

86, FEB 3

4

# STATE REGISTER

STATE OF MINNESOTA

RECEIVED

FEB 04 1986

LEGISLATIVE REFERENCE LIBRARY  
STATE CAPITOL  
ST. PAUL, MN. 55155



VOLUME 10, NUMBER 32

February 3, 1986

Pages 1605-1636



---

---

### 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			
33	Monday January 27	Monday February 3	Monday February 10
34	Monday February 3	Monday February 10	Monday February 17
35	Monday February 10	Friday February 14	Monday February 24
36	Friday February 14	Monday February 24	Monday March 3

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

---

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

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

---

Rudy Perpich  
Governor

Marsha Storck  
Editor

Sandra J. Hale  
Commissioner  
Department of Administration

Robin PanLener, Paul Hoffman,  
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 29-32, inclusive . . . . . 1608

## PROPOSED RULES

### Health Department

Proposed Rules Relating to Phenylketonuria Testing Program, the Treatment for Positive Diagnosis, and a Registry of Cases . . . . . 1609

## ADOPTED RULES

### Dentistry Board

Adopted Rules Governing License Applications and Examinations of the Board of Dentistry . . . . . 1612  
Adopted Rules Relating to Continuing Dental Education . . . . . 1612  
Adopted Rules Relating to Dental Hygienists . . . . . 1612  
Adopted Rules Relating to General Licensing Provisions of the Board of Dentistry . . . . . 1613  
Adopted Rules Relating to Names and Advertising . . . . . 1613

## OFFICIAL NOTICES

### Education State Board

#### Department of Education

#### Instructional Effectiveness Division

Outside Opinion Sought Regarding Proposed Rules Governing Licensure for Directors of Special Education Services . . . . . 1614

### Human Services Department

#### Income Maintenance Bureau

#### Health Care Programs Division

Outside Opinion Sought Concerning Proposed Rules Governing the Early and Periodic Screening, Diagnosis, and Treatment Program . . . . . 1614

### Metropolitan Council

Final Review Schedule: Amendments to Metropolitan Development Guide Regarding Metropolitan Development and Investment Framework . . . . . 1615  
Public Hearing: Amendment to the 1983-84 Recreation Open Space Capital Improvement Program . . . . . 1615

### Nursing Board

Notice of Meetings and Availability of Information Pertaining to Disciplinary Actions of the Board . . . . . 1616

### Pollution Control Agency

#### Solid and Hazardous Waste Division

Outside Opinion Sought Concerning Amendments to Rules Governing Hazardous Waste . . . . . 1617

### Revenue Department

#### Property Equalization Division

Outside Opinion Sought Regarding Proposed Rules Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies) . . . . . 1617

### Revisor's Office

Revisor Files Gender Revision of 1986 with Secretary of State . . . . . 1618

### Secretary of State's Office

Vacancies in Multi-Member State Agencies . . . . . 1618

### Water Resources Board

Special Meeting . . . . . 1618

## STATE CONTRACTS

### Administration Department

#### Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding . . . . . 1619

### Higher Education Facilities Authority

Request for Proposals for Auditing Services . . . . . 1619  
Request for Proposals for Financial Consultants to Sell Private College Facilities Revenue Bonds . . . . . 1620

### Developmental Disabilities Planning Council

#### Developmental Disabilities Program

Request for Proposals for Case Management of Persons Who Are Developmentally Disabled . . . . . 1620

### Metropolitan Waste Control Commission

Request for Proposals for Capital Project Underwriting Advice . . . . . 1621

### State Designer Selection Board

Request for Proposals for a Design Contract . . . . . 1621

## STATE GRANTS

### Energy and Economic Development Department

#### Community Development Division

Comments Sought on the Proposed Final Statement for the 1986 Small Cities Development Block Grant Program . . . . . 1623

### Human Services Department

#### Chemical Dependency Program Division

Notice of Intent to Identify the Need for a Competitive Bid Process on an Existing Grant . . . . . 1629

## SUPREME COURT DECISIONS

Decisions Filed Friday, January 24, 1986 . . . . . 1630  
Orders Filed Friday, January 24, 1986 . . . . . 1630

## TAX COURT

Rex S. Musselman, Appellant, v. Commissioner of Revenue, Appellee, Docket No. 4365 . . . . . 1630

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/Range and Cumulative Issue. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

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

MINNESOTA RULES AMENDMENTS AND ADDITIONS

OFFICE OF THE ATTORNEY GENERAL

Table listing rule numbers and page numbers for the Office of the Attorney General, including ranges like 2000.0200-.0300 and 2010.0200-.1400.

DEPARTMENT OF COMMERCE

Table listing rule numbers and page numbers for the Department of Commerce, including 2700.3200 (adopted) and 2742.0100-.0400.

BOARD OF DENTISTRY

Table listing rule numbers and page numbers for the Board of Dentistry, including 3100.0100-.3100 and 3100.9200-.9300.

Table listing rule numbers and page numbers for various rule amendments, including 3100.0100, s.12,19 (repealed) and 3100.1100-.1400.

ENERGY, PLANNING AND DEVELOPMENT

Table listing rule numbers and page numbers for Energy, Planning and Development, including Energy Division rules like 4200.2100-.4050.

DEPARTMENT OF HEALTH

Table listing rule numbers and page numbers for the Department of Health, including 4615.0750-.0760 (proposed) and 4647.0100-.0400.

