

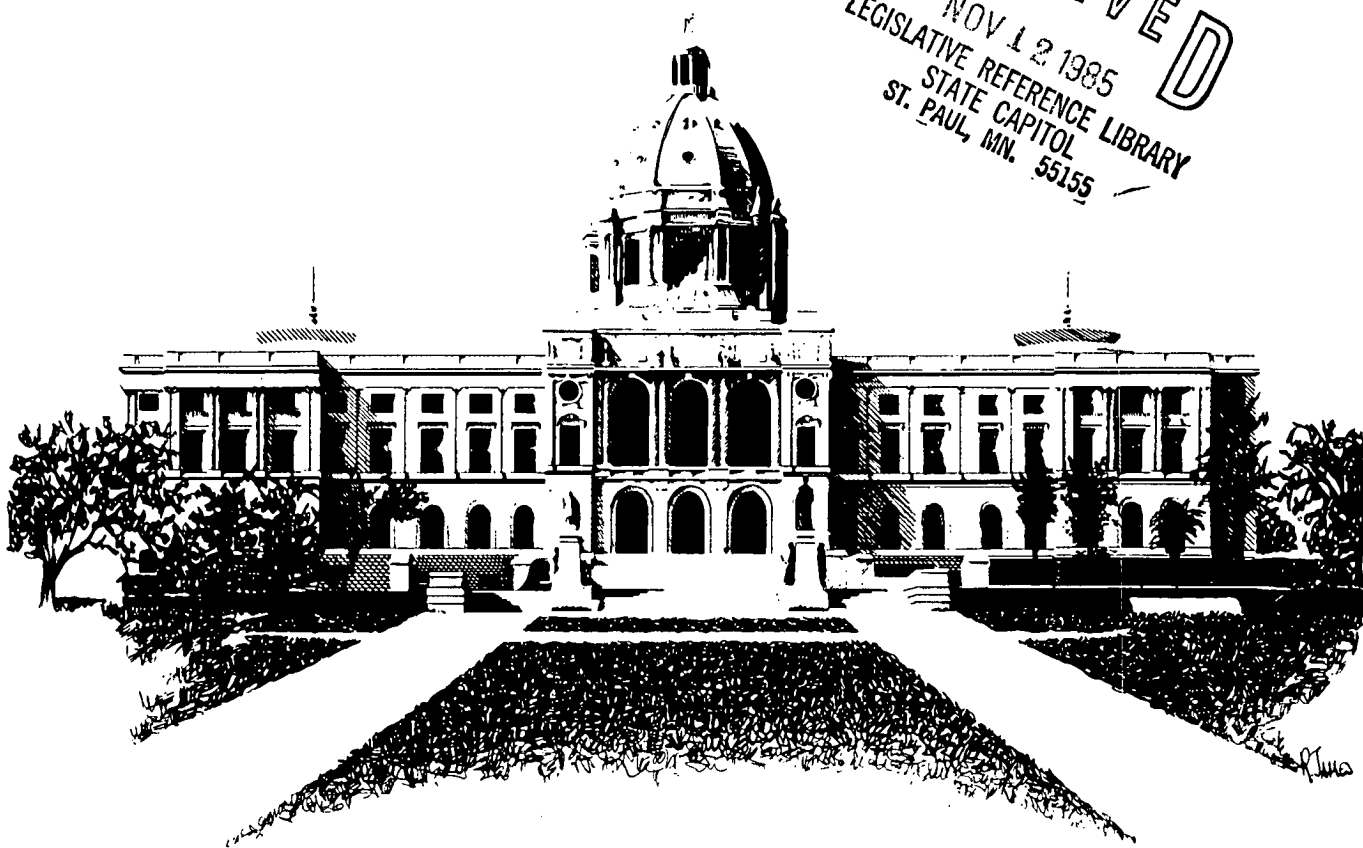
STATE REGISTER

4

STATE OF MINNESOTA

RECEIVED

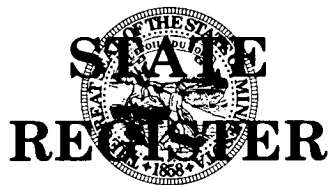
NOV 12 1985
LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 10, NUMBER 20

November 11, 1985

Pages 1109-1140



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 10 | | | |
| 21 | Monday November 4 | Friday November 8 | Monday November 18 |
| 22 | Friday November 8 | Monday November 18 | Monday November 25 |
| 23 | Friday November 15 | Thursday November 21 | Monday December 2 |
| 24 | Thursday November 21 | Monday December 2 | Monday December 9 |

*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,
Ruth Werness
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Debbie Kobold
Circulation Manager

Bonnie Karels
Support Staff

CONTENTS

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 14-20, inclusive 1112

PROPOSED RULES

Animal Health Board

Proposed Rule Relating to Return of Cattle from Pasture 1114

Housing Finance Agency

Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans 1115

Proposed Rules Relating to Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund 1117

ADOPTED RULES

Accountancy Board

Adopted Rule Relating to Application Fees for Certified Public Accountant Examinations 1122

Energy and Economic Development Department

Adopted Emergency Rules Relating to Agricultural Resource Loan Guaranty Program 1122

Human Services Department

Adopted Temporary Rules Relating to Determination of Nursing Home Payment Rate 1124

Labor and Industry Department

Adopted Rules Governing Workers' Compensation Permanent Partial Disability Schedules 1124

OFFICIAL NOTICES

Corrections Department

Hearing Regarding Implementation of Victims of Crime Act 1125

Environmental Quality Board

Outside Opinion Sought Regarding Proposed Rules Relating to Exploratory Drilling for the Disposal of High Level Radioactive Waste 1125

Housing Finance Agency

Public Hearing on Bond Issue 1126

Metropolitan Council

Public Hearing on Draft Amendment to Solid Waste Management Development Guide/Policy Plan 1128

Natural Resources Department Land Bureau

Outside Opinion Sought Regarding Proposed Rules for Leasing State Land Bordering Public Waters for Cottage and Camp Purposes 1128

Public Utilities Commission

Outside Opinion Sought on Purchased Gas Adjustment Rules 1129

Revenue Department

Property Equalization Division

Outside Opinion Sought Regarding Proposed Rules Governing the Valuation and Assessment of Railroads 1130

Transportation Department

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825, Order No. 70652 1130

Transportation Department

Program Management Division

Outside Opinion Sought Regarding Proposed Rules Governing Variances for Tank Truck Vehicles Used to Transport Gasoline 1131

STATE CONTRACTS

Administration Department

Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding 1132

STATE GRANTS

Job Skills Partnership Board

Grants Available for Customized Business Training Programs 1133

NON-STATE PUBLIC CONTRACTS

City of South St. Paul

City Engineer

Prequalifications Requested to Prepare Construction Plans and Provide Construction Inspection for Combined Sewer System Separation 1134

SUPREME COURT DECISIONS

Decisions Filed Friday, November 1, 1985 1134
Orders Filed November 1, 1985 1135

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 April 8, 1985 are published in the Minnesota Rules 1985. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 will be included in a supplement scheduled for publication in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 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 numbers and cumulative listings. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1985.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

BOARD OF ACCOUNTANCY

1100.3600 (adopted) 1122

DEPARTMENT OF AGRICULTURE

1580.0100-.1000 [Emer] (adopted) 1122

BOARD OF ANIMAL HEALTH

1700.0550 (proposed) 1114

DEPARTMENT OF COMMERCE

2700.2400-.2440 (proposed) 1018

2700.2400-.2440 (proposed repealer 9/30/87) 1018

2725.0100-.0180; .0210; .0230; .0240 (proposed) 986

2791.0100 (adopted) 921

2820.1400-.1950; .5000; .4900

[9 SR 2036] (adopted) 838

BOARD OF DENTISTRY

3100.2000 [9 SR 2698] (adopted) 955

STATE BOARD OF EDUCATION

3515.4621 [9 SR 1995] (adopted) 955

3530.2610-.2644 (second notice) 992

DEPARTMENT OF HEALTH

4625.2300; .5000; 4630.2000; 4695.2900;

4715.3150; .3160; .5900; 4720.0015;

4730.0600 (proposed) 1028

4670.0100; .0900; .0930; .0950; .1000; .1200; .1220; .1320; .3070; .4050; .4200; .4210; .4220; .4230; .4240 (proposed) 727

