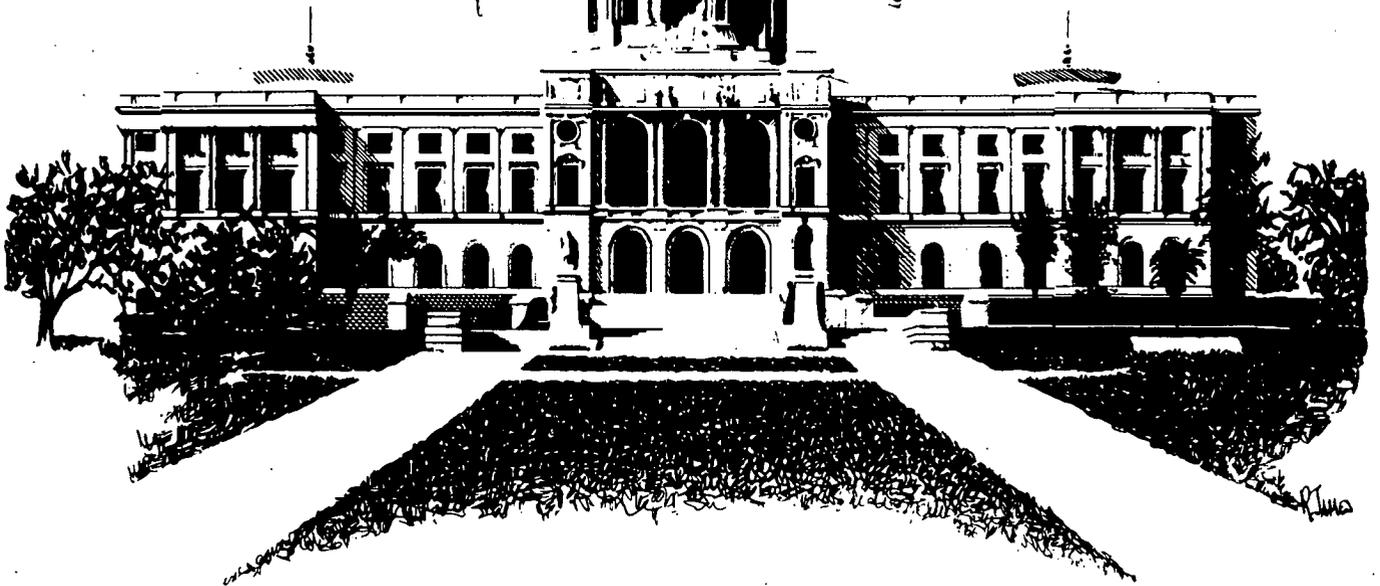


84 Aug. 6

STATE REGISTER

STATE OF MINNESOTA

RECEIVED
AUG 6 1984
LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 9, NUMBER 6

August 6, 1984

Pages 285-308



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			
7	Monday July 30	Monday Aug 6	Monday Aug 13
8	Monday Aug 6	Monday Aug 13	Monday Aug 20
9	Monday Aug 13	Monday Aug 20	Monday Aug 27
10	Monday Aug 20	Monday Aug 27	Monday Sept 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.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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*.

Rudy Perpich
Governor

Marsha Storck
Editor

Sandra J. Hale
Commissioner
Department of Administration

Robin PanLener, Paul Hoffman
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 1-6 inclusive 288

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 1-6 inclusive 289

PROPOSED RULES

Economic Security Department

Proposed Emergency Rules Governing
Registration for Employment Services Under
General Assistance 290
Proposed Rules Relating to Registration for
Employment Services and Allowances Under
General Assistance 292

ADOPTED RULES

Administration Department

Cable Communications Board
Adopted Rules Governing the Provision by Cable
Companies Granted Access to Multiple Dwelling
Complexes of Equipment with Sufficient
Channel Capacity so as to Allow for Service by
Alternative Providers 295

Commerce Department

Notice of Extension of Adopted Emergency Rules
Relating to Joint Self-Insurance Employee
Health Plans 295

Housing Finance Agency

Adopted Rules Governing Accessory Apartment
Loans 295
Adopted Rules Governing Cooperative or Rental
Multifamily Housing Innovative Loans 296
Adopted Rules Governing Solar Energy and
Energy Conservation Bank Programs 296

Natural Resources Department

Waters Division
Adopted Rules Governing Land Use Districts,
Uses and Legal Description 296

OFFICIAL NOTICES

Agriculture Department

Notice of Special Local Need Registration 296

Energy and Economic Development Department

Notice of Public Hearing on Proposed Project and
the Issuance of Bonds to Undertake C & R
Enterprises/Ercoa Industries Project 297
Notice of Public Hearing on Proposed Project and
the Issuance of Bonds to Undertake Industrial
Louvers Inc. Project 297

Finance Department

Notice of Maximum Interest Rate for Municipal
Obligations for August, 1984 298

Health Department

Outside Opinion Sought Concerning the Adoption

of Rules Governing Medical Facilities Using the
Term "Emergency," "Emergent," "Trauma,"
"Critical," or any Form of Those Words in
Their Title 298

Human Services Department: Health Department; and Public Safety Department

End of Solicitation Period for Comment
Concerning Merit System Rules 299

Human Services Department Income Maintenance Bureau

Notice of Implementation of Drug Formulary 299

Metropolitan Health Planning Board

Meeting Notification 299

Minnesota State Retirement System

Regular Meeting, Board of Directors 300

Transportation Department

Order No. 69226: Amended Order and Notice of
Street and Highway Routes Designated and
Permitted to Carry the Gross Weights Allowed
Under Minn. Stat. § 169.825 300

Vocational Education State Advisory Council

Notice of Public Hearing 300

STATE CONTRACTS

Administration Department Procurement Division

Commodities Contracts Currently Open for
Bidding 301

Human Services Department Income Maintenance Bureau

Notice of Implementation of Competitive Bidding
Contract Awards for Medical Oxygen Services
and Oxygen Administration Equipment 302

Metropolitan Council

Invitation for Sealed Bids for Computer System 302
Invitation for Sealed Bids for Office Automation
Computer System 302

Metropolitan Waste Control Commission

Advertisement for Bids for Sludge Disposal
Services 303

Transportation Department Technical Services Division

Availability of Contract for Preliminary
Engineering 304

SUPREME COURT

Decisions of the Court of Appeals Filed Tuesday,
July 24, 1984 304
Decisions of the Supreme Court Filed Friday,
July 27, 1984 306
Order Filed July 20, 1984 306