.4670.0930, s.3,4; .3900; .3910; .3920; .3930;  
 .3940 (repealed) . . . . . 1502  
 4695.0300; .0800 (second notice) . . . . . 1473  
 4695.0300; .0800 (Errata) . . . . . 1548

**MN HOUSING FINANCE AGENCY**

4900.0010; .1330 (adopted) . . . . . 1557  
 4900.0550; .0750; .0760; .0770; .0780  
 (adopted) . . . . . 1557  
 4900.1800-.1803 (proposed) . . . . . 1495  
 4900.1804-.1808 (proposed) . . . . . 1497  
 4910.0010, s.23, i.B. (repealed) . . . . . 1557

**DEPARTMENT OF LABOR AND INDUSTRY**

5205.0010 [Standards, 10 SR 1150] (adopted) . . . . . 1507  
 5221.0100-.3200 [republished] (Errata) . . . . . 1548

**BOARD OF MEDICAL EXAMINERS**

5600.2500 (adopted) . . . . . 1476

**MN POLLUTION CONTROL AGENCY**

7002.0010-.0110 (adopted) . . . . . 1537

**DEPARTMENT OF PUBLIC SAFETY**

7520.0100; .0500; .0550; .0600; .0620; .0640;  
 .0650; .0700; .1000; .1100 (adopted) . . . . . 1507  
 7520.0530, s.3-5 (repealed) . . . . . 1507

**DEPARTMENT OF PUBLIC WELFARE  
 (Now HUMAN SERVICES)**

9502.0315-.0365; .0375-.0445 (proposed) . . . . . 1573  
 9502.1315, s.23; .0415, s.2, 11 (proposed repealer) . . . . . 1573  
 9515.1200; 1300; .1400; .1600; .1700; .2200; .2300;  
 .2400; .2500; .2600 (adopted) . . . . . 1589  
 9515.1200, s.9; .2300, s.1 (repealed) . . . . . 1589  
 9553.0010-.0080 (adopted) . . . . . 1502  
 9575.0010; .0300; .0320; .0340; .0350; .1070; .1400;  
 .1500; .1550; .1570; .1580 (adopted) . . . . . 1507  
 9575.1580, s.4-6 (repealed) . . . . . 1507

**PROPOSED RULES**

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

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

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

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

**Department of Health**

**Proposed Rules Relating to Phenylketonuria Testing Program, the Treatment for Positive Diagnosis, and a Registry of Cases.**

NOTICE IS HEREBY GIVEN that the Minnesota Commissioner of Health proposes to adopt Minn. Rules pts. 4615.0750, 4615.0755, and 4615.0760 relating to treatment control testing for phenylketonuria and other metabolic diseases causing mental retardation, treatment for cases with positive diagnosis, and the establishment of a registry of cases. The Commissioner proposes to adopt the above rules without a public hearing and is following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statutory authority to adopt the rules is contained in Minnesota Statutes, section 144.128.

Persons interested in these rules shall have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules, and comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any proposed change.

**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

---

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit to the agency during the 30-day comment period a written request for a public hearing on the proposed rules, a public hearing will be held unless a sufficient number withdraw their request. 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 proposed change. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Lee Schacht, PhD  
Human Genetics Unit  
Maternal and Child Health Division  
Minnesota Department of Health  
717 Delaware Street Southeast  
Minneapolis, Minnesota 55440  
Telephone: (612) 623-5269

The proposed rules may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed rules as noticed.

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

A Statement of Need and Reasonableness has been prepared and is available upon request from Dr. Schacht at the above phone number and address. The statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule and amendments.

The proposed rules will not affect small businesses as they are defined in Minn. Stat. § 14.115, subd. 1, nor will they require the expenditure of public monies by local public bodies.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule and amendments, must submit a written request to Dr. Schacht at the above address.

January 16, 1986

Sister Mary Madonna Ashton  
Commissioner of Health

### Rules as Proposed (all new material)

#### 4615.0750 PURPOSE AND SCOPE.

The purpose and scope of parts 4615.0750 to 4615.0760 is to describe the responsibilities of the Minnesota Department of Health to assure that persons diagnosed as having phenylketonuria and other metabolic diseases causing mental retardation will have access to treatment control tests and necessary financial assistance for treatment of diagnosed cases when indicated, and will be included in a registry of cases for the purpose of coordinating follow-up services.

#### 4615.0755 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 4615.0750 to 4615.0760 the following terms have the meaning given them.

Subp. 2. **Department.** "Department" means the Minnesota Department of Health.

Subp. 3. **Follow-up services.** "Follow-up services" means assisting the patient in accessing appropriate treatment and other services.

Subp. 4. **Other metabolic diseases causing mental retardation.** "Other metabolic diseases causing mental retardation" means those diseases identified in part 4615.0500.

Subp. 5. **Patient.** "Patient" means the person who has been diagnosed with phenylketonuria or other metabolic disease causing mental retardation or the person's parents or legal guardian.

Subp. 6. **Physician.** "Physician" means the medical doctor licensed under Minnesota Statutes, chapter 147, who is supervising the ongoing treatment of the patient. The patient may identify more than one such physician.

Subp. 7. **Recipient.** "Recipient" means patient.

Subp. 8. **Registry.** "Registry" means a permanent record maintained by the department on each patient diagnosed by a physician and reported to the department as having phenylketonuria or other metabolic disease causing mental retardation.

Subp. 9. **Treatment control test.** "Treatment control test" means a laboratory test to monitor medical treatment in diagnosed patients to assist in the medical management of the patient's metabolic disease.

Subp. 10. **Treatment control test specimen.** "Treatment control test specimen" means a specimen of blood or other body fluid collected from a patient.

Subp. 11. **Treatment control test specimen kit.** "Treatment control test specimen kit" means a kit containing suitable containers and other materials provided by the department and used to collect and transport a treatment control test specimen.