.4670.0930, s.3,4; .3900; .3910; .3920; .3930; .3940 (proposed repealer) 727

4695.0300; .0800 (proposed) 724

HIGHER EDUCATION COORDINATING BOARD

4830.1000-.1500 (superceded) 922

4830.1550-.1556 [Emer] (adopted) 922

4850.0010-.0018 (proposed) 818

MN HOUSING FINANCE AGENCY

4900.0010; .1330 (proposed) 1117

4910.0010, s.23, i.B. (proposed repealer) 1117

4900.0550; .0750; .0760; .0770; .0780

(proposed) 1115

DEPARTMENT OF LABOR AND INDUSTRY

5221.0100-.3200 [republished] (adopted) 765

5221.2250, s.10; .2500, s.3-10; .2600, s.3-5;

.2700, s.3; .2800, s.3; .3000, s.3-5; .3100, s.3

[republished] (repealed) 765

5221.0100-.3200 [republished] (Errata) 974

MINNESOTA RULES AMENDMENTS AND ADDITIONS

5221.2250, s.10; .2500, s.3-10; .2600, s.3-5;
 .2700, s.3; .2800, s.3; .3000, s.3-5; .3100, s.3
 [republished] (Errata) 974
 5223.0010; .0020; .0030; .0040; .0060
 (adopted) 1124
 5225.0200 (proposed repealer) 881
 5225.0300; .8600 (proposed) 881

BUREAU OF MEDIATION SERVICES
 5510.2710; .2810; .2910; .3010; .3110 (adopted) 997

BOARD OF MEDICAL EXAMINERS
 5600.2500 (proposed) 749

MN POLLUTION CONTROL AGENCY
Solid and Hazardous Waste Division
 7001.0520; 7045.0020; .0075; .0120; .0125; .0135;
 .0214; .0219; .0296; .0450; .0542; .0552;
 .0640; .0665; .0675; .0685 (proposed) 824
 7035.1100; .1115 (second notice) 750
 7045.0020, s.69; .0125, s.2; .0142
 (proposed repealer) 827
 7045.0065; .0552; .0638 (proposed) 824
 7045.1240; .1250; .1260 (proposed repealer) 824
 7045.0219; .0292; .0365; .0450;
 .0550 [9 SR 2745] (adopted) 929
 7045.0219; .0292; .0365; .0450;
 .0550 [9 SR 2745] (adopted) 929R

Air Quality Division
 7010.0010-.0080 (proposed) 891
 7010.0100; .0200; .0300; .0400;
 .0500; .0600; .0700 (proposed repealer) 891
 7010.0010-.0080 (proposed) 891R
 7010.0100; .0200; .0300; .0400;
 .0500; .0600; .0700 (proposed repealer) 891R

Water Quality Division
 7075.0100; .0400; .0401; .0411; .0414;
 .0419; .0428; .0433 (proposed) 884
 7075.0418 (proposed repealer) 884

BOARD OF PSYCHOLOGY
 7200.6100 (proposed) 752

DEPARTMENT OF PUBLIC SAFETY
Driver and Vehicle Services Division
 7410.2500 (proposed) 953

Administration Division
 7415.0500 (adopted) 1035
 7520.0100; .0500; .0550; .0600; .0620; .0640;
 .0650; .0700; .1000; .1100 (proposed) 753
 7520.0530, s.3-5 (proposed repealer) 753

PUBLIC SERVICE DEPARTMENT
 7600.6800; .7200; .7210; .7500; .7700; .7750; .7900;
 7650.0100 (adopted) 998

RACING COMMISSION
 7890.0100-.0150 (proposed) 759

SMALL BUSINESS FINANCE AGENCY
 8300.3060-.3070 [Emer] [9 SR 2527] (extended) 922
 8300.3100-.3106 [Emer] (proposed) 721
 8300.4100-.4112 [Emer] [9 SR 2381] (extended) 921

BOARD OF TEACHING
 8700.0310; .3810; .5503-.5512;
 .6410; .7500 (proposed) 896
 8700.0310; .3810; .5503-.5512;
 .6410; .7500 (proposed) 896R
 8700.3800 (proposed repealer 7/1/89) 896
 8700.5400; .5401; .5402; .5403; .5404; .5405;
 .5406; .6400 (proposed repealer 7/1/90) 896
 8700.3800 (proposed repealer 7/1/89) 896R
 8700.5400; .5401; .5402; .5403; .5404; .5405;
 .5406; .6400 (proposed repealer 7/1/90) 896R

WASTE MANAGEMENT BOARD
 9200.6000-.6800 [Emer] (adopted) 844
 9200.9501-.9504; .9506; .9508 (adopted) 846
 9200.9501, s.4; .9504, s.1 (repealed) 846

DEPARTMENT OF PUBLIC WELFARE
(Now HUMAN SERVICES)
 9500.1090-.1155 (Errata) 867
 9500.1210-.1221 [Emer] (adopted) 923
 9500.1210-.1221 [Emer] (adopted) 923R
 9505.5000-.5105 [9 SR 2367] (adopted) 842
 9510.1020-.1140 (adopted) 922
 9525.0900-.1020 (adopted) 944
 9525.1800-.1930 (adopted) 838
 9549.0051-.0059 [Temp] (adopted) 1124
 9575.0010; .0300; .0320; .0340; .0350; .1070;
 .1400; .1500; .1550; .1570; .1580 (proposed) 735
 9575.1580, s.4-6 (proposed repealer) 735

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.

Board of Animal Health

Proposed Rule Relating to Return of Cattle From Pasture

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to adopt the above entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21 through 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and such comments are encouraged. Any person requesting a public hearing could state his or her name and address and each comment should identify the portion of the rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if modifications are supported by data and views submitted to the agency and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing on the proposed rule within 30 days 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 of Minnesota Statutes section 14.13 through 14.20.

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

Robert G. Pyle
State Board of Animal Health
90 West Plato Blvd.
160 Agriculture Building
St. Paul, MN 55107
Telephone: (612) 296-2941

Authority for adoption of these rules is contained in Minnesota Statutes section 35.03 (1982). 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 supporting the proposed rules has been prepared and is available from Robert G. Pyle 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 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 adopted should submit a written statement of such request to Robert G. Pyle.

The rules proposed for adoption relate to the following matters: The importation of cattle and bison into Minnesota.

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

October 15, 1985

T. J. Hagerty, DVM
Executive Secretary
Board of Animal Health

Rule as Proposed (all new material)

1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.

Cattle not under quarantine owned by Minnesota residents who are not livestock dealers may be returned to the herd of origin from pastures in other states without tests or health certificates if a permit is secured from the board prior to movement.

Permits for return from pasture may be issued by the executive secretary or a designee if the pasture is owned, leased, or operated by the Minnesota resident, the pasture is contiguous to Minnesota land owned by the applicant, only the applicant's cattle are in the pasture, and the pasture has been inspected by a representative of the board.

Housing Finance Agency

Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. If a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. Sec. 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 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 \$250.00, not including his own travel expenses and membership dues, in any year, for

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

PROPOSED RULES

the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

November 8, 1985

James J. Solem
Executive Director

Rule as Proposed

LOCAL PARTICIPATION HOME IMPROVEMENT LOANS

4900.0550 FUNDS.

Subpart 1. **Request for funds.** A local government that wishes to receive an allocation of funds to make local participation home improvement loans shall submit a request for funds that includes the following items, which may be further described by the agency:

A. [Unchanged.]

B. a description of program requirements to be imposed by the local government that are not set forth in parts 4900.0510 to 4900.0570 and 4900.0520;

C. to F. [Unchanged.]

Subp. 2. [Unchanged.]

Rules as Proposed (all new material)

ACCESSIBILITY DEFERRED LOAN PROGRAM

4900.0750 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 4900.0750 to 4900.0780 and, except as otherwise provided, the terms defined in this part have the meanings given them.

Subp. 2. **Accessibility improvement.** "Accessibility improvement" means an interior or exterior improvement or modification to a residential dwelling located in Minnesota that is necessary to enable a handicapped person to function in a residential setting.

Subp. 3. **Deferred loan.** "Deferred loan" means a loan made without interest or periodic payments and repaid in accordance with part 4900.0780.

Subp. 4. **Handicapped person.** With respect to rehabilitation grants and loans pursuant to parts 4900.0610 to 4900.0700 and accessibility deferred loans pursuant to parts 4900.0750 to 4900.0780, "handicapped person" means a person who has a permanent physical condition that is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition who does not require the use of a device to increase mobility shall be considered to be a handicapped person if a licensed physician certifies in writing that the physical condition substantially limits the person's ability to function in a residential setting.