NOTICE

How to Follow State Agency Rulemaking Action in the State Register

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

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

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

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

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

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

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

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

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

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.10103-1.10104; 1.10109; 1.10111; 1.15501-1.15503; 1.18601; 1.18701; 1.18804, 1.18806; 1.18808; 1.18811; MHD 120-124; 126, 130-131 (proposed) 5

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.1340-1.1348 [Emer] (proposed) 86
3 MCAR §§ 1.4060-1.4070 [Emer] (extended) 56

Part 2 Animal Health Board

3 MCAR § 2.026 (adopted) 201

TITLE 4 COMMERCE

Part 1 Commerce Department

4 MCAR §§ 1.850-1.866 [Emer] (extended) 295
4 MCAR §§ 1.9011-1.9028; 1.90281 (adopted) 175
4 MCAR §§ 1.9260-1.9269 [Emer] (extended) 111
4 MCAR §§ 1.9420-1.9442 (adopted) 175

Part 4 Cable Communications Board

4 MCAR §§ 4.260-4.263 (adopted) 295

TITLE 6 ENVIRONMENT

Part 2 Energy and Economic Development

6 MCAR §§ 2.2501-2.2510 [Amend] (adopted) 252

Part 4 Pollution Control Agency

6 MCAR §§ 4.9100; 4.9102; 4.9104; 4.9128-4.9129; 4.9132; 4.9134-4.9135; 4.9210; 4.9214-4.9217; 4.9254-4.9255; 4.9285; 4.9289; 4.9296-4.9297; 4.9302; 4.9307-4.9308; 4.9310; 4.9314; 4.9317-4.9318; 4.9321; 4.9389; 4.9396; 4.9401; 4.9493; 4.9409; 4.9411; 4.9560 [Amend] (adopted) 115

TITLE 8 LABOR

Part 1 Labor and Industry Department

8 MCAR § 1.7001 [Amend] (adopted) 112
8 MCAR §§ 1.7220; 1.7240; 1.7243; 1.7245 (adopted) 56

TITLE 12 SOCIAL SERVICE

Part 1 Human Rights Department

12 MCAR §§ 1.061-1.076 [Emer] (adopted) 260

Part 2 Public Welfare Department

(now Human Services)
12 MCAR §§ 2.02001-2.02011 [Emer] (adopted) 112

MINNESOTA RULES AMENDMENTS AND ADDITIONS

AGRICULTURE DEPARTMENT

1511.0111; .061; .0171; .0231; .0241; .0251; .0261; .0271;
.0281; .0320; .0340; .0350; .0360 [Amend] (proposed) 133
1545.2050 (proposed) 150

CORRECTIONS DEPARTMENT

2920.0100; .0200; .0500; .0800-.1300; .1800; .1900;
.2300; .2700; .3200; .3300; .3700; .4000; .4300; .4400;
.4900-.5500; .5700-.6000; .6200-.6400; .6600; .6700;
.6900; .7000; .7300-.7600 (proposed) 152
2925.0100, .0200, .0500, .0600, .0800, .1000, .1200,
.1400, .1800-.2900, .3100, .3300, .3500-.3900, .4100
(proposed) 160

DEPARTMENT OF ECONOMIC SECURITY

3300.4010-.4110 (proposed) 292
3320.0005-.0030 (proposed) 290

STATE BOARD OF EDUCATION

3550.0100 [Incorporation] (adopted) 251
3500.5000-.5070 (proposed) 168

ENERGY, PLANNING & DEVELOPMENT DEPARTMENT

Planning Division

4350.0200, .0400, .0600 (adopted) 111
4351.0100-.0800 (proposed) 90

MN HOUSING FINANCE AGENCY

4900.0550-.0580 (adopted) 112

4900.0581-0584 (adopted) 295
4900.0601-.0605 (proposed) 173
4900.1220-.1260 (adopted) 296
4900.1600-.1650 (adopted) 296

DEPARTMENT OF PUBLIC WELFARE (Now HUMAN SERVICES)

5000.3400-5000.3600 [Emer] (proposed) 228

DEPARTMENT OF LABOR AND INDUSTRY

5205.0010 [Standards] (proposed) 225

DEPARTMENT OF NATURAL RESOURCES

6105.0100; .1681 (adopted) 296

MINNESOTA BOARD OF PHARMACY

6800.0900 (adopted) 260

POLLUTION CONTROL AGENCY

Water Quality Division

7044.0100-.1200 (adopted) 58

PUBLIC UTILITIES COMMISSION

7835.0100-.6100; .9910 (proposed) 41

REVENUE DEPARTMENT

Property Equalization Division

8105.0100-.9900 [Emer] (proposed) 96

SMALL BUSINESS FINANCE AGENCY

8300.0100; .0300; .0500-.0600; .1000-.1200;
.1500-.2200 (proposed) 111

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

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 Economic Security

Proposed Emergency Rules Governing Registration for Employment Services Under General Assistance

Request for Public Comment

Notice is hereby given that the Minnesota Department of Economic Security proposes to adopt the above entitled emergency rules for the purpose of implementing the registration requirement for recipients of General Assistance in accordance with Minnesota Laws 1984, Chapter 654, Article 5. The Department of Economic Security will follow procedures set forth in Minnesota Statutes, Sections 14.29-14.36 in adopting these rules.

Authority to adopt these rules is contained in Minnesota Laws 1984, Chapter 654, Article 5, Section 34, Subdivision 2, (1), and Minnesota Statutes § 268.021.

All interested persons shall have 25 days from the date the rules are published in the *State Register* to submit written comments on the proposed rules. The proposed rules may be modified if the proposed modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.

After the 25-day comment period, the proposed rules as published, with any modifications, will be delivered to the Administration Division of the Office of the Attorney General for review as to its legality, and its form to the extent form relates to legality, including the issue of substantial change. Notice of the date of submission of the proposed rules to the Attorney General will be mailed to any person requesting to receive the notice.

Written comments, requests for a copy of the proposed rules and requests for notice of the date of submission to the Attorney General should be submitted to:

Mr. Donald M. Buckner
Office of Employment Initiatives
Minnesota Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

This notice, all written comments received, and the emergency rules, as adopted, will become a part of the record in the final adoption. As required by Minnesota Statutes, Sections 14.33 and 14.35, emergency rules shall take effect five working days after approval by the Attorney General and will be effective for not more than 180 days or until permanent rules are adopted.