#### **4615.0760 RESPONSIBILITIES OF DEPARTMENT OF HEALTH.**

Subpart 1. **Treatment control test specimen kits.** The department shall develop and make available treatment control test specimen kits to physicians and patients as medically indicated to effectively monitor treatment, and provide the treatment control test specimen kit and the laboratory evaluation of the treatment control test specimen at no cost to the patient.

Subp. 2. **Reporting of test results.** The department shall report the laboratory results of the treatment control tests to the physician or patient submitting the treatment control test specimen. If the treatment control test specimen is submitted directly by the patient, the patient shall identify a physician who shall receive a copy of the laboratory results.

Subp. 3. **Assistance in obtaining treatment.** The department shall make arrangements for the medically indicated treatment of the metabolic defect causing mental retardation in diagnosed cases of phenylketonuria and other metabolic disease causing mental retardation when the patient is uninsured or is unable to pay the cost of treatment because of a lack of available income. The arrangements include referral to appropriate agencies which have financial resources to pay for medically indicated treatment such as private health insurance companies, medical assistance, and Services for Children with Handicaps.

Subp. 4. **Registry of cases.** The department shall maintain a registry of all diagnosed cases of phenylketonuria and other metabolic diseases causing mental retardation reported to the department. The registry shall be updated not more often than annually by direct contact with the patient to determine their address and their need for medical treatment services, educational materials and counseling related to their metabolic disease. The registry shall include the following minimum data on each patient:

- A. name of patient;
- B. gender;
- C. date of birth;
- D. place of birth;
- E. parent's names;
- F. current address of patient;
- G. diagnosis;
- H. name and address of physician; and
- I. other data the commissioner deems necessary for follow-up services.

Subp. 5. **Classification of data.** The department shall classify all data in the registry as private pursuant to Minnesota Statutes, section 13.38, the Minnesota Government Data Practices Act.

**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 Dentistry

### Adopted Rules Governing License Applications and Examinations of the Board of Dentistry

The rules proposed and published at *State Register*, Volume 10, Number 9, pages 504-510, August 26, 1985 (10 S.R. 504) adopted with the following modifications:

#### Rules as Adopted

#### 3100.1700 TERMS AND RENEWAL OF LICENSE AND REGISTRATION.

Subp. 3. **Failure to submit renewal application.** The following procedure will be followed by the board for all licensees and registrants who have failed to submit the annual renewal application in accordance with subpart 2 including, if applicable, required information about CDE, and applicable fees, except as provided in subpart 5.

C. Notwithstanding items A and B, the expiration date shall be extended six months when a licensee or registrant failed to meet the CDE requirements and requests permission to take the applicable examination specified in part 3100.1850, subpart 2, item A. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of having passed the examination. In those cases where a licensee or registrant was physically incapable, at the end of that person's five-year reporting cycle, of taking CDE courses, the expiration date shall also be extended six months for the purpose of giving the person an opportunity to take the necessary number of CDE course hours. The licensee or registrant must submit clear and convincing evidence of physical incapability. The license or registration shall expire at the end of the six-month extension if the licensee or registrant does not submit within that time period evidence of taking the number of CDE course hours necessary to comply with part 3100.4100, subpart 2. Any CDE hours accumulated during the six-month extension shall not count toward meeting the requirement of the new CDE cycle.

In either instance referenced above, a licensee or registrant may submit a request for an extension of the six-month period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of license shall not meet these standards. The burden rests on the licensee or registrant to prove that an extension should be granted, which in no case shall exceed an additional six months.

## Board of Dentistry

### Adopted Rules Relating to Continuing Dental Education

The rules proposed and published at *State Register*, Volume 10, Number 9, pages 510-515, August 26, 1985 (10 S.R. 510) are adopted as proposed.

## Board of Dentistry

### Adopted Rules Relating to Dental Hygienists

The rules proposed and published at *State Register*, Volume 10, Number 9, pages 516-520, August 26, 1985 (10 S.R. 516) are adopted with the following modifications:

#### Rules as Adopted

#### 3100.8500 REGISTERED DENTAL ASSISTANTS.

Subpart 1. **Permissible duties.** Registered dental assistants in addition to services performed by the assistant may perform the following services under the indirect supervision of a dentist:



F. perform mechanical polishing to clinical crowns not including instrumentation. Removal of calculus by instrumentation must be done by the dentist or dental hygienist prior to performance of mechanical polishing;

RENUMBER. In Minnesota Rules, part 3100.2000, subpart 7 renumber part 3100.8400, subpart 2 as part 3100.8500, subpart 3.

REPEALER. Minnesota Rules, part parts 3100.8400, subpart 2, and 3100.8600 is are repealed.

## **Board of Dentistry**

### **Adopted Rules Relating to General Licensing Provisions of the Board of Dentistry**

The rules proposed and published at *State Register*, Volume 10, Number 9, pages 520-525, August 26, 1985 (10 S.R. 520) are adopted as proposed.

## **Board of Dentistry**

### **Adopted Rules Relating to Names and Advertising**

The rules proposed and published at *State Register*, Volume 10, Number 9, pages 525-530, August 26, 1985 (10 S.R. 525) are adopted with the following modifications:

#### **Rules as Adopted**

##### **3100.6600 ADVERTISING DENTAL FEES AND SERVICES.**

Subpart 1. **Routine services.** If the following routine dental services are advertised, either the advertised service must include the listed components or the advertisement must disclose the components which are not included.

A. Examination: a study by the dentist of all the structures of the oral cavity, including the appropriate recording or charting of the condition of all such structures and appropriate history thereof, the identification of periodontal disease and occlusal discrepancies, the detection of caries and oral abnormalities, and the development of a treatment plan. ~~If the examination does not include there is a charge in addition to the examination fee for radiographs or and/or the provision to the patient of a written opinion of the items found in the examination (i.e., diagnosis) or of a written itemized treatment recommendation and itemized fee (i.e., treatment plan), such facts~~ fact shall be disclosed in the advertisement.