4900.0760 ELIGIBILITY.

The agency may make funds available for the purpose of making accessibility improvements, for technical assistance in the design and construction of such accessibility improvements, and for repairs relating to the installation of the accessibility improvements, under the following conditions:

Subpart 1. **Purpose of loan.** The loan recipient shall:

A. (1) be a handicapped person, or have or intend to have in residence in the property to be improved at least one household member who is a handicapped person, (2) occupy or intend to occupy the dwelling unit to be improved as his or her primary residence, and (3) qualify as a person or family of low or moderate income as defined in part 4900.0010, subpart 23, item E; or

B. (1) be licensed by the county to operate the property to be improved as a foster care residence, (2) occupy the dwelling unit to be improved as his or her primary residence, (3) have entered into an agreement to accept handicapped foster care residents as set

forth in part 4900.0780, subpart 2, and (4) qualify as a person or family of low or moderate income, which shall be considered to mean, for the purpose of this item, a person or family whose adjusted income as defined in part 4900.0010, subpart 3, does not exceed \$38,000 for residences in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, or whose adjusted income for residences in the nonmetropolitan area as defined in this item does not exceed \$30,000.

Subp. 2. **Ownership.** The loan recipient shall comply with the ownership requirements of part 4900.0630, subpart 2.

Subp. 3. **Structure.** The structure to be improved shall be an existing dwelling located within the state of Minnesota, shall be used primarily for residential purposes, and shall contain no more than two dwelling units, one of them occupied by the recipient.

4900.0770 DISTRIBUTION OF ACCESSIBILITY DEFERRED LOANS.

Subpart 1. **Availability.** Accessibility deferred loans shall be available in the form of deferred loans.

Subp. 2. **Combined with other aid.** When an accessibility deferred loan is combined with assistance from other agency loan or grant programs, the requirements of those programs shall be met.

Subp. 3. **Limit on aid.** In no case shall the accessibility deferred loan for accessibility improvements, technical assistance, and related repairs inclusively exceed \$10,000 for a single structure.

Subp. 4. **Five-year limitation.** No property shall be eligible for an accessibility deferred loan if it has been improved through such assistance within the five-year period next preceding the date on which the application for such assistance is made, except in extraordinary circumstances relating to damage to the property as a result of events beyond the control of the recipient.

4900.0780 REPAYMENT.

The recipient of a deferred loan shall enter into an agreement with the agency for repayment of the loan, as provided in subparts 1 and 2.

Subpart 1. **Household loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item A, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event the property upon which the improvement is located is sold, transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence, within five years after the date upon which the application for an accessibility deferred loan was approved. The agreement for the repayment of the loan shall be secured by a lien for the benefit of the agency on the property improved.

Subp. 2. **Foster care loan.** If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item B, the agreement shall provide that the recipient shall repay the entire amount of the deferred loan only in the event that the recipient voluntarily withdraws the improved property from use as a foster care residence, or refuses to accept handicapped foster care residents, within five years after the date upon which the application for an accessibility loan was approved. Agreements under this subpart need not be secured by a lien for the benefit of the agency on the property improved.

Housing Finance Agency

Proposed Rules Relating to Income Limits for Limited Unit Developments and Eligibility for the Homeownership Assistance Fund

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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.

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

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule 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 of Minn. Stat. Sec. 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 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 \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

November 8, 1985

James J. Solem
Executive Director

Rules as Proposed

4900.0010 DEFINITIONS.

Subpart 1. to 22. [Unchanged.]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

A. With respect to limited-unit mortgage loans pursuant to parts 4900.0310 to 4900.0360, except for loans issued under parts 4900.0370 and 4900.0380, development cost loans pursuant to parts 4900.0210 to 4900.0240, planning grants pursuant to parts 4900.0410 and 4900.0420, and American Indian housing loans pursuant to parts 4900.0900 to 4900.1080, which loans and grants are intended for a limited-unit development, or a dwelling unit in a planned unit development or a condominium, those persons and families whose adjusted income does not exceed the amounts set forth in the following ~~exhibits tables~~ or such lower amount as shall be required to assure that the interest on obligations of the agency will be exempt from federal income taxation. ~~"Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.~~

(1) Maximum adjusted income for loans for new construction:

| <u>Mortgage Interest Rate</u> | <u>Nonmetropolitan Area Maximum Adjusted Income</u> | <u>Metropolitan Area Maximum Adjusted Income</u> |
|-------------------------------|---|--|
| 0-10.00% | \$26,000 | \$34,000 |
| 10.01-10.50% | \$27,000 | \$35,000 |
| 10.51-11.00% | \$28,000 | \$36,000 |
| 11.01-11.50% | \$29,000 | \$37,000 |
| 11.51% and over | \$30,000 | \$38,000 |

(a) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:

| <u>Mortgage Interest Rate</u> | <u>Maximum Adjusted Income</u> |
|-------------------------------|--------------------------------|
| <u>0-10.00%</u> | <u>\$35,000</u> |
| <u>10.01-10.50%</u> | <u>\$36,000</u> |
| <u>10.51-11.00%</u> | <u>\$37,000</u> |
| <u>11.01-11.50%</u> | <u>\$38,000</u> |
| <u>11.51% and over</u> | <u>\$39,000</u> |

(b) in the counties of Benton, Blue Earth, Clay, Nicollet, Olmsted, St. Louis, Sherburne, and Stearns:

| <u>Mortgage Interest Rate</u> | <u>Maximum Adjusted Income</u> |
|-------------------------------|--------------------------------|
| <u>0-10.00%</u> | <u>\$28,000</u> |
| <u>10.01-10.50%</u> | <u>\$29,000</u> |
| <u>10.51-11.00%</u> | <u>\$30,000</u> |
| <u>11.01-11.50%</u> | <u>\$31,000</u> |
| <u>11.51% and over</u> | <u>\$32,000</u> |

(c) in all other counties:

| <u>Mortgage Interest Rate</u> | <u>Maximum Adjusted Income</u> |
|-------------------------------|--------------------------------|
| <u>0-10.00%</u> | <u>\$26,000</u> |
| <u>10.01-10.50%</u> | <u>\$27,000</u> |
| <u>10.51-11.00%</u> | <u>\$28,000</u> |
| <u>11.01-11.50%</u> | <u>\$29,000</u> |
| <u>11.51% and over</u> | <u>\$30,000</u> |

(2) Maximum adjusted income for loans for existing construction:

| <u>Mortgage Interest Rate</u> | <u>Nonmetropolitan Area Maximum Adjusted Income</u> | <u>Metropolitan Area Maximum Adjusted Income</u> |
|-------------------------------|---|--|
| 0-10.00% | \$21,000 | \$31,000 |
| 10.01-10.50% | \$22,000 | \$32,000 |
| 10.51-11.00% | \$23,000 | \$33,000 |
| 11.01-11.50% | \$24,000 | \$34,000 |
| 11.51% and over | \$25,000 | \$35,000 |

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

(a) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:

| <u>Mortgage Interest Rate</u> | <u>Maximum Adjusted Income</u> |
|-------------------------------|--------------------------------|
| <u>0-10.00%</u> | <u>\$31,000</u> |
| <u>10.01-10.50%</u> | <u>\$32,000</u> |
| <u>10.51-11.00%</u> | <u>\$33,000</u> |
| <u>11.01-11.50%</u> | <u>\$34,000</u> |
| <u>11.51% and over</u> | <u>\$35,000</u> |

(b) in the counties of Benton, Blue Earth, Clay, Nicollet, Olmsted, St. Louis, Sherburne, and Stearns:

| <u>Mortgage Interest Rate</u> | <u>Maximum Adjusted Income</u> |
|-------------------------------|--------------------------------|
| <u>0-10.00%</u> | <u>\$24,000</u> |
| <u>10.01-10.50%</u> | <u>\$25,000</u> |
| <u>10.51-11.00%</u> | <u>\$26,000</u> |
| <u>11.01-11.50%</u> | <u>\$27,000</u> |
| <u>11.51% and over</u> | <u>\$28,000</u> |