Barbara Beerhalter
Commissioner

Emergency Rules as Proposed (all new material)

CHAPTER 3320
DEPARTMENT OF ECONOMIC SECURITY
GENERAL ASSISTANCE: REGISTRATION FOR EMPLOYMENT SERVICES

3320.0005 [Emergency] PURPOSE.

Parts 3320.0005 to 3320.0030 [Emergency] clarify and provide procedures for those portions of Minnesota Statutes, section 256D.111, subdivisions 1 and 2, whose implementation are the sole responsibility of the Department of Economic Security or the joint responsibility of the Department of Economic Security and the Department of Human Services.

Nothing in these rules shall preclude any individual from seeking or participating in the full range of services available from the Department of Economic Security.

3320.0010 [Emergency] RECIPIENT.

As used in these rules, "recipient" means an audit who is receiving a grant of general assistance pursuant to Minnesota Statutes, sections 256D.01 to 256D.21.

3320.0015 [Emergency] REGISTRATION PROCESS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "registration" means the procedure through which an individual registers with the Department of Economic Security for employment services available under Minnesota Statutes, sections 256D.111, subdivision 1, and 268.14. Applicants will complete an employment application and provide work history information in consultation with department staff in a format prescribed by the department. In consultation with the recipient, Department of Economic Security staff shall develop a job search process and employability development plan to provide the recipient with the optimum opportunity to find employment. Recipients shall follow the job search requirements and comply with the employability development plan or be determined in noncompliance. All services, systems, programs, and facilities of the Department of Economic Security will be available to recipients and services will be provided at the same level and in the same manner as to other segments of the job seeking public. Recipients will be referred to available job openings or openings resulting from individual job development that are consistent with the recipient's experience, skills, knowledge, and abilities. Recipients will be referred to available job openings taking into consideration availability of transportation, either public or private, commuting distance, and ordinary commuting patterns in the local labor market.

3320.0020 [Emergency] REGISTRATION VERIFICATION.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "registration verification" means that the Department of Economic Security office will certify to the appropriate local agency that the recipient has registered with the Department of Economic Security and has completed the required application process. Verification by the Department of Economic Security will be by certification of a form, listing, or other document identifying the recipient for whom verification is requested, which shall be prepared by the local agency. Names and social security numbers, if available to the local agency, shall be furnished. Verification processes other than the above are authorized if mutually agreed upon by the Department of Economic Security office and the local agency.

3320.0025 [Emergency] WORK SKILL AND TRAINING.

As used in Minnesota Statutes, section 256D.111, subdivision 2, "exemptions" means the procedure established by the commissioner of the Department of Economic Security to determine and review an individual's work skills or training related to his or her ability to secure employment. Persons certified as lacking sufficient work skills or training will be exempt from registration with the Department of Economic Security and the accompanying requirements contained in Minnesota Statutes, section 256D.111, subdivision 1.

An individual will be certified as not having sufficient work skills or training to secure employment in the local labor force under the following conditions:

A. within the past 24 calendar months the individual has not had at least six equivalent months of employment, military service, education, or vocational training, or any combination thereof; or

B. the individual has no skills or work experience that are related to those employment opportunities which exist in the local labor market or which exist in an area to which the person is willing to relocate.

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

3320.0030 [Emergency] EXEMPTION.

An exemption from the registration requirement shall not be made if the following conditions exist:

A. a training opportunity, for which the individual is qualified, and which would lead to the acquisition of adequate skills to obtain employment, is available to the individual on a subsidized basis or at a cost within the individual's means or resources; and

B. the available training is located within reasonable commuting distance in the area in which the individual resides and public or private transportation is available, or the person is willing to relocate for such training; or

C. in the opinion of the commissioner of the Department of Economic Security, the individual possesses particular qualifications or there are circumstances which positively affect their potential ability to obtain employment.

Department of Economic Security

Proposed Rules Relating to Registration for Employment Services and Allowances Under General Assistance

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Economic Security proposes to adopt the above entitled rules without a public hearing. The Department 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 § 14.21 through 14.28 as amended by Minnesota Laws of 1984, Chapter 640 §§ 12-15, 33-34.

The adoption of the rules is authorized by Minnesota Laws 1983, Chapter 312, Article 8, Section 12.

Significant portions of these rules were covered by temporary rules adopted as 8 MCAR § 4.0101. Persons interested in these rules shall have 30 days to submit written comments in support of or in opposition to these proposed rules. Public comments are encouraged. Comments should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will not be held. Any person submitting a written request must be specific on which rule(s) a hearing is requested. Any person requesting a public hearing shall provide his or her name and address and identify the portion of the proposed rule addressed, the reason for the request and any change proposed. In the event a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.14 to 14.20.

If a public hearing is not to be held, notice of the date of submission of the proposed rule to the Attorney General for review will be provided any person specifically requesting such notice.

Persons who wish to submit written comments or request a public hearing may do so by writing:

Mr. Donald M. Buckner
Office of Employment Initiatives
Minnesota Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

One free copy of the proposed rules may be obtained by writing the person listed above.

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 upon request from Mr. Buckner.

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

Barbara Beerhalter
Commissioner

Rules as Proposed (all new material)**GENERAL ASSISTANCE; REGISTRATION FOR
EMPLOYMENT SERVICES AND ALLOWANCES****3300.4010 DEFINITIONS.**

Subpart 1. Scope. As used in parts 3300.4010 to 3300.4110, the words or phrases defined in this part have the meanings given them.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Department of Economic Security.

Subp. 3. Department. "Department" means the Department of Economic Security.

Subp. 4. Local agency. "Local agency" means the county welfare board and any multicounty welfare boards or departments if they have been established in accordance with Minnesota law.

3300.4020 PURPOSE.

Parts 3300.4010 to 3300.4110 clarify and reflect interpretation of those portions of Laws of Minnesota 1983, chapter 312, article 8, whose implementation are the sole responsibility of the Department of Economic Security or, in some cases, the joint responsibility of the Department of Economic Security and the Department of Human Services.

Nothing in parts 3300.4010 to 3300.4110 precludes an individual from seeking or participating in the full range of services available from the Department of Economic Security.