**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

---

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.

---

## **State Board of Education Department of Education Instructional Effectiveness Division**

### **Outside Opinion Sought Regarding Proposed Rules Governing Licensure for Directors of Special Education Services**

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency in preparing to amend current rules governing directors of special education services. The promulgation of these rules is authorized by Minnesota Statutes, section 120.17 subdivision 3, which requires the agency to adopt rules relative to supervision and Minnesota Statutes section 125.05, which gives the authority to license supervisory personnel.

State Board of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit written statements of information to:

Norena A. Hale, Manager  
Minnesota Department of Education  
Special Education Section  
Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-0313 and in person at the above address.

All Statements of information will be accepted until February 28, 1986. Any written material received by the State Board of Education shall become part of the record in the event that the rules are promulgated.

February 3, 1986

Ruth E. Randall  
Secretary, State Board of Education

## **Department of Human Services Income Maintenance Bureau Health Care Programs Division**

### **Outside Opinion Sought Concerning Proposed Rules Governing the Early and Periodic Screening, Diagnosis, and Treatment Program**

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to revise Minnesota Rules, parts 9505.1500 to 9505.1690 concerning the early and periodic screening, diagnosis, and treatment program (EPSDT).

This rule is authorized by Minnesota Statutes, section 256B.02, subd. 8 (12) and by Minnesota Statutes, section 256B.04, subd. 2 in conjunction with 42 CFR Part 441, subp. 8 and governs the provision of EPSDT services to children eligible for medical assistance. The rule sets the standards for eligibility for EPSDT services; physician screening standards related to development, vision, physical growth, nutrition, hearing, dental examination, and laboratory tests; nurse screening standards; periodicity schedule; the conditions for provider participation; reimbursement requirements for local agencies.

All interested or affected persons or groups are requested to participate. Statements of information and comments may be made orally or in writing. Written statements of information and comment may be addressed to:

Patricia Massopust  
EPSDT  
Health Care Programs Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55101

Oral statements of information and comment will be received during regular business hours over the telephone at 612/296-3883.

All statements of information and comment will be accepted until further notice is given. Any written material received by the Department shall become part of the hearing record.

## **Metropolitan Council**

### **Final Review Schedule: Amendments to Metropolitan Development Guide Regarding Metropolitan Development and Investment Framework**

The Metropolitan Development and Investment Framework (MDIF) is the Metropolitan Council's plan and program for managing metropolitan resources in order to bring about the orderly and economic development of the seven-county Metropolitan Area. It presents the Council's philosophy, assumptions and basic directions for guiding development and change in the area. It sets general directives for all planning carried out under the Council's auspices, including transportation, sewage disposal, parks and airports.

The MDIF replaces the older development guide chapters—the Metropolitan Development Framework (MDF) and the Metropolitan Investment Framework (MIF). Most of the concepts and policies advocated in the two separate documents have been carried over into the new combined document. However, the MDIF is more than merely a merger and update of two existing documents. It has evolved from a plan to guide growth into a plan for managing regional resources to achieve orderly and economic development.

The following is the final schedule for review of the MDIF.

April 3, 1986	Metropolitan and Community Development Committee (MCDC) approves MDIF draft document for public hearing and recommends public hearing date
April 10, 1986	Metropolitan Council adopts public hearing draft and sets public hearing date
May 15, 1986	Public hearing
May 29, 1986	Hearing record closes
June 19, 1986	MCDC considers MDIF for adoption
June 26, 1986	Council adopts MDIF

A notice of public hearing will be published. If you have questions regarding the schedule or the draft MDIF, call Pat Pahl of the Council's Research and Long-Range Planning staff at 291-6407.

## **Metropolitan Council**

### **Public Hearing: Amendment to the 1983-84 Recreation Open Space Capital Improvement Program**

The city of St. Paul, an implementing agency for the Regional Recreation Open Space System, has requested that the Metropolitan Council amend its capital improvement program for recreation open space. The proposed change would transfer Fiscal Year (FY) 1986 funds allocated for redevelopment at Como Regional Park and Como Zoo to redevelopment at the Como Conservatory.

As proposed, the Council would:

- Reduce the Como Regional Park allocation of \$1,800,000 by \$500,000 to a new amount of \$1,300,000;
- Reduce the Como Zoo allocation of \$2,000,000 by \$300,000 to a new amount of \$1,700,000; and
- Add a new allocation of \$800,000 for continuing redevelopment in the Como Conservatory.

Because the action represents an amendment to the Recreation Open Space Capital Improvement Program, the Council will hold

## OFFICIAL NOTICES

---

a public hearing on the proposal, before the Metropolitan Systems Committee, on Feb. 25, 1986, at 11 a.m. in Conference Room of the Council's offices.

The proposed action also represents a modification of the implementation plan for FY 86-87 as approved by the Council and forwarded to the state legislature. A letter has been sent to the appropriate committee chairs in the Minnesota House and Senate and to the Legislative Commission on Minnesota Resources.