(c) in all other counties:

| <u>Mortgage Interest Rate</u> | <u>Maximum Adjusted Income</u> |
|-------------------------------|--------------------------------|
| <u>0-10.00%</u> | <u>\$21,000</u> |
| <u>10.01-10.50%</u> | <u>\$22,000</u> |
| <u>10.51-11.00%</u> | <u>\$23,000</u> |
| <u>11.01-11.50%</u> | <u>\$24,000</u> |
| <u>11.51% and over</u> | <u>\$25,000</u> |

B. [See repealer.]

C. to E. [Unchanged.]

4900.1330 HOME OWNERSHIP ASSISTANCE FUND.

Subpart 1. **Monthly assistance.** The agency may provide eligible recipients with interest-free monthly assistance loans in the form of monthly payments of a portion of the principal and interest installment due on the limited-unit development mortgage on qualifying property. Such payments shall not exceed \$100 per month and shall decrease by \$10 per month or \$120 per year each year. The maximum amount of monthly assistance to which a recipient is originally entitled shall be determined by the agency from time to time on the basis of the percentage of income which may reasonably be spent on mortgage payments, the interest rate charged for limited-unit development mortgage loans, and general housing and construction costs in the state of Minnesota, provided however, that the initial maximum monthly assistance which the agency shall determine to be available shall not exceed the following amounts for persons and families within the following annual adjusted income ranges as set forth in subparts 2 ~~and~~ 3, ~~and~~ 4 for various potential interest rates to be charged by the agency on its limited-unit development mortgage loans.

Subp. 2. ~~Metropolitan area~~ **Designated central counties.** The following ~~exhibit table~~ applies to eligible recipients whose qualifying property is in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2 Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright counties.

| Mortgage Interest Rate | | Initial Maximum Monthly Assistance | | | | |
|------------------------|--------------------|------------------------------------|---------------|---------------|---------------|---------------|
| | | \$100 | \$80 | \$60 | \$40 | \$20 |
| 0-10.00% | Adj. Hshld. Income | 0-19,000 | 19,001-20,000 | 20,001-21,000 | 21,001-22,000 | 22,001-23,000 |
| 10.01-10.50% | Adj. Hshld. Income | 0-20,000 | 20,001-21,000 | 21,001-22,000 | 22,001-23,000 | 23,001-24,000 |
| 10.51-11.00% | Adj. Hshld. Income | 0-21,000 | 21,001-22,000 | 22,001-23,000 | 23,001-24,000 | 24,001-25,000 |
| 11.01-11.50% | Adj. Hshld. Income | 0-22,000 | 22,001-23,000 | 23,001-24,000 | 24,001-25,000 | 25,001-26,000 |

PROPOSED RULES

| | | | | | | |
|-------------------|-----------------------|--------------|-------------------|-------------------|-------------------|-------------------|
| 11.51%- and Up | Adj. Hshld. Income | 0- 23,000 | 23,001- 24,000 | 24,001- 25,000 | 25,001- 26,000 | 26,001- 27,000 |
|-------------------|-----------------------|--------------|-------------------|-------------------|-------------------|-------------------|

Subp. 3. ~~Nonmetropolitan area~~ Designated outstate counties. The following ~~exhibit~~ table applies to eligible recipients whose qualifying property is ~~not in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2 Benton, Blue Earth, Clay, Nicollet, Olmsted, St. Louis, Sherburne, and Stearns counties.~~

| <u>Mortgage Interest Rate</u> | | <u>Initial Maximum Monthly Assistance</u> | | | | |
|-------------------------------|---------------------------|---|----------------------|----------------------|----------------------|----------------------|
| | | <u>\$100</u> | <u>\$80</u> | <u>\$60</u> | <u>\$40</u> | <u>\$20</u> |
| <u>0-10.00%</u> | <u>Adj. Hshld. Income</u> | <u>0-15,000</u> | <u>15,001-16,000</u> | <u>16,001-17,000</u> | <u>17,001-18,000</u> | <u>18,001-19,000</u> |
| <u>10.01-10.50%</u> | <u>Adj. Hshld. Income</u> | <u>0-16,000</u> | <u>16,001-17,000</u> | <u>17,001-18,000</u> | <u>18,001-19,000</u> | <u>19,001-20,000</u> |
| <u>10.51-11.00%</u> | <u>Adj. Hshld. Income</u> | <u>0-17,000</u> | <u>17,001-18,000</u> | <u>18,001-19,000</u> | <u>19,001-20,000</u> | <u>20,001-21,000</u> |
| <u>11.01-11.50%</u> | <u>Adj. Hshld. Income</u> | <u>0-18,000</u> | <u>18,001-19,000</u> | <u>19,001-20,000</u> | <u>20,001-21,000</u> | <u>21,001-22,000</u> |
| <u>11.51% and Up</u> | <u>Adj. Hshld. Income</u> | <u>0-19,000</u> | <u>19,001-20,000</u> | <u>20,001-21,000</u> | <u>21,001-22,000</u> | <u>22,001-23,000</u> |

Subp. 4. All other counties. The following table applies to eligible recipients whose qualifying property is in any county not named in subparts 2 and 3.

| <u>Mortgage Interest Rate</u> | | <u>Initial Maximum Monthly Assistance</u> | | | | |
|-------------------------------|---------------------------|---|----------------------|----------------------|----------------------|----------------------|
| | | <u>\$100</u> | <u>\$80</u> | <u>\$60</u> | <u>\$40</u> | <u>\$20</u> |
| <u>0-10.00%</u> | <u>Adj. Hshld. Income</u> | <u>0-13,000</u> | <u>13,001-14,000</u> | <u>14,001-15,000</u> | <u>15,001-16,000</u> | <u>16,001-17,000</u> |
| <u>10.01-10.50%</u> | <u>Adj. Hshld. Income</u> | <u>0-14,000</u> | <u>14,001-15,000</u> | <u>15,001-16,000</u> | <u>16,001-17,000</u> | <u>17,001-18,000</u> |
| <u>10.51-11.00%</u> | <u>Adj. Hshld. Income</u> | <u>0-15,000</u> | <u>15,001-16,000</u> | <u>16,001-17,000</u> | <u>17,001-18,000</u> | <u>18,001-19,000</u> |
| <u>11.01-11.50%</u> | <u>Adj. Hshld. Income</u> | <u>0-16,000</u> | <u>16,001-17,000</u> | <u>17,001-18,000</u> | <u>18,001-19,000</u> | <u>19,001-20,000</u> |
| <u>11.51%-and Up</u> | <u>Adj. Hshld. Income</u> | <u>0-17,000</u> | <u>17,001-18,000</u> | <u>18,001-19,000</u> | <u>19,001-20,000</u> | <u>20,001-21,000</u> |

REPEALER. Minnesota Rules, part 4910.0010, subpart 23, item B is repealed.

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

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

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

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

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

Board of Accountancy

Adopted Rule Relating to Application Fees for Certified Public Accountant Examinations

The rule proposed and published at *State Register*, Volume 9, Number 47, pages 2511-2512, May 20, 1985 (9 S.R. 2511) is adopted as proposed.

Department of Energy and Economic Development

Adopted Emergency Rules Relating to Agricultural Resource Loan Guaranty Program

The rules proposed and published at *State Register*, Volume 10, Number 9, pages 530-537, August 26, 1985 (10 S.R. 530) are adopted with the following modifications:

Rules as Adopted, Emergency

1580.0300 [Emergency] AVAILABILITY OF ELIGIBLE FINANCIAL ASSISTANCE.

Subp. 5. **Increase in project costs.** If the actual cost of a project exceeds the cost estimate, the board may consent to an increase in the amount of the guaranteed loan or bond issue pursuant to Minnesota Statutes, section 41A.03, subdivision 2, as amended by Laws of Minnesota 1985, first special session, chapter 13, sections 146 to 150, and Minnesota Statutes, ~~chapter 474~~ sections 474.17 to 474.25, if it determines that the increased costs will not jeopardize the state's interest and are necessary for the successful completion or operation of the project. The increase in the principal amount of the guaranteed loan or bond issue must not exceed 80 percent of the increased costs. The board may guarantee up to 90 percent of the increase in the principal amount of the guaranteed loan and interest on that amount.

1580.0400 [Emergency] REQUEST FOR PRELIMINARY COMMENTS.

Subpart 1. **Request by applicant.** An applicant may seek preliminary comments from the administrator with respect to a proposed project and its potential eligibility for a loan guarantee or bonds prior to submitting a complete application.