3300.4030 AVAILABLE FOR WORK.

As used in Minnesota Statutes, section 256D.111, subdivision 1, an individual is not "available for work" with respect to any period when the individual is a full-time student in attendance at, or on vacation from, an established postsecondary school, college, university, or a vocational-technical training program except for vocational-technical training for economically disadvantaged persons under the auspices of the Work Incentive Program or the federal Job Training Partnership Act. "Available for work" means available for full-time employment unless the individual's health limits availability to less than full-time work.

3300.4040 REASONABLE REPORTING.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "reasonable reporting" means that recipients registered with the department shall report to the office with which they are registered on a schedule provided by the department or as provided in the recipient's employability development plan. The method, frequency, and format of reporting whether in person, by telephone, or by mail shall be prescribed by the department. Frequency of reporting is to be determined solely by the department. Availability of transportation, either public or private, shall be taken into consideration in the reporting requirement.

3300.4050 JOB SEARCH REQUIREMENTS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "job search requirements" means the conditions of the job search established by an employability development plan developed by the department in consultation with the recipient. The employability development plan must be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as educational attainment and association with the work force. The employability development plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment.

3300.4060 SUITABLE EMPLOYMENT.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "suitable employment" means any employment which pays at least the applicable minimum wage, meets all required health and safety standards, and which the individual is able to physically and mentally perform. This includes any job provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.671 to 268.686, which meets the above criteria. Availability of public or private transportation shall be considered in determining suitable employment.

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

3300.4070 NONCOMPLIANCE.

As used in Minnesota Statutes, section 256D.111, subdivisions 1 and 2, "noncompliance" means that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. In the absence of good cause, a determination of noncompliance shall be certified to the local agency for disposition. A determination of noncompliance may be made with respect to one of the following:

- A. failure to be available for work;
- B. failure to comply with established reasonable reporting or job search requirements;
- C. failure to accept any offer of suitable employment; or
- D. voluntary termination from suitable employment.

Following a final determination of noncompliance, the commissioner shall certify in writing to the local agency that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. A copy of the written certification shall be given to the recipient.

A final determination of failure to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1, shall be made in accordance with notice, hearing, and appeal rights and procedures applicable to the Work Incentive Program pursuant to Minnesota Statutes, section 256.736, subdivision 4, clause (4).

Hearings to determine noncompliance shall be conducted by the department in accordance with the Hearing Rules of Practice, Governing Administrative Hearings and Appeals Procedures and Requirements under the Work Incentive Program, April 1983, which is incorporated by reference. Copies of these rules will be provided by the department upon request. These rules are not subject to frequent change.

3300.4080 NOT ABLE TO SUCCESSFULLY PERFORM JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 256D.112, clause (1), an individual will be considered "not able to successfully perform a job" available through the jobs program if:

A. following placement in a job reasonably compatible with the individual's skill level and using the same corrective steps as the employer would normally use with other employees in order to improve performance, the employer determines that the individual is unable to carry out tasks required in the job obtained through the Minnesota emergency employment development program; or

B. the individual presents medical evidence from a licensed medical authority that he or she is temporarily or permanently unable to carry out the tasks required in the job obtained through the Minnesota emergency employment development program.

3300.4090 UNLIKELY TO SECURE JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, an individual will be considered "unlikely to secure a job" through the jobs program because of the following conditions:

A. the individual has inadequate preparation or job experience for any of the jobs available through the Minnesota emergency employment development program; or

B. Minnesota emergency employment development jobs are unavailable in locations which, for a one-way trip under normal commuting circumstances, are accessible to the individual within one hour, and the individual elects to withdraw from the program for this reason.

3300.4100 APPLICATION PROCESS.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, "application process" means the procedure through which an individual makes a formal request to the commissioner for services under the Minnesota emergency employment development jobs program.

Persons found eligible for the Minnesota emergency employment development program will be referred to an employment administrator for program services. The referral will be in writing and include the address of the employment administrator to which the applicant is being referred.

3300.4110 ALLOWANCE.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner to individuals satisfying the eligibility standards in Minnesota Statutes, sections 256D.01 to 256D.21, who are accepted for participation in the Minnesota emergency employment development jobs program.

The commissioner shall pay allowances to persons referred by the local agency in accordance with the assistance standards established by the commissioner of human services pursuant to parts 9555.3400 to 9555.3408. The initial allowance from the

commissioner shall be paid upon the expiration of the period covered by the one-month grant from the local agency. The payments shall be made within ten working days following the date of receipt of the application for the cash allowance by the department. A payment will not be made before the expiration date of the one-month grant made by the local agency. Subsequent payments will be made at one-month intervals.

The allowance shall be paid in accordance with the assistance standards established by the commissioner of human services pursuant to parts 9555.3400 to 9555.3408 and shall not exceed those amounts.

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 Administration Cable Communications Board

Adopted Rules Governing the Provision by Cable Companies Granted Access to Multiple Dwelling Complexes of Equipment with Sufficient Channel Capacity so as to Allow for Service by Alternative Providers

The rules proposed and published at *State Register*, Volume 8, Number 32, pages 1807-1809, February 6, 1984 (8 S.R. 1807) are adopted as proposed.

Department of Commerce

Notice of Extension of Adopted Emergency Rules Relating to Joint Self-Insurance Employee Health Plans

The Commissioner of Commerce has determined that the emergency rules governing joint self-insurance employee health plans shall be continued in effect until February 2, 1985, or until superceded by permanent legislation, whichever comes first. These rules were originally adopted on February 8, 1984 and published March 12, 1984 (8 S.R. 2015), to be effective until August 8, 1984.

Michael A. Hatch
Commissioner of Commerce

Housing Finance Agency

Adopted Rules Governing Accessory Apartment Loans

The rules proposed and published at *State Register*, Volume 8, Number 46, pages 2398-2401, May 14, 1984 (8 S.R. 2398) are adopted as proposed.

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

ADOPTED RULES

Housing Finance Agency

Adopted Rules Governing Cooperative or Rental Multifamily Housing Innovative Loans

The rules proposed and published at *State Register*, Volume 8, Number 46, pages 2401-2403, May 14, 1984 (8 S.R. 2401) are adopted as proposed.

Housing Finance Agency

Adopted Rules Governing Solar Energy and Energy Conservation Bank Programs

The rules proposed and published at *State Register*, Volume 8, Number 56, pages 2404-2407, May 14, 1984 (8 S.R. 2404) are adopted as proposed.

Department of Natural Resources Division of Waters

Adopted Rules Governing Land Use Districts, Uses and Legal Description

The rules proposed and published at *State Register*, Volume 8, Number 45, pages 2362-2363, May 7, 1984 (8 S.R. 2362) are adopted as proposed.