All interested persons are encouraged to comment on the amendment. Persons may register to speak by contacting Jack Mauritz of the Metropolitan Council Parks staff, 291-6602. Questions on the amendment itself should be directed to Jack Mauritz at 291-6602. Copies of the staff report are available free of charge from the Council's Community Services Dept. at 291-6464, beginning Jan. 27. Copies are also available for public inspection beginning Jan. 29 at the following locations:

Metropolitan Council Library  
300 Metro Square Building  
St. Paul, Minnesota 55101

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

St. Paul Public Library  
Science and Industry Room  
90 West Fourth Street  
St. Paul, Minnesota

Anoka County Library—Blaine Branch  
707 Highway 10  
Blaine, Minnesota 55434

Carver County Library—  
Chaska Branch  
314 Walnut Street  
Chaska, Minnesota 55318

Dakota County Library—Eagan Branch  
1340 Wescott Rd.  
Eagan, Minnesota 55123

Hennepin County Library—Southdale Branch  
7001 York Avenue  
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch  
2180 North Hamline Avenue  
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch  
235 South Lewis Street  
Shakopee, Minnesota 55379

Washington County Library—  
Park Grove Branch  
7520 - 80th Street South  
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair  
Metropolitan Council

## Board of Nursing

### Notice of Meetings and Availability of Information Pertaining to Disciplinary Actions of the Board

The Board of Nursing will meet on the following dates during 1986 in Suite 108, 2700 University Avenue West, St. Paul, MN.

February 6 and 7  
April 3 and 4  
June 5 and 6

July 31, August 1  
October 2 and 3  
December 4 and 5

The public is invited to attend the meetings. Information about time of the meetings and the agenda may be obtained from the Board of Nursing office.

The disciplinary actions taken by the Board of Nursing against professional nurses (RNs) and practical nurses (LPNs) are available following each board meeting. A list of actions will be sent upon receipt of a written request. Public documents are available for review at the Board office Monday through Friday between 8:00 a.m. and 4:30 p.m.

Address requests to Joyce M. Schowalter, Executive Director, Minnesota Board of Nursing, 2700 University Avenue West, #108, St. Paul, Minnesota 55114.

## **Pollution Control Agency Solid and Hazardous Waste Division**

### **Outside Opinion Sought Concerning Amendments to Rules Governing Hazardous Waste**

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding possible amendments to Minn. Rules ch. 7045 governing hazardous waste.

Consideration is being given to the addition of mixtures and blends of waste solvents to the list of hazardous wastes from non-specific sources. Mixtures and blends of spent solvents containing ten percent or more by volume of one or more of the currently listed solvents and still bottoms from the recovery of spent solvents and solvent mixtures will be added to the list of hazardous waste. These amendments are considered in response to similar amendments to the federal hazardous waste regulations.

The MPCA requests information and comments concerning the subject matter of the proposed amendments. Written or oral information or comments will be accepted until February 25, 1986. Written statements should be addressed to:

Carol Nankivel  
Minnesota Pollution Control Agency  
Solid and Hazardous Waste Division  
1935 West County Road B2  
Roseville, Minnesota 55113

Oral statements will be received during regular business hours at 612/296-7260.

January 27, 1986

Barbara Lindsey Sims  
for  
Thomas J. Kalitowski  
Executive Director

## **Department of Revenue Property Equalization Division**

### **Outside Opinion Sought Regarding Proposed Rules Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies)**

Notice is hereby given that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to promulgate revised rules governing the valuation and assessment of utility companies. The promulgation of these rules is authorized by Minnesota Statutes section 270.06 (14), which permits the agency to make rules and regulations for the administration and enforcement of the property tax law.

The State Department of Revenue requests information and comments concerning the subject matter of these revised rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Ronald Cook  
Property Equalization Division  
Minnesota Department of Revenue  
P. O. Box 64446  
St. Paul, Minnesota 55164

Oral statements will be received during regular business hours over the telephone at (612) 642-0486 and in person at:

Brown and Bigelow Building  
Garden Level, Suite 10  
450 North Syndicate Street  
St. Paul, Minnesota 55104

## OFFICIAL NOTICES

---

All Statements of information and comment shall be accepted until February 28, 1986. Any written material received by the State Department of Revenue shall become part of the record in the event that the rules are promulgated.

Lyle H. Ask, Director  
Property Equalization Division

### Revisor's Office

#### Revisor Files Gender Revision of 1986 with Secretary of State

On January 24, 1986, I filed the "Gender Revision of 1986" of Minnesota Statutes in the office of the Secretary of State. The revision was prepared and the filing was made according to Laws of Minnesota 1984, chapter 480, section 21.

Steven C. Cross  
Revisor of Statutes  
700 State Office Building  
435 Park Street  
St. Paul, MN 55155  
(612) 296-2868

### Office of the Secretary of State

#### Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is February 25, 1986.

COUNCIL FOR THE HANDICAPPED has 2 vacancies open for members. The council advises the Governor, legislature, service providing agencies, and the public on the needs and potentials of people with physical, mental or emotional disabilities. Members are appointed by the Governor from the general public and organizations which provide services for handicapped persons. Bi-monthly meetings; members receive \$35 per diem plus expenses. For specific information contact the Council for the Handicapped, Suite 208, Metro Square Bldg., St. Paul 55101; (612) 296-6785.

SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL has 1 vacancy open for a member. The council advises the Commissioner of Administration on the small business procurement program, reviews complaints from vendors and reviews compliance reports. Members are appointed by the Commissioner of Administration. Members receive no compensation. For specific information contact the Small Business Procurement Advisory Council, 112 Administration Bldg., St. Paul 55155; (612) 297-4412.

STATE COUNCIL ON VOCATIONAL TECHNICAL EDUCATION has 1 vacancy open for a representative of organized labor. The council reports and advises the Governor, the State's education boards, the business community and the public on public policy for vocational technical education. Members are appointed by the Governor. Members receive expenses. For specific information contact the State Council on Vocational Technical Education, 700 Wayzata Blvd., Mpls. 55403; (612) 341-7661.

STATE UNIVERSITY BOARD has 1 vacancy open for a public member who must be a resident of Congressional District 2. The board manages state universities (Bemidji, Mankato, Metropolitan, Moorhead, St. Cloud, Southwest and Winona); responsible for academic programs, fiscal management, personnel, admission requirements, rules and regulations. Members are appointed by the Governor and confirmed by the Senate. Members must file with the Ethical Practices Board. Seven meetings per year, five in St. Paul and two on campus. Members receive \$35 per diem plus expenses. For specific information contact the State University Board, 555 Park St., St. Paul 55103; (612) 296-3717.

### Water Resources Board

#### Special Meeting

A special meeting of the Water Resources Board has been scheduled on Thursday, February 6, 1986 in the Conference Room of the Cable Communications Building, 500 Rice Street, St. Paul, at 2:30 p.m. or upon conclusion of the Board hearing scheduled on the same date and at the same location beginning at 1:30 p.m.

Mel Sinn  
Executive Director

# 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
79-000-51949	Electronic Testing Equipment	Transportation	St. Paul	Contact buyer
79-150-B	Plant Mix Bituminous	Transportation	Virginia	Contact buyer
79-650-B	Plant Mix Bituminous	Transportation	Owatonna	Contact buyer
Sch. 93A	L.P. Gas	Various	Various	Contact buyer
79-900-A	Aggregates—N. St. Paul	Transportation	N. St. Paul	Contact buyer
79-100-03473, etc.	Diamond Core Drill Bits	Transportation	Various	Contact buyer
21-200-12123- 5417	Request for Wage and Separation Information (Continuous)	Jobs & Training	St. Paul	Contact buyer
21-200-11997- 5419	Validity of Monetary Determination Mailer Assembly	Jobs & Training	St. Paul	Contact buyer
27-138-48673- 5500	Quarterly Grade Report	Community College System	Minneapolis	Contact buyer
21-200-11996- 5415	State Office Envelope	Jobs & Training	St. Paul	Contact buyer
65-300-02984- Rebid	Purchase of Disk Packs	7th Judicial District	St. Cloud	Contact buyer
79-450A	Plant Mix Bituminous	Transportation	Morris	Contact buyer
Contract	Tools, Pipe	Various State Agencies	Various	Contact buyer
27-142-48925	Purchase of Photocopy Machines	Human Services— Fergus Falls State Hospital	Fergus Falls	Contact buyer

Contact 296-6152 for referral to specific buyers.

## Higher Education Facilities Authority

### Request for Proposals for Auditing Services

Notice is hereby given that the Minnesota Higher Education Facilities Authority intends to engage the services of a certified public accounting firm to examine and report upon the financial statements of the Authority's programs for the fiscal year ending June 30, 1986, with the option to renew the contract for the fiscal years ending June 30, 1987 and June 30, 1988. The audit must comply with generally accepted auditing standards which encompass the AICPA's industry's audit guide, "Audits of State and Local Governmental Units."

## **STATE CONTRACTS**

---

---

Information contained in the audit report should be of sufficient detail to include in Official Statements of subsequent Authority Bond issues, the Authority's Annual Report and the Statewide Audit Report. Last year's contract figure was approximately \$15,000.

Those interested in receiving requests for proposals should contact:

Dr. Joseph E. LaBelle  
Executive Director  
Minnesota Higher Education Facilities Authority  
Suite 278, Metro Square Building  
St. Paul, Minnesota 55101  
(612) 296-4690

Proposals will be accepted until 4:00 p.m., February 24, 1986.

### **Higher Education Facilities Authority**

#### **Request for Proposals for Financial Consultants to Sell Private College Facilities Revenue Bonds**

Notice is hereby given that the Minnesota Higher Education Facilities Authority intends to engage the services of a financial consultant to provide consultive service regarding the issuance of revenue bonds and assist in the preparation of official statements, and to provide consultive services for the fiscal year 1987, 1988 and 1989.

Bond issuance costs are paid by the institutions, which includes fiscal consulting fees. Fee schedules are available from the Higher Education Facilities Authority.

Those interested in receiving requests for proposals should contact:

Dr. Joseph E. LaBelle  
Executive Director  
Minnesota Higher Education Facilities Authority  
Suite 278  
Metro Square Building, 7th and Robert Streets  
St. Paul, Minnesota 55101  
(612) 296-4690

Proposals will be accepted until 4:00 p.m., February 24, 1986.

### **Governor's Planning Council on Developmental Disabilities**

#### **Request for Proposals for Case Management of Persons Who Are Developmentally Disabled**

The Governor's Council announces that it is seeking proposals from eligible public or private nonprofit organizations to undertake projects related to case management of persons who are developmentally disabled. Approximately \$400,000 will be available for projects. The successful contractors must be able to provide at least 25 percent of the total cost of the project. Eligible applicants include nonprofit organizations, units of government, joint powers organizations, institutions of higher education, and school districts. Over 1,500 copies of the guidelines have been mailed to potential contractors. Applications are due before 4:30 p.m. on Friday, April 18, 1986. For additional information contact:

Ronald E. Kaliszewski  
Developmental Disabilities Program  
201 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
Phone (612) 297-3207  
TDD (612) 296-9962



## **Metropolitan Waste Control Commission**

### **Request for Proposals for Capital Project Underwriting Advice**

The MWCC and Metropolitan Council are jointly soliciting proposals for underwriting services and assistance in analyzing and implementing methods of financing MWCC capital projects that could be alternatives to a \$28 million bond issue in March of 1986.

All requests for further information or copies of the complete RFP can be obtained by contacting Jim Hiniker (612) 222-8423.

Six copies of the proposal must be delivered to MWCC, 350 Metro Square Building, St. Paul, Minnesota 55101 no later than 4:30 p.m. Thursday, February 20, 1986.

The MWCC and the Metropolitan Council reserve the right to reject any and all proposals submitted.

## **State Designer Selection Board**

### **Request for Proposals for a Design Contract**

#### TO DESIGN PROFESSIONALS REGISTERED IN MINNESOTA:

The State Designer Selection Board has been requested to select a designer or a project for the Department of Administration. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., March 4, 1986, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

#### **The proposal must conform to the following:**

1. Six copies of the proposal are required.
2. All data must be on 8½" × 11" sheets, soft bound; the proposal shall not consist of more than 20 faces.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the design firm's name, address, telephone number, and the name of the contact person.

#### 4. Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named in 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions (including total fees) under contract with the firm(s) submitting this proposal which were awarded during the three years immediately preceding the date of this Request for Proposals.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

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

#### **5. Statutory Proposal Requirements:**

In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. The proposal will not be accepted unless it includes one of the following:

- a) A copy of the firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

## STATE CONTRACTS

---

---

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

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

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

### 7. PROJECT—I-85

**Facilities Survey—Phase I**

**Department of Administration**

**St. Paul, Minnesota**

**Estimated Fee: Not to exceed \$60,000.00**

#### PROJECT DESCRIPTION:

The Department of Administration is seeking a designer to provide a format to be used to provide an on site survey of State facilities for both program use and overall condition. The purpose of this survey will be to provide State officials and legislators with adequate information for program changes, building appropriations, possible expansions or closings, and preventive maintenance programs. The survey shall be focused on but not limited to the following:

- a) the program use and size of each of the spaces surveyed;
- b) the condition and type of the buildings' exterior and interior;
- c) the condition and type of the buildings' mechanical, electrical, structural, and elevator systems;
- d) the condition and type of the buildings' roofing systems;
- e) the condition of the campus or institution's landscaping;
- f) the condition of parking lots and roadways;
- g) the condition of the campus or institution's utilities;
- h) the extent to which buildings are energy efficient;
- i) the extent to which the buildings are accessible by the handicapped;
- j) applicable building code data, i.e. occupancy and type of construction;
- k) the identification of potentially hazardous materials which are a part of the building structure or its systems.

Once the survey format is determined, the designer will be required to actually complete the survey for three State institutions. The selection of these institutions shall be negotiated between the designer and the State. Once these three surveys are complete and the final report submitted, Phase I will be complete.

Phase II will consist of taking the survey for all remaining State institutions. While it is the State's intention that the designer selected for Phase I conduct the Phase II survey, budgetary and other restrictions may require that the survey be completed by the operating staff of each individual campus or institution. To this end, it will be the responsibility of the designer to develop a survey format which will allow for ease of completion, consistency among and between agencies, and expedient tabulation of the final results. If the surveys are to be completed by State personnel, the designer will be expected to identify qualifications and the training needs of the State and develop and conduct a training course for these employees.

#### OWNERSHIP OF DATA:

All material developed in conjunction with this project shall become the property of the State. The designer shall utilize computer discs compatible with State equipment.

#### FEES:

The total fee for Phase I shall be a sum not to exceed \$60,000.00. Fees for Phase II will be negotiated when funding is secured.

**COMPLETION DATES:**

It is necessary that the final survey format be complete no later than June 1, 1986 and that the pilot surveys be completed no later than August 1, 1986.

Questions concerning this project may be referred to Richard Cottle at (612) 297-2208.

George F. Klein, Chairman  
State Designer Selection Board

---

---

**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.

---

## **Department of Energy and Economic Development Community Development Division**

### **Comments Sought on the Proposed Final Statement for the 1986 Small Cities Community Development Block Grant Program**

Notice is hereby given that the Minnesota Department of Energy and Economic Development, Community Development Division, is seeking comments or opinions from sources outside the agency in preparing to submit the Final Statement for the 1986 Small Cities Community Development Block Grant (CDBG) Program. The 1986 Final Statement will be submitted to the U.S. Department of Housing and Urban Development by March 31, 1986.

Allocations of funds for fiscal year 1986 are expected to be reduced by approximately 27 percent from the previous year, as a result of the Balanced Budget and Deficit Control Act of 1985 (Gramm-Rudman), as well as new population estimates. The State of Minnesota anticipates an allocation of \$14 to \$19 million, depending on the depth of budget reductions. The final amount is expected to be announced in February.

The 1986 Final Statement will consist of the Administrative Rules Governing the Community Development Block Grant Program, which are found at 10 MCAR § 1.500-1.565 and were published as adopted in the *State Register* on September 17, 1984 (9 S.R. 602-611); a description of the use of funds in the 1985 grant program; an assessment of the use of funds in the 1985 grant program in relation to the community development objectives in 10 MCAR § 1.500 B. and to the requirements of section 104 (G) (3) of the U.S. Housing and Community Development Act, as amended by the U.S. Housing and Community Development Act of 1974, as amended by the U.S. Housing and Urban Rural Recovery Act of 1983 (P.L. 98-181).

The Minnesota Department of Energy and Economic Development, Community Development Division, requests comments or opinions concerning proposed use of grant funds. Interested or affected persons, groups, or units of general purpose local government may submit statements or comment orally or in writing. Written statements should be addressed to:

Denise Beigbeder  
Community Development Division  
Minnesota Department of Energy and Economic Development  
8th Floor, American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101

A public hearing will be conducted by the Division of Community Development on February 21, 1986, 10:00 a.m., in Conference Room 3, 9th floor American Center Building. Oral statements will also be received during regular business hours over the telephone at (612) 296-2262 or in person at the above address until 4:30 p.m. on February 21, 1986.

#### **Final Statement as Proposed**

Federal fiscal year 1986 Community Development Block Grant funds made available to the State for distribution to non-entitlement areas will be distributed in accordance with administrative rules adopted at 10 MCAR §§ 1.500-1.565. These rules are the same as those under which fiscal year 1985 funds were administered. The text of said rules is as follows:

## STATE GRANTS

---

### 10 MCAR § 1.500 Small Cities Community Block Grant Program: General Provisions.

**A. Purpose of these rules.** Rules 10 MCAR §§ 1.500-1.565 give procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Energy and Economic Development under United States Code, title 42, sections 5301-5316 (1981), and regulations adopted in Code of Federal Regulations, title 24, part 570.

**B. Objective of the program.** The primary objective of this program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

1. Benefit low and moderate income persons;
2. Prevent or eliminate slums and blight; or
3. Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

**C. Definitions.** As used in 10 MCAR §§ 1.500-1.565, the following terms have the meanings given them.

1. "Application year" means the federal fiscal year beginning October 1st and ending September 31st.
2. "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.
3. "Competitive grant" means a grant application that is evaluated and ranked in comparison to other applications in the same grant category and includes housing, public facilities and comprehensive applications.
4. "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.
5. "Economic development project" means one or more activities designed to create new employment, maintain existing employment, increase the local tax base, or otherwise increase economic activity in a community.
6. "Eligible activities" means those activities so designated in United States Code, title 42, section 5305 (1981) and as described in Code of Federal Regulations, title 24, sections 570.200-570.207 (1981).
7. "General purpose local government" means townships as described in Minnesota Statutes, chapter 365; cities as described in Minnesota Statutes, chapters 410 and 412; and counties.
8. "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.
9. "Grant close-out" means the process by which the office determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.
10. "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under United States Code, title 42, sections 5301-5316 (1981), and includes the period of time during which the office solicits applications and makes grant awards.
11. "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.
12. "Low and moderate income" means income which does not exceed 80 percent of the median income for the area, with adjustments for smaller and larger families.
13. "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under United States Code, title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.
14. "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.
15. "Office" means the office or division in the Department of Energy and Economic Development to which the program is assigned.
16. "Per capita assessed valuation" means the adjusted assessed valuation divided by population.
17. "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to Minn. Stat. § 275.53, subd. 2, by a population estimate made by the Metropolitan

Council, or by the population estimate of the state demographer made under Minn. Stat. § 4.12, subd. 7, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

18. "Poverty persons" means individuals or families whose incomes are below the poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

19. "Program" means the community development block grant program for nonentitlement areas.

20. "Program area" means a defined geographic area within which an applicant has determined that, based on community plans or other studies, there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

21. "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

22. "Project" means one or more activities designed to meet a specific community development need.

23. "Regional or community development plans" means written documents, resolutions, or statements which describe goals, policies, or strategies for the physical, social, or economic development of a neighborhood, community, or substate area. Regional or community development plans include comprehensive plans and elements of comprehensive plans, including land use plans, which have been approved by the governing boards of townships, counties, or cities, and also include regional development plans adopted under Minn. Stat. § 462.281, where applicable.

24. "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in Minn. Stat. § 462.421 or which are characterized by the conditions used to describe redevelopment districts in Minn. Stat. § 273.73, subd. 10.

25. "Single purpose project" means one or more activities designed to meet a specific housing or public facilities community development need.

26. "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under United States Code, title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development.

#### **10 MCAR § 1.505 Types of Competitive Grants Available.**

**A. Single purpose grants.** The office shall approve single purpose grants for funding from a single grant year for single purpose projects. The office shall place single purpose grant applications in one of the following categories for purposes of evaluation:

1. housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or

2. public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

**B. Comprehensive grants.** The office shall approve comprehensive grants for two or more projects which constitute a comprehensive program. Comprehensive grants shall be approved for funding from one, two, or three grant years. In the case of grants approved for funding from more than one grant year, the office shall make funds available to the grant recipient in the second or third year only after the recipient submits an approved application. Approval shall be subject to a finding by the office that the grant recipient has made normal progress and is in compliance with 10 MCAR §§ 1.500-1.565.

Previous grant commitments. The provisions of B. apply to three year comprehensive grant commitments made by the United States Department of Housing and Urban Development in 1981 under United States Code, title 42, section 5306 (1980).

#### **10 MCAR § 1.506 Economic Development Grants; Noncompetitive.**

The office shall approve grants for economic development projects for funding throughout a single application year, or until the funds reserved have been exhausted.

#### **10 MCAR § 1.510 Application Process and Requirements.**

**A. Grant application manual.** The office shall prepare a manual for distribution to eligible applicants no later than 120 days before the application closing date. The manual must instruct applicants in the preparation of applications and describe the method by which the office will evaluate and rank applications. If 10 MCAR §§ 1.500-1.565 are not adopted before September 15, 1982, the 120-day period is waived for the 1983 grant year but the office shall make the manual available no later than 60 days before the application closing date.

**B. Eligibility requirements.** Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under United States Code, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other

## STATE GRANTS

---

applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may apply for only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may apply for one economic development grant in addition to a competitive grant each application year.

**C. Disqualification of applicants.** Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these rules or awarded by the Department of Housing and Urban Development under United States Code, title 42, section 5306 (1981), it is determined by the office that any of the following conditions exist:

1. There are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

2. Previously approved projects have passed scheduled dates for grant closeout and the grantee's ability to complete the project in an expeditious manner is in question; or

3. The applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

**D. Contents of application.** The contents of the application must be consistent with the informational requirements of 10 MCAR §§ 1.500-1.565 and must be on a form prescribed by the office. The application must be accompanied by:

1. An assurance, signed by the chief elected official, that the applicant will comply with all applicable state and federal requirements;

2. An assurance signed by the chief elected official certifying that at least one public hearing was held at least ten days but not more than 60 days before submitting the application; and

3. A copy of a