A request for preliminary comments must be made in writing to the administrator and include:

Subp. 2. **Reply by administrator.** ~~Any Preliminary~~ preliminary comments by the administrator are intended to assist the applicant and the board in evaluating the project and arranging the total financing package. The preliminary comments do not obligate the board to grant a loan guarantee or to issue bonds, ~~and they may be amended or reconsidered by the administrator at any time prior to a formal resolution of the board authorizing a loan guarantee or bond issue.~~

1580.0500 [Emergency] CONTENTS OF APPLICATION.

Subpart 1. **Application forms.** The administrator shall prepare application forms for use by applicants. Unless waived by the board pursuant to subpart 2, the application must provide the following information:

D. a general description of the financial plan of the project, including the sources and uses of funds, the types and priorities of all security interests to be granted as security for the guaranteed loan or bonds and the project, and all other project related debt and equity;

1580.0600 [Emergency] APPLICATION PROCEDURE.

Subp. 3. **Review by administrator.** The administrator shall review the application according to generally accepted commercial lending practices in order to determine whether or not to submit it to the board for final action.

~~In order to be submitted to the board for final action,~~ The administrator shall ~~find the following conclusions~~ submit the application to the board for final action if the administrator determines:

Subp. 4. **Appeal of administrator's determination.** If the administrator decides not to submit the application to the board for approval, the applicant may request the board to review the administrator's decision. The request must be made in writing and submitted to the chair. Upon request the board shall conduct a de novo review of the application pursuant to subpart 5 at its next meeting.

Subp. 9. **Misrepresentation in application.** ~~The board may reject any application, may revoke any notice of approval, and may refuse to close any loan or issue bonds in the event that any information provided in the application contains a material misrepresentation or omission.~~ The applicant and borrower shall immediately update and correct all information provided to the board or to the lender. Misrepresentation in the application or failure to update any required information shall constitute grounds to reject any application, revoke any notice of approval, and refuse to close any loan or issue bonds.

1580.0800 [Emergency] GENERAL TERMS AND CONDITIONS OF LOAN GUARANTEES.

The loan guarantee agreement between the state and the lender, and the loan agreement between the lender and the borrower must contain the following provisions, unless the board determines that the applicant has shown in writing that a required term or condition is not necessary to ensure the lender and the state of repayment according to the terms of the loan agreement in light of generally accepted commercial lending practices:

K. The lender shall perfect and maintain the board's mortgage lien on the real estate and the board's security interest in all personal property and collateral granted as security for the loan, and shall cause all other loan servicing functions to be performed which are normally required or performed by a reasonable and prudent lender with respect to a loan without a guarantee.

1580.1000 [Emergency] ISSUANCE OF BONDS.

Subpart 1. **Bond resolution.** If the board intends to fund the eligible financial assistance by issuing bonds for a project pursuant to Minnesota Statutes, section 41A.05, subdivision 2, as amended by Laws of Minnesota 1985, first special session, chapter 13, section 158, the board shall first pass a preliminary resolution. The preliminary resolution must not obligate the board to issue bonds or to fund eligible financial assistance, but must constitute an expression of current intention of the board to issue bonds or to fund eligible financial assistance. If the board subsequently determines that there are no adverse changes in the financial conditions or key personnel of the applicant or borrower, market conditions, availability of bond issuance authority, and other conditions that the board considers necessary, and the board decides in conformance with Minnesota Statutes, section 41A.01, as amended by Laws of Minnesota 1985, first special session, chapter 13, section 24, and in accordance with generally accepted commercial lending practices to make eligible financial assistance available, the board shall pass a final resolution that authorizes the issuance and sale of bonds to extend eligible financial assistance to the project. The final resolution must specify the terms and conditions under which bonds will be issued. The preliminary resolution may contain a time limit with respect to the issuance of bonds, may be revoked or amended by the board at any time prior to the final resolution of the board without liability to the board, and may impose any conditions or requirements that the board considers desirable. The administrator shall notify the applicant of the board's approval and provide the applicant with a copy of the resolution passed. Throughout this process, if the board does not extend financial assistance, the board has no liability to the applicant or borrower.

Subp. 2. **Bond reserve.** If the board determines, in light of market conditions, that a bond reserve fund is necessary to provide additional security for the bonds, then it must require the borrower to establish a reserve for the bonds. The reserve may come out of bond proceeds, in order to provide such additional security for the bonds as market conditions may require. The amount of the reserve must not be less than one-half of the annual amount which would be required to amortize the entire amount of the bonds over the term and at the interest rate (or at the rate of yield resulting from the interest rates) provided in the bond resolution.

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

Department of Human Services

Adopted Temporary Rules Relating to Determination of Nursing Home Payment Rate

The rules proposed and published at *State Register*, Volume 10, Number 10, pages 576-580, September 2, 1985 (10 S.R. 576) are adopted with the following modifications:

Rules as Adopted, Temporary

DEPARTMENT OF HUMAN SERVICES

NURSING HOME PAYMENT RATE DETERMINATION [Temporary]

9549.0054 [Temporary] DETERMINATION OF THE ALLOWABLE HISTORICAL OPERATING COSTS PER DIEMS.

The commissioner shall annually review and adjust the operating costs incurred by the nursing home during the reporting year preceding the rate year to determine the nursing home's actual allowable historical operating costs. The review and adjustment must comply with the provisions of parts 9549.0010 to 9549.0080.

Subpart 1. **Standardized resident days for rate year beginning July 1, 1985.** For the rate year beginning on July 1, 1985, each nursing home's standardized resident days must be determined according to items A to H.

A. The commissioner shall select the two most recent QAR assessments completed prior to April 1, 1985. If only one QAR assessment is available, the commissioner shall compute the standardized resident days in accordance with item I. Any nursing home whose most recent QAR assessment completed before April 1, 1985, does not include assessments of nonmedical assistance residents may make a written request to the commissioner to consider a different QAR assessment to be the most recent if that assessment:

(1) includes nonmedical assistance residents; and

(2) was completed by the Department of Health before July 1, 1985.

The request must be in writing. Written requests must be received by the commissioner by December 31, 1985.

9549.0059 [Temporary] RESIDENT ASSESSMENT.

Subp. 7. **Change in resident class due to request for reconsideration of resident classification.** Any change in a resident class due to a request for reconsideration of the classification must be made in accordance with items A and B.

A. The resident classification established by the Department of Health must be the classification that applies to the resident while any request for reconsideration under part 4656.0060 is pending.

B. Any change in a resident class due to a reclassification under part 4656.0060 must be effective as of the effective date of the classification established by the original assessment for which a reconsideration was requested.

Department of Labor and Industry

Adopted Rules Governing Workers' Compensation Permanent Partial Disability Schedules

The rules proposed and published at *State Register*, Volume 10, Number 6, pages 313-352, August 5, 1985 (10 S.R. 313) are adopted with the following modifications:

Rules as Adopted

5223.0100 MUSCULO-SKELETAL SCHEDULE; MOTOR LOSS OR MOTOR AND SENSORY LOSS, UPPER EXTREMITIES.

Subpart 1. **Total or complete loss.** Total or complete loss means that motor function is less than anti-gravity and there is complete loss of sensation. For loss to the ~~lower~~ upper extremities resulting from nerve injury, and where there is total loss of function for those particular portions of the body, the disability of the whole body is:

5223.0110 MUSCULO-SKELETAL SCHEDULE; SHOULDER.

Subp. 3. **Procedures or conditions.**

H. surgical neck fracture, healed, ~~and~~ no loss of motion, 0 percent; if loss of motion, rate as in subpart 2.

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 Corrections

Hearing Regarding Implementation of Victims of Crime Act

The Minnesota Department of Corrections will hold a public hearing on November 19, 1985, from 1:00 p.m. to 7:00 p.m., Room 120, State Capitol, St. Paul, regarding the implementation of the federal Victims of Crime Act (P.L. 98-473).

It is anticipated that Minnesota will receive approximately \$190,000 for victim compensation programs and \$640,000 for victim assistance programs during the first year. The Minnesota Department of Corrections will implement the Crime Victim Assistance Grant Program.

The legislation requires each state to certify that "priority" will be given to programs serving victims of sexual assault, spousal abuse, and child abuse. The federal Office of Justice Programs has published guidelines for the implementation of the crime victim assistance program which include three options for states to assure these priorities are met. Each state must adopt one of the options which are summarized as follows:

Option 1: The state may allocate at least 10 percent of the total crime victim assistance funds granted to the state to each of the three priority categories.

Option 2: The state may develop criteria for allocating funds that assure that programs serving each priority category of victims receive a share of crime victim assistance funds.

Option 3: The state may require every program receiving crime victim assistance funds to include, as a principal mission or component of its program, services to at least one category of priority victims.

Testimony should be limited to 10 minutes and address the following questions:

1. Which option should Minnesota select to ensure that priority is given to programs that provide assistance to victims of sexual assault, spousal abuse and child abuse?
2. What other types of programs are needed for effective services to victims of crime?
3. What methods can be utilized to improve geographic distribution of services to victims of crime?

Written testimony may also be submitted to Tom Lawson, Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, Minnesota 55104, no later than 12:00 noon on November 19, 1985.

Anyone wishing to schedule testimony or desiring more information should contact Shari Burt at (612) 642-0292.

Environmental Quality Board

Outside Opinion Sought Regarding Proposed Rules Relating to Exploratory Drilling for the Disposal of High Level Radioactive Waste

Notice is hereby given that the Environmental Quality Board is seeking information or opinions from sources outside the agency in preparing to promulgate new rules relating to exploratory drilling for the disposal of high level radioactive waste. The promulgation of these rules is authorized by Minnesota Statutes 116C.724, subd. 2 (1985 supp.) which requires the agency to specify by rule the conditions of obtaining and retaining a permit for exploratory drilling for the disposal of high level radioactive waste.

The Environmental Quality Board requests information and comments concerning the subject matter of these rules. Interested or

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.

OFFICIAL NOTICES

affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to :

John Morley
High Level Radioactive Waste Program
Environmental Quality Board
Room 100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-2373 and in person at the above address.

All statements of information and comment shall be accepted until November 30, 1985. Any written material received by the Environmental Quality Board shall become part of the record in the event that the rules are promulgated.

John C. Ditmore, Chairman
Environmental Quality Board

Housing Finance Agency

Public Hearing on Bond Issue

The Minnesota Housing Finance Agency will hold a public hearing pursuant to Section 103(k) of the Internal Revenue Code of 1954, as amended, on November 25, 1985, at 9:00 o'clock a.m., 3rd Floor, 400 Sibley Street, Saint Paul, Minnesota, 55101, on a proposed issue of Housing Development Bonds in an aggregate principal amount not to exceed \$33,137,000 for the purpose of financing the facilities described below as residential rental projects and for the purpose of funding bond reserve accounts. The general functional description of the type and use of each facility, the maximum aggregate face amount of bonds to be issued with respect to it, the initial owner, operator, or manager of the facility, and its prospective location are as follows:

| <u>Description</u> | <u>Maximum Bond Amount</u> | <u>Initial Owner, Operator or Manager</u> | <u>Location</u> |
|--|--------------------------------|---|--|
| New townhouse/ apartment buildings (approx. 60 units) | \$ 3,102,000 | A partnership, corporation or other entity, one or more of the members of which is Terry Hartman, Rickey Hartman, Forest Oak Builders, Creek Meadows Corp., or a related party. | 114th Ave. & Robinson Dr. North; Coon Rapids MN. |
| New townhouse/ apartment building (approx. 10 units) | \$ 379,000 | A partnership, corporation or other entity, one or more of the members of which is Lorenzo A. Williams, Timothy Baylor, or a related party. | 4238 Nicollet Ave. So.; Minneapolis, MN. |
| New apartment building (approx. 36 units) | \$ 1,917,000 | A partnership, corporation or other entity, one or more of the members of which is Richard Asp, John Winter, Asp Construction, or a related party. | Minnetonka Blvd. & Monterey Ave.; St. Louis Park, MN. |
| New apartment building (approx. 162 units) | \$ 9,262,000 | A partnership, corporation or other entity, one or more of the members of which is Stuart H. Nolan, Stuart Corporation, or a related party. | Plymouth Blvd. & 37th Ave. N.; Plymouth, MN. |

OFFICIAL NOTICES

| <u>Description</u> | <u>Bond Amount</u> | <u>Operator or Manager</u> | <u>Location</u> |
|---|--------------------|---|---|
| Rehabilitation of an apartment building (approx. 56 units) | \$ 918,000 | A partnership, corporation or other entity, one or more of the members of which is Gary Bailey, Bailey Enterprises, or a related party. | 488 North Wabasha; St. Paul, MN. |
| New apartment building (approx. 130 units) | \$ 6,488,000 | A partnership, corporation or other entity, one or more of the members of which is Michael J. Roach, Jim Lupient, Curt Botko, J. Consulting Development Co., Inc.; or a related party. | 1980 West 7th St.; St. Paul, MN. |
| New apartment/ townhouse buildings (approx. 48 units) | \$ 2,949,000 | A partnership, corporation or other entity, one or more of the members of which is David A. Langenfeld; John H. Mathern; Jeffrey A. Johnson; J.A. Development, Inc.; J.A. Management, Inc.; F.M.L.; or a related party. | Parkwood Drive & 134th St.; Burnsville, MN. |
| New apartment/ townhouse buildings (approx. 48 units) | \$ 2,891,000 | A partnership, corporation or other entity, one or more of the members of which is David A. Langenfeld; John H. Mathern; Jeffrey A. Johnson; J.A. Development, Inc.; J.A. Management, Inc.; F.M.L.; or a related party. | S.E. corner of Victoria & Hwy. 36; Roseville, MN. |
| New apartment/ townhouse buildings (approx. 24 units) | \$ 1,263,000 | A partnership, corporation or other entity, one or more of the members of which is David A. Langenfeld; John H. Mathern; Jeffrey A. Johnson; J.A. Development, Inc.; J.A. Management, Inc.; F.M.L.; or a related party. | 7752-7822 Hemingway Avenue; Cottage Grove, MN. |
| New apartment building (approx. 48 units) | \$ 2,978,000 | A partnership, corporation or other entity, one or more of the members of which is Henry Hyatt, Sheldon Baskin, Ralph Brown, Fred Bonner, or a related party. | 2287 Palmer Drive; New Brighton, MN. |
| Rehabilitation of apartment/hotel building (approx. 16 units) | \$ 990,000 | A partnership, corporation or other entity, one or more of the members of which is Ron Dick, Ezra Liechty, Liechty Associates, or a related party. | 111-113 West Lincoln, Fergus Falls |

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

OFFICIAL NOTICES

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

November 11, 1985

James J. Solem, Executive Director
Housing Finance Agency

Metropolitan Council

Public Hearing on Draft Amendment to Solid Waste Management Development Guide/Policy Plan

The Metropolitan Council will hold a public hearing on Wednesday, Dec. 11, 1985, beginning at 3 p.m. and, if necessary, resuming at 5 p.m. at the Metropolitan Council Chambers, 300 Metro Square Bldg., 7th and Robert Streets, St. Paul, Minn., on procedures and standards for certifying the need for additional land disposal capacity for mixed municipal solid waste. The standards call for the certification of additional land disposal capacity only if there are no available feasible and prudent alternatives for managing the mixed municipal solid waste.

All interested people are encouraged to attend the hearing and offer comments. People may register to speak in advance by contacting Lucy Thompson at 291-6521. Questions about the proposed procedures and standards should be directed to Carl Michaud at 291-6579. Copies of the draft amendments are available free of charge beginning Nov. 8, 1985, from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning Nov. 11 at the following locations:

Metropolitan Council Library
300 Metro Square Bldg.
St. Paul, MN 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, MN 55401

St. Paul Public Library
Science and Industry Room
90 W. Fourth St.
St. Paul, MN 55102

Anoka County Library—Blaine Branch
707 Hwy. 10
Blaine, MN 55434

Carver County Library—Chaska Branch
314 Walnut St.
Chaska, MN 55318

Dakota County Library—Burnsville Branch
1101 W. County Rd. 42
Burnsville, MN 55337

Hennepin County Library—
Southdale Branch
7001 York Ave.
Edina, MN 55435

Ramsey County Library—Roseville Branch
2180 N. Hamline Av.
Roseville, MN 55113

Scott County Library—Shakopee Branch
235 S. Lewis St.
Shakopee, MN 55379

Washington County Library—
Park Grove Branch
7510 - 80th St. S.
Cottage Grove, MN 55106

Department of Natural Resources Bureau of Land

Outside Opinion Sought Regarding Proposed Rules for Leasing State Land Bordering Public Waters for Cottage and Camp Purposes

The Department of Natural Resources is seeking information and opinions from sources outside the agency in order to prepare rules to establish procedures for leasing state land under Minn. Stat. § 92.46. The rules will address such items as: 1) the method of appraising the property and updating appraisals, 2) the determination of lease rates and updating of lease rates, 3) an appeal procedure for both the appraisal values and lease rates, 4) conditions for lease assignments, 5) availability of leased lands for public

use, 6) compliance with state and county shoreland zoning laws, 7) procedures for lease renewals, 8) standards and procedures for cancelling leases, and 9) permissible structures and uses. These rules are being established under authority of 1985 Minnesota Laws, ch. 14, art. 17, § 1 (1st Spec. Sess.).

You may submit information or comments, in writing, concerning the items mentioned in this notice or any other items relating to this topic to:

James E. Lawler
Bureau of Land—Box 30
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55146

The Department will accept information and comments through December 31, 1985.

Public Utilities Commission

Outside Opinion Sought on Purchased Gas Adjustment Rules

On October 9, 1985, the Federal Energy Regulatory Commission (FERC) issued its Final Rule and Notice Requesting Supplemental Comments, Order No. 436, in Docket No. RM85-1 (Final Note). Although the Final Rule is subject to requests for reconsideration and court challenges, it appears probable that many natural gas pipelines will, as a result of the Final Rule, become nondiscriminatory transporters of natural gas owned by others. Local distribution companies, which until now have been limited to purchasing natural gas sold by their pipeline suppliers, may then have the alternative of purchasing gas anywhere from any seller, and having that gas transported to them by the pipeline.

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from sources outside the agency on whether the changes brought about by the Final Rule need to be accommodated by amendments to the Commission's Automatic Adjustment Rules (Minn. Rules, parts 7825.2390 to 7825.3000). Within the Automatic Adjustment Rules, the Commission is specifically interested in those rules applicable to Purchased Gas Adjustments (PGAs). Authority for adopting such amendments is found in Minn. Stat. §§ 216B.08 and 216B.16, subd. 7 (1984).

The Commissioner may propose that any PGA rules should be designed to achieve certain objectives, including the following:

- Firm customers of local distribution companies, including residential customers, must be assured of a reliable supply of natural gas at all times.
- Local distribution companies should obtain the most economical "mix" of delivered gas supplies consistent with the reliability objective stated above.
- Local distribution companies which make good faith attempts to carry out the above objectives through innovative purchase arrangements should not be at greater risk of non-recovery of their cost of purchased gas than are those which continue to purchase from the pipeline as usual.
- Unreasonable and imprudent purchased gas costs should not be passed through to consumers.
- Local distribution companies should not transport gas on behalf of end-users unless that transportation provides benefits to the companies' retail sales customers.

In addition to requesting comments on whether and how the rules affecting PGAs should be changed to accomplish the objectives, the Commission seeks comment on the objectives themselves: are they appropriate? should more (or fewer) objectives be employed? should those presented be modified?

The Commission observes that interested persons, including the Commission, will need some time to read and evaluate the Final Rule. The Commission is, therefore, setting a deadline for comments and statements of January 17, 1986, which allows for a relatively long comment period. On the other hand, there may be a need to move swiftly to amend the rules with respect to PGAs. For this reason, interested persons are encouraged to submit comments as soon as possible during the comment period. Any person doing so may submit additional comments amending the initial comments during the comment period. All comments submitted will be available for review by members of the public at the Commission's offices during normal business hours.

The Commission will also host a public meeting for an exchange of ideas and comments on possible amendments to the rules governing PGAs on Monday, January 6, 1986, at 10:00 a.m., in its Large Hearing Room, 7th Floor, American Center Building, Kellogg and Robert, St. Paul, Minnesota.

Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written com-

OFFICIAL NOTICES

ments will be accepted until January 17, 1986. Interested persons should reference Docket No. G-999/R-85-789 on all written materials. Written statements should be addressed to:

Mary Ellen Hennen
Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg
St. Paul, MN 55101

Oral statements will be received at the public hearing and otherwise during normal business hours over the telephone by Stuart Mitchell at (612) 296-8662 and in person at the above address.

Any written material received by the Commission shall become part of the record in the event that rules are proposed.

Department of Revenue Property Equalization Division

Outside Opinion Sought Regarding Proposed Rules Governing the Valuation and Assessment of Railroads

Notice is hereby given that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to promulgate permanent rules governing the valuation, allocation, apportionment and equalization of railroads for ad valorem tax purposes. The promulgation of these rules is specifically authorized by Minnesota Statute section 270.81 Subd. 5 and Minnesota Statute 270.84 Subd. 1, which require the agency to adopt rules governing the assessment of railroads.

Emergency rules have been in effect for the past year and now the Department of Revenue is requesting information and comments concerning the subject matter of these emergency rules as well as suggestions and revisions for inclusion in the permanent rules.

Interested or affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to:

G. D. Garski
Manager of State Assessed Property
Property Equalization Division
Minnesota Department of Revenue
Centennial Office Building
St. Paul, Minnesota 55145

Oral statements will be received during regular business hours over the telephone at (612) 296-5134 and in person at the above address.

All statements of information and comments shall be accepted until December 9, 1985. Any written material received by the State Department of Revenue shall become part of the record in the event the rules are promulgated.

Lyle H. Ask, Director
Property Equalization Division

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825, Order No. 70652

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, 69796, 70006, 70031, 70152, 70455, 70520, and 70580 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. 99 — From Jct. T.H. 169 (St. Peter) to a point 0.75 miles East. (Effective: 5/15.)

November 1, 1985

Richard P. Braun
Commissioner

**Department of Transportation
Program Management Division****Outside Opinion Sought Regarding Proposed Rules Governing Variances for Tank
Truck Vehicles Used to Transport Gasoline**

NOTICE IS HEREBY GIVEN THAT the State Department of Transportation (Mn/DOT) is seeking information or opinions from sources outside the agency in preparing to adopt new rules governing variances for tank truck vehicles used to transport gasoline. The adoption of these rules is authorized by Minnesota Statutes, section 221.033, subdivision 3, which requires the agency to adopt rules that provide a procedure for granting a variance from regulations prescribed in Minnesota Statutes, section 221.033, subdivision 1, that prescribe specifications for tank motor vehicles used to transport gasoline. The statute states that "The variance may be granted only to persons who transport gasoline in tank motor vehicles with a capacity of 3,000 gallons or less which were manufactured between 1950 and 1975 according to American society of mechanical engineers specifications in effect at the time of manufacture. The commissioner shall prescribe alternative requirements to assure the safety of the tank motor vehicles operated under the variance, and shall register each tank motor vehicle operated under the variance."

The State Department of Transportation requests information and comments concerning the subject matter of these rules. The agency has prepared a preliminary proposed rule. If you wish to see the preliminary proposed rule please call or write to the person named below in this notice, or call Connie Geisenhoff, at 612-296-7109 and a copy will be mailed to you free of charge.

This rule will have an effect on small businesses. Small business means "a business entity, including its affiliates, that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000." The proposed rule should benefit small businesses by enabling them to apply for a variance to use certain gasoline cargo tanks that don't meet the current state and federal specifications. This will require the submission of an application for a variance. It will spare the cargo tank owner the cost of retrofitting and modifying small cargo tanks manufactured between 1950 and 1975 that are used solely in Minnesota. There will be no fee for the variance application. Cargo tank owners who apply for the variance will be required to visually inspect the outside of each tank every two years to assure its safety. A tank that has been damaged in an accident, had its shell modified or been out of service for a year or more must be hydrostatically tested. The cost of testing to apply for a variance will be less than the cost to modify the cargo tank to meet current specifications. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to: Elizabeth M. Parker, Minnesota Department of Transportation, 815 Transportation Building, John Ireland Boulevard, St. Paul 55155. Oral statements will be received during regular business hours over the telephone at 612-297-2913 and in person at the above address.

All statements of information and comment shall be accepted until December 31, 1985. Any written material received by the State Department of Transportation shall become part of the record in the event that the rules are adopted.

November 1, 1985

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 completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

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

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

| Requisition # | Item | Ordering Division | Delivery Point | Estimated Dollar Amount |
|--------------------|--|---|------------------|-------------------------|
| 27-153-48284-3772 | College Catalog 1986-88 | N. Hennepin Community College | Minneapolis | Contact buyer |
| 04-161-29785-3598 | Official Cert. of State Weight | Agriculture | St. Paul | Contact buyer |
| Contract | Remanufactured Carburetors | Various | Various | \$4,000-6,000 |
| 26-175-06338 | Steam Boiler (DM) REBID | Southwest State University | Marshall | Contact buyer |
| 78-630-06359 | Furnish & Install Acoustical Ceiling Tile | MN Correctional Facility | Oak Park Heights | Contact buyer |
| 27-152-46231 | Itek 275 Platemaker | Anoka Ramsey Community College | Coon Rapids | Contact buyer |
| 26-176-02523 | Purchase of Computers | Metro State University | St. Paul | Contact buyer |
| 32-100-13927 | Purchase of Xyplex Controller | Pollution Control Agency | Roseville | Contact buyer |
| Contract-Rebid | Acetylene and Oxygen Welding Gas | Various | Various | \$10,000-15,000 |
| Contract | Photographic Film Processing | Various | Various | Contact buyer |
| 26-175-06327-Rebid | Copper Pipe & Tubing | Southwest State University | Marshall | Contact buyer |
| 79-000-50353 | Surveying Instruments Accessories & Surveying Equipment | Transportation | St. Paul | Contact buyer |
| 55-201-06459 | Cutter-Mixer | Human Services—Cambridge State Hospital | Cambridge | Contact buyer |
| 29-001-09558 | Grace Lake Public Access Site Near Bemidji | Natural Resources—Region 1 | Bemidji | Contact buyer |
| 29-001-09557 | Franklin Lake Water Access near Dunvilla | Natural Resources—Region 1 | Dunvilla | Contact buyer |
| 43-000-06663 | Comprehensive General Liability Insurance for Giants Ridge Recreation Area | Iron Range Resources & Rehabilitation Board | Biwabik | Contact buyer |
| 43-000-06663 | Comprehensive General Liability Insurance for Giants Ridge Recreation Area | Iron Range Resources & Rehabilitation Board | Biwabik | Contact buyer |
| 26-071-16026 | Detacher and Heat Sealing System | Mankato State University | Mankato | Contact buyer |
| Rebid | | | | |
| 67-190-11240 | Mail Opener/Slitter | Revenue Administration—Central Stores | St. Paul | Contact buyer |
| Contract | Drinking Cups | | St. Paul | \$15,000-17,000 |

STATE GRANTS

| <u>Requisition #</u> | <u>Item</u> | <u>Ordering Division</u> | <u>Delivery Point</u> | <u>Estimated Dollar Amount</u> |
|----------------------|--|-----------------------------------|-----------------------|--------------------------------|
| Sch. 4 | Meat & Meat Products for the Month of December, 1985 | Various | Various | Contact buyer |
| 29-000-42815 | Helicopter Rental for Fire Control | Natural Resources Administration— | St. Paul | Contact buyer |
| 02-410-46734 | Computer Magnetic Tape Subsystem | Information Management Bureau | | Contact buyer |
| 79-000-50375 | Building Materials | Transportation | International Falls | Contact buyer |
| 07-700-36575 | Uniform Shirts | Public Safety | St. Paul | Contact buyer |

Contact 296-6152 for referral to specific buyers.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Job Skills Partnership Board

Grants Available for Customized Business Training Programs

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for customized training programs designed for specific businesses. Following are application deadline dates and Board meeting dates for 1986:

Deadline Dates
for new Grant Applications

January 17, 1986
April 18, 1986
July 18, 1986
October 17, 1986

Board Meeting Dates

February 18, 1986
May 19, 1986
August 18, 1986
November 17, 1986 (Annual Mtg.)

For additional information please call 612/296-0388.

NON-STATE PUBLIC CONTRACTS

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

City of South St. Paul City Engineer

Prequalifications Requested to Prepare Construction Plans and Provide Construction Inspection for Combined Sewer System Separation

Notice is hereby given that the City of South St. Paul, Minnesota is soliciting prequalifications for the preparation of construction plans and providing construction inspection for combined sewer system separation. The construction will be funded in part by grants from the Environmental Protection Agency and the Minnesota Pollution Control Agency.

The prequalifications should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstrable experience of the firm. The prequalifications should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms.

The prequalifications will be used by the city as a mechanism for selecting firms to be invited to prepare proposals for the construction plans and do the construction inspection to separate the present combined sewer system. It is expected that during the next ten years (1986-1995), 6 to 8 million dollars of South St. Paul sewer construction will be designed by consultants.

Firms interested in this work should submit a letter stating their interest and four copies of its prequalifications.

Please submit letters with prequalifications no later than 4:30 p.m., December 2, 1985 to the City Engineer, 125-3rd Ave. So., South St. Paul, MN 55075. Inquiries regarding the solicitation should be directed to Mr. Ralph Henry at 612-451-1738.

Robert G. Simon, P.E.
City Engineer
City of South St. Paul

SUPREME COURT DECISIONS

Decisions Filed Friday, November 1, 1985

Compiled by Wayne O. Tschimperle, Clerk

C5-84-1234 E.T.O., Inc., d.b.a. "Fergie's Bar," petitioner, Appellant v. Town of Marion, et al., and Wendell Kuehn, et al. Court of Appeals.

Applicant for liquor license renewal is excluded from statutory limitation prohibiting the sale of liquor within 1,500 feet of a public school outside of a municipality.

Town board supervisor with a large personal financial interest in the denial of applicant's liquor license renewal was ineligible to vote on the license renewal.

Reversed and remanded. Yetka, J.

C0-85-891 Curtis Freese v. Carl's Service, Middletown Tire Service, et al., Relators. Workers' Compensation Court of Appeals.

The employer neither waived nor was estopped from asserting the 3-year statute of limitations provided in Minn. Stat. § 176.151, subd. 1 (1984) as a defense to employee's claim petition, filed on May 17, 1982, for compensation based on an injury sustained in June 1976. Because employee did not file his petition within 3 years after the employer filed a report of injury, the claim is barred.

Reversed. Yetka, J.

C1-83-345, C6-83-342, CX-83-344, C8-83-343 Duane Bixler, by His Father and Natural Guardian, Herbert D. Bixler and Herbert D. Bixler, Individually, Appellants v. J. C. Penney Co., Inc., et al. and Avondale Mills Corporation and Cone Mills Corporation and Riegel Textile Corporation and Cohn-Hall-Marx, etc., et al. Hennepin County.

The appeal of the order denying plaintiffs' motion to amend the complaint in the original lawsuit to add the respondent manufacturers as defendants and to allege a count in market share liability is dismissed.

The appeals from the trial court orders granting summary judgment to the respondent manufacturers continue to present live controversies and are not moot.

Under the facts and circumstances of these cases, the motions for summary judgment were prematurely granted.

Reversed and remanded. Wahl, J.

Took no part, Kelley, J.

CX-81-226 Jerome Doerr and Shirley Doerr, Appellants v. Linda Clayson, an Individual and North-Northeast Realty, Inc. Anoka County.

Where a vendee claims rescission of a contract for deed before default and before cancellation by the vendor, it is reversible error to grant summary judgment when the fact of rescission has not yet been determined.

An action for fraudulent misrepresentation by a vendee of a contract for deed against the real estate agent is an action in tort and therefore not affected by the cancellation of the contract to which the real estate agency was not a party.

Reversed and remanded. Scott, J.

Orders

C3-85-27 In the Matter of the Application for the Discipline of Louis J. McCoy, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Amdahl, C. J.

C5-85-1907 In the Matter of the Application for the Discipline of Richard W. Curott, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Amdahl, C. J.

CX-85-722 In the Matter of the Application for the Discipline of Walter Anastas, an Attorney At Law for the State of Minnesota. Supreme Court.

Suspended. 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 Rules 1985. 10-volume set.

- _____ Set: \$125.00 + \$7.50 = \$132.50.*
 - _____ Each volume: \$13.00 + \$.78 = \$13.78.
- No handling charge.

Minnesota Laws 1985. All laws passed in the Regular and Special Sessions.

- _____ \$37.00 \$2.22 = \$39.22.*
- No handling charge.

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Department of Revenue. No Mastercard/VISA accepted on Rules and Laws.

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 8 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 37. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates.

- _____ Annual subscription \$85.00

Minnesota Outdoors Catalog—1985. 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 Weekly—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
Attn: Zona DeWitt
645 State Office Bldg.

Interoffice