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 Agriculture

Notice of Special Local Need Registration

Pursuant to Minnesota Statute, sec. 18A.23, and 3 MCAR, sec. 1.0338 B, the Minnesota Department of Agriculture issued a special local need registration (24c) on July 24, 1984 for "Magtoxin Pellet-Prepac", manufactured by Degesch America, Inc., Weyers Cave, Virginia. The state registration number assigned is MN84-0003. This special local need registration will remain in effect until July 23, 1989, unless otherwise cancelled by the department or the registrant.

In addition to the uses prescribed on the product label, this special local need registration permits the use of this pesticide as a spot fumigant in bins, silos, holding tanks, food processing equipment, conveyors and related equipment in mills, food and feed processing plants, breweries and similar industries to control stored products pests, principally confused and red flour beetle.

Questions regarding this registration, should be directed to:

Larry P. Palmer
Pesticide Control Specialist
Agronomy Services Division
Department of Agriculture
90 W. Plato Boulevard
St. Paul, MN 55107
(612) 296-6121

Department of Energy and Economic Development Energy and Economic Development Authority

Notice of Public Hearing on Proposed Project and the Issuance of Bonds to Undertake C & R Enterprises/Ercoa Industries Project

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on August 22, 1984, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, inclusive, as amended and supplemented (the "act"), to undertake and finance a project on behalf of C & R Enterprises (the "company"), a Minnesota general partnership, which, in conjunction with the leasing of property to Ercoa Industries (which has identical ownership to C & R Enterprises), is engaged in the business of manufacturing products for the marine and sporting goods industry in Minnesota. 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 to be leased to Ercoa Industries for use in connection with its business operations in the manufacture of products for the marine and sporting goods industry to be located in the township of Stanchfield, Isanti County, Minnesota (street address: north of State Highway 107 on State Highway 65 in the Township of Stanchfield, Isanti County, 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. 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.

July 26, 1984

By order of the members of the
Minnesota Energy and Economic
Development Authority,
Mark 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

Notice of Public Hearing on Proposed Project and the Issuance of Bonds to Undertake Industrial Louvers Inc. Project

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on August 22, 1984, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, inclusive, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Industrial Louvers Inc. (the "company"), a corporation, engaged in the business of manufacturing of nonmechanical air moving devices in Minnesota. Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

OFFICIAL NOTICES

The project to be financed consists of 20,000 sq. ft. plant addition and equipment purchase, to be located in Delano, Wright County, Minnesota (street address: 511 S. 7th Street, 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 \$900,000. 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. 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.

July 26, 1984

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

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations for August, 1984

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 August will be twelve (12) 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 thirteen (13) percent per annum.

For further information contact:

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

July 23, 1984

Department of Health

Outside Opinion Sought Concerning the Adoption of Rules Governing Medical Facilities Using the Term "Emergency," "Emergent," "Trauma," "Critical," or any Form of Those Words in Their Title

Notice is hereby given that the Minnesota Department of Health is drafting rules for later adoption concerning the licensing of medical facilities that use the words "emergency," "emergent," "trauma," "critical," or any of those words which suggest, or offer or imply the availability of immediate care for any medical condition likely to cause death, disability or serious illness in the names of the facilities, in advertising, publications, or signs identifying the facilities. The rules are authorized by Minnesota Laws 1984, Chapter 534, Subdivision 2 which requires that these medical facilities be licensed by the Department of Health. The rules, when adopted, will establish the condition of licensure for the medical facilities.

All interested or affected persons or groups may submit information that should be considered in the drafting process. Information should be submitted in writing by September 1, 1984.

Wayne R. Carlson
Emergency Medical Services Section
717 Delaware St. S.E.
Minneapolis, Minnesota 55440

Department of Human Services; Department of Health; and Department of Public Safety

End of Solicitation Period for Comment Concerning Merit System Rules

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning Minnesota Merit System rules, published in the *State Register* June 18, 1984, will end on August 27, 1984.

Questions concerning the end of the comment period may be addressed to:

Ralph W. Corey, Supervisor
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone (612) 296-3996

Department of Human Services Income Maintenance Bureau

Notice of Implementation of Drug Formulary

Notice is hereby given that the Income Maintenance Bureau, Department of Human Services, will implement a drug formulary on September 1, 1984. The formulary has been published and distributed to health care practitioners who are enrolled in the Medical Assistance (MA) and General Assistance Medical Care (GAMC) programs. Drugs listed in the formulary are the only drug products that will be paid for use in MA or GAMC recipients.

Direct inquiries about the drug formulary to:

Dr. Thomas Kellenberger
Professional Services Section
444 Lafayette Road
St. Paul, MN 55164
612-297-2388

Metropolitan Health Planning Board

Meeting Notification

The Metropolitan Health Planning Board of the Twin Cities Area meets regularly on the second Wednesday of each month at 4 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101. The subcommittees of the Metropolitan Health Planning Board usually meet at various starting times on the second and fourth Wednesday of every month if there are issues to be discussed. The public is cordially invited to attend any of these meetings. For additional information or questions on any of these meetings with regard to time, locations or agendas, please contact the Metropolitan Health Planning Board, 300 Metro Square Building, St. Paul, Minnesota 55101, telephone 291-6352.

Elaine Voss
Chair

OFFICIAL NOTICES

Minnesota State Retirement System

Regular Meeting, Board of Directors

A meeting of the Board of Directors, Minnesota State Retirement System will be held on Friday, August 10, 1984, at 8:30 a.m., in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Department of Transportation

Order No. 69226: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 68884 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 § 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

TH 2—From West State Line to Jct. I-35 (12 month)

TH 53—From Potlach Plant (5 miles south of Cook) to International Falls (effective 5/15)

TH 63—In Rochester—should read—

From Jct. TH 14 to South Broadway Bridge (12 month)

TH 75—From Jct. TH 2 to North State Line (12 month)

CITY STREETS

Farmington — Willow Street
From Jct. TH 3 to 4th Street (effective 5/15)

COUNTY ROADS

St. Louis County — CSAH 102
From Jct. TH 53 to Minntac Ent (effective 5/15)

Winona County — CSAH #32
From CSAH 54 (Goodview) to Pelzer Street in Winona (12 month)

Traverse County — Correction
Omit CSAH 5 and CSAH 30—these are typographical errors

July 27, 1984

Richard P. Braun
Commissioner

State Advisory Council for Vocational Education

Notice of Public Hearing

The Minnesota State Advisory Council for Vocational Education (MN/SACVE) will conduct a public hearing at 1:00 p.m. on Thursday, August 16, 1984 in the Ballroom of The Saint Paul Hotel, 350 Market Street, Saint Paul, Minnesota. The purpose of the hearing is to obtain testimony from the public on issues related to vocational education in Minnesota. The public is welcomed and encouraged to participate. Inquiries may be directed to the Council Offices at 612/377-6100.

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 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-071-14391, 1319	TODAY Magazine	Mankato State University	Mankato	Contact buyer
79-800-02574	Rubbish Disposal	Transportation Public	Willmar	Contact buyer
55-000-89250, 1117	Request for Food Stamps DPW-238	Welfare/Human Services	St. Paul	Contact buyer
27-138-44268	Quarterly Grade Report MSCC 02	Computer Center	White Bear Lake	Contact buyer
27-148-42091, 778754	1984-85 ECHO	Rochester Community College	Rochester	Contact buyer
26074-09577	Composition of Typesetting System	Winona State University	Winona	Contact buyer
26072-08960, 1321	Prospectus	Moorhead State University	Moorhead	Contact buyer
29-000-36133, etc.	Rental Fully Operated Helicopter for Fire Fighting	Natural Resources	(contact buyer)	Contact buyer
26-072-08948	Offset Press	Moorhead State University	Moorhead	Contact buyer
04-131-24441	Transit of Grain Samples	Agriculture	St. Paul	Contact buyer
26-073-16541	Typewriter Maintenance	St. Cloud State University	St. Cloud	Contact buyer
Contract 78-620-20363	Carbon Paper—Rebid Hot Rolled Channels & Angles	Central Stores MN Correctional Facility—Metal Products	Various Stillwater	10,000-12,000 Contact buyer
Various Contract 27-150-43809	Pharmaceuticals Slide Projectors Purchase of Photocopy Machine	Various Various Mesabi Community College	Various Various Virginia	Contact buyer 3,000-3,500 Contact buyer
Contract	Photographic Film Processing for 1984 Football Season	Various	Various	\$1,000-1,500
Sch. 4	Meat & Meat products for the month of Sept. 1984	Various	Various	Contact buyer
26-072-08959	Forms Detatcher	Moorhead State University	Same	Contact buyer
55-520-03225	Compressors	Oak Terrace Nursing Home	Minnetonka	Contact buyer
01-000-04018	Truck	Military Affairs	Little Falls	Contact buyer

Contact the receptionist at 296-2513 for referral to specific buyers.

**Department of Human Services
Income Maintenance Bureau**

Notice of Implementation of Competitive Bidding Contract Awards for Medical Oxygen Services and Oxygen Administration Equipment

Notice is hereby given that the Income Maintenance Bureau, Department of Human Services, will implement its contracts for Medical Oxygen Services and Oxygen Administration Equipment on September 1, 1984. Contracts for these services have been awarded to successful bidders and, as a result, the oxygen provider for a Medical Assistance (MA) or General Assistance Medical Care (GAMC) recipient may change on September 1, 1984. When the contract becomes effective, only providers who have been awarded contracts for Medical Oxygen Services and Oxygen Administration Equipment will be eligible for payment for those services from the Department of Human Services.

Please direct inquiries about the Competitive Bidding Contract awards for Medical Oxygen Services and Oxygen Administration Equipment to:

Ms. Cherie Ackerman
Department of Administration
Division of Procurement
Room 112, Administration Bldg.
St. Paul, MN 55155
612-296-3776

Metropolitan Council

Invitation for Sealed Bids for Computer System

The Metropolitan Council is requesting sealed bids for an IBM 4361 or equivalent computer system.

Specifications for this computer system may be obtained by contacting Roy Larson, Information Systems Director, at 291-6480. Specifications will be available August 2, 1984.

Sealed bids for this computer system will be accepted by the Metropolitan Council until 11:30 a.m., C.D.T., on the 23rd of August, 1984. The Purchasing Officer will publicly open the sealed bids in the Office of the Metropolitan Council at 11:30 a.m., C.D.T. on the 24th of August, 1984.

All sealed bids will be addressed to:

Metropolitan Council
300 Metro Square Building
St. Paul, Minnesota 55101
ATTN: Purchasing Officer

All sealed bids shall be marked "Computer System—To be opened at 11:30 a.m., August 24th, 1984." Bids shall be accompanied by a bid bond, certified check, or a cashier's check payable to the Metropolitan Council in an amount not less than five percent (5%) of the total bid price.

The Metropolitan Council reserves the right to reject any or all bids, and to waive any minor irregularities and deviations from the specifications.

Maurice K. Dorton
Staff Administrator
Metropolitan Council

Metropolitan Council

Invitation for Sealed Bids for Office Automation Computer System

The Metropolitan Council is requesting sealed bids for an Office Automation Computer System.

The system requires the ability to support a minimum of 128 workstations and interface to an IBM 4300 series computer using bisynchronous and/or SNA-SDLC protocols. Specifications for this computer system may be obtained by contacting Roy Larson, Information Systems Director, at 291-6480. Specifications will be available August 2, 1984.

Sealed bids for this computer system will be accepted by the Metropolitan Council until 1:30 p.m., C.D.T. on the 23rd of August, 1984. The Purchasing Officer will publicly open the sealed bids in the Office of the Metropolitan Council at 1:30 p.m. C.D.T. on the 24th of August, 1984.

All sealed bids will be addressed to:

Metropolitan Council
300 Metro Square Building
St. Paul, Minnesota 55101
ATTN: Purchasing Officer

All sealed bids shall be marked "Office Automation Computer System—To be opened at 1:30 p.m., August 24th, 1984." Bids shall be accompanied by a bid bond, certified check, or a cashier's check payable to the Metropolitan Council in an amount not less than five percent (5%) of the total bid price.

The Metropolitan Council reserves the right to reject any or all bids, and to waive any minor irregularities and deviations from the specifications.

Maurice K. Dorton
Staff Administrator
Metropolitan Council

Metropolitan Waste Control Commission

Advertisement for Bids for Sludge Disposal Services

Sealed proposals will be received in the office of the Metropolitan Waste Control Commission, 350 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota until 10:00 a.m., Wednesday, September 26, 1984, at which time and place bids will be publicly opened and read aloud for the purpose of awarding a contract for the removal and disposal of dewatered sludge produced at the Commission's Metropolitan Wastewater Treatment Plant (Metro).

This project consists of removing a guaranteed minimum quantity of 10,000 wet ton per year of dewatered sludge from the metro plant, disposing of the sludge in accordance with applicable state, federal, and local regulations as well as obtaining all necessary permits and/or approvals. The project also consists of providing additional hauling and disposal services as needed by the Commission. The project period will be up to three years starting January 1, 1985.

Note that this project was previously advertised under a different title. Since significant changes have been made in the scope of the project, potential bidders should assure themselves they have the current contract documents as entitled below.

Potential bidders should note that prequalification proposals will be received until 4:00 p.m., Friday, August 31, 1984. Only those contractors identified by the Commission as qualified shall be invited to submit bid proposals. The prequalification criteria to be used by the commission along with all other information required to respond to this advertisement are available in the **CONTRACT DOCUMENTS AND AGREEMENT FOR PROCUREMENT OF SLUDGE DISPOSAL SERVICES**.

Copies of the above document may be obtained from the Metropolitan Waste Control Commission, 350 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota 55101, Attention: R. C. Polta. Telephone: (612) 222-8423.

No bids will be considered unless sealed and filed with the deputy chief administrator of the Metropolitan Waste Control Commission and accompanied by a certified check or cashier's check drawn on a national bank or trust company, or by a bid bond duly executed by the bidder as principal and having as surety thereon a company qualified to act as surety in the State of Minnesota, for not less than ten (10%) percent of the total price, payable to the Metropolitan Waste Control Commission, said bid security to be returned as hereinafter provided unless retained under the conditions stipulated herein.

No bids shall be withdrawn for a period of sixty (60) days after opening of bids. The Metropolitan Waste Control Commission reserves the right to reject any or all bids and to waive informalities.

July 23, 1984

By order of the
Metropolitan Waste Control Commission,
Mr. Louis J. Breimhurst
Deputy Chief Administrator

STATE CONTRACTS

Department of Transportation Technical Services Division

Availability of Contract for Preliminary Engineering

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified consultant to perform the following work on a 14.0 mile segment of I 35W in Minneapolis, Richfield, Bloomington and Burnsville between I 94 and I 35E:

1. Identify and study the issues and needs
2. Scope alternatives
3. Conduct Public Involvement Process
4. Prepare environmental documents

Firms desiring consideration shall express their interest by letter along with the current Federal Forms 254 and 255 and/or their brochure by four o'clock (4:00 p.m.) August 27, 1984 to:

B. E. McCarthy, Director
Office of Consultant Engineering Services
612B Transportation Building
St. Paul, MN 55155
Telephone: (612) 296-3051

This is not a request for proposal.

SUPREME COURT

Decisions of the Court of Appeals Filed Tuesday, July 24, 1984

Compiled by Wayne O. Tschimperle, Clerk

C1-83-1933, C2-84-218 Zontelli & Sons, Inc. v. City of Nashwauk, Respondent, (C1-83-1933), Appellant, (C2-84-218), Robert R. Wallace & Associates, Appellant, (C1-83-1933), Respondent, (C2-84-218), and American Fidelity Insurance Company. Itasca County.

Failure to appeal from the nonmodified portions of a judgment within 90 days from entry of the original judgment precludes appellate review.

Where the base of all claims alleged by plaintiff originate in contract, application of the principle of comparative fault is error.

A city is entitled to contributions from an engineer whose services are retained when those services are substantially inaccurate, insufficient and negligently performed.

Affirmed in part, reversed in part and remanded. Popovich, C.J.

C7-84-201 State of Minnesota v. Patrick Walker, Appellant. Stearns County.

A prior petty misdemeanor conviction cannot be used in computing a criminal history score.

Affirmed. Popovich, C.J.

C3-83-1741 Francis T. Ryan v. Bigos Properties, a Minnesota General Partnership by Ted Bigos as a Partner Therein, and Ted Bigos, Individually, Appellants. Hennepin County.

The trial court's determination that the respondent attorney's services were worth \$15,000 was unsupported by the record.

Reversed and remanded. Parker, J.

C7-84-5 Dennis Bernard Sather, Appellant, v. State of Minnesota. Clay County.

Appellant failed to show that any deficient performance by his attorney prejudiced the disposition of his case.

Affirmed. Parker, J.

C7-84-523 Joanne E. Meany, Appellant v. Mary C. Newell, et al. Mandat Bros., Inc., etc., Western Surety Company, The Estate of Preston J. Cortright, etc., Cardinal IG Company, Monica Louise Houle, et al. Hennepin County.

Minnesota law will support a direct negligence action against an employer who provides intoxicating beverages to an employee on the employer's premises, based on the employer's duty to control the action of employees.

The Civil Damages Act, Minn. Stat. § 340.95 (1982), applies only to commercial vendors of intoxicating beverages.

Reversed. Parker, J. Dissenting. Forsberg, J.

C4-84-916 In the Matter of David Lee Pope. Hennepin County.

The trial court properly committed appellant to Anoka State Hospital.

On appeal from an order for commitment, appellant's assertion of his right to treatment is premature.

Affirmed. Parker, J.

C3-83-1514 Robert C. L. House, et al., Appellants, v. Sports Films & Talents, Inc., Hubbard Broadcasting, Inc., etc., et al., University of Minnesota, et al. Ramsey County.

Minnesota has not recognized a cause of action for invasion of privacy. There is an insufficient basis in law and fact for appellants to maintain an action for invasion of privacy.

Affirmed. Wozniak, J.

C5-83-2048 Leonard G. Mitteness, et al., Appellants, v. Klaren G. Dahl, et al. Swift County.

The court's determination that a conveyance of 80 acres between father and son was a contract for deed and not an equitable mortgage was consistent with evidence of their intent. The son had abandoned his vendee's interest in the contract for deed by failing to make cash payments under the contract, by failing to pay real estate taxes, and by failing to assert an interest in the land.

Affirmed. Wozniak, J.

C9-84-376 Wallace W. Carlson Company, Relator, v. Mont Hasler, Commissioner of Economic Security. Department of Economic Security.

The record supports the decision of the Commissioner of Economic Security that the employer failed to sustain its burden of proving that the employee was discharged for misconduct when he left work early because of a good-faith belief that he had been fired.

Affirmed. Lansing, J.

C2-84-526 State of Minnesota v. Gerald Hysell, Appellant. Waseca County.

Appellant is not entitled to a reduction of his 54-month sentence for aggravated robbery when the court departed from the guidelines' presumptive sentence of 81 months and did not impose the mandatory minimum sentence under Minn. Stat. § 609.11 (1982).

Affirmed. Lansing, J.

C1-84-64 In the Matter of the Contested Case of Richview Nursing Home, Fair Oaks Health Care Center, Regency Manor Nursing Home, Relators, v. Minnesota Department of Public Welfare. Department of Public Welfare.

In reviewing an agency's interpretation of a rule, we will defer to the agency when the language of the rule is so technical that only the agency has the expertise and experience needed to understand it, when the language is ambiguous, or when the agency's interpretation is of long standing. We will not defer to the agency's interpretation when the language is clear.

Affirmed, with modification. Leslie, J.

CX-84-421 State of Minnesota, v. Robert W. Jenö, Appellant. Rice County.

When the defendant's conduct exhibits particular cruelty, substantial and compelling reasons exist to justify the trial court's double durational departure under the sentencing guidelines for criminal sexual conduct in the first degree.

Affirmed. Leslie, J.

CX-83-1624 State of Minnesota, City of Falcon Heights, v. Ronald Raymond Pazderski, Appellant. Ramsey County.

Where appellant was found sleeping in the front seat of his properly parked car in his own driveway, and where appellant had been sleeping there for three hours with the keys out of the ignition without any sign the car was being operated, and without any indication it was intended to be operated, appellant was not in physical control of the automobile while under the influence of alcohol.

Reversed. Randall, J.

SUPREME COURT

C7-83-1757 James M. Raddatz, d/b/a Raddatz Real Estate, v. Northland Development Co. of Minneapolis, Inc. and Northland Park Partnership, Appellant. Hennepin County.

The trial court did not err in directing the jury to award a brokerage commission where there was evidence the broker performed substantially everything required of him by the parties' written listing agreement.

The trial court did not err in disregarding a stipulation by the parties where contrary evidence was presented at trial.

Affirmed. Randall, J.

Decisions of the Supreme Court Filed Friday, July 27, 1984

Compiled by Wayne O. Tschimperle, Clerk

C3-83-296 State of Minnesota v. George W. McLemore, III, Appellant. Hennepin County.

Defendant received a fair trial, was properly convicted of three counts of criminal sexual conduct in the second degree, and was properly sentenced to three concurrent Guidelines terms.

Affirmed. Amdahl, C.J.

C4-82-1592 Robert Wilson, Appellant, v. Marvin E. Ramacher, et al., City of Lino Lakes. Anoka County.

As a matter of law, the defendant city has no liability to plaintiff for issuance of permits to downstream owners to put fill on their land.

The trial court correctly dismissed summarily plaintiff's claim against the city for negligently approving and accepting a plat and its public improvement on the grounds of discretionary immunity. Also, as a matter of law, plaintiff failed to show a factual issue on any negligence by the city.

The common-law reasonable use of doctrine does not apply to a municipality's diversion of surface waters as part of a public drainage system.

Plaintiff's complaint sufficiently gives notice of a claim for inverse condemnation.

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

C3-83-752 Rockne R. Waite, et al., Appellants, v. American Family Mutual Insurance Company, et al. Ramsey County.

The jury found that plaintiff's answers on a health insurance application were false but did not materially affect the risk. The trial court's order granting judgment for defendant insurer notwithstanding the verdict is reversed, but the trial court's granting of a new trial is affirmed.

Reversed in part and affirmed in part. Simonett, J.

C6-84-89 Raymond S. Buganski, Jr., Relator, v. Onan Corporation and Insurance Company of North America. Workers' Compensation Court of Appeals.

Although the Workers' Compensation Court of Appeals has broad discretion under Minn. Stat. §§ 176.461 and 176.521 (1982) to vacate an award on stipulation upon a party's petition for such relief, it exceeded that discretion in vacating such an award when, contrary to its determination, the evidence adduced in a later compensation proceeding did not tend to prove that the settlement underlying the award had been the consequence of mistake.

Reversed and remanded. Simonett, J.

C3-83-1898 In the Matter of the Application for the Discipline of Robert V. Braseth, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely Suspended. Per Curiam.

Order Filed July 20, 1984

C4-84-1161 In the Matter of the Application for the Discipline of Terrence Aronson, an Attorney at Law of the State of Minnesota. Supreme Court.

Respondent placed on supervised probation for two years, with conditions. Amdahl, C.J.

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

- _____ Annual subscription \$130.00
- _____ Trial subscription (13 weeks) \$40.00
- _____ Single copies \$3.25 each

Minnesota Guidebook to State Agency Services 1984-85. A 623-page guide to services provided by Minnesota agencies.

- _____ Single copy: \$12.50 + \$.75 tax = \$13.25* each

Minnesota Statutes Supplement—1983. Pocket inserts for Minnesota Statutes 1982 10-volume set.

- _____ \$23.00 + \$1.38 tax = \$24.38.
- _____ No handling charge.

Session Laws of Minnesota—1984. Laws enacted during the 1984 legislative session, 2 volumes. Inquire about back volumes.

- _____ \$34.00 + \$2.04 tax = \$36.04.*
- _____ No handling charge.

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Department of Revenue.

Please enclose full amount for items ordered; prepaid orders only. Make check/money order payable to "State of Minnesota." (Phone orders are taken only with a Mastercard/VISA charge number.)

EACH ORDER MUST INCLUDE \$1.50 POSTAGE AND HANDLING FEE.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo.

- _____ *State Register Binder* \$6.50 + \$.39 tax = \$6.89* each

State Register Index. Contains cumulative findings aids to Volume 7 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

- _____ Single copy \$5.00

Worker's Compensation Decisions. Volume 36. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates.

- _____ Annual subscription \$80.00

Minnesota Outdoors Catalog—1984. Complete listing of material on the Minnesota outdoor activities. Bikeways, canoeing, county, lake and other maps. Books, charts, rules, laws, posters and more.

- _____ FREE COPY

Name _____

Attn of: _____

Street _____

City/State/Zip _____

Telephone # _____

CHANGE OF ADDRESS NOTICE

Please notify us as soon as your address changes so that we can continue to serve you.

OLD ADDRESS

NEW ADDRESS

Publication(s) you are receiving from us: _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

Legislative Reference Library
Room 111 Capitol

Interoffice