 before Earl B. Gustafson, Chief Judge of the Minnesota Tax Court.

Neil F. Scott, Special Assistant Attorney General, appeared for appellee.

James G. Weinmeyer, of Maun, Green, Hayes, Simon, Johanneson and Brehl, appeared for appellant.

The Court, having heard the arguments of counsel and upon all of the affidavits, files and proceedings herein,

DOES HEREBY GRANT SUMMARY JUDGMENT for appellee and against appellant and thereby affirms the Commissioner's Order dated January 17, 1985 in all respects.

April 23, 1985

By the Court,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

ORDER FORM

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Contact: Senate Public Information Office
 B29 State Capitol, St. Paul, MN 55155
 (612) 296-0504

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Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

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Contact: House Information Office
 Room 8 State Capitol, St. Paul, MN 55155
 (612) 296-2146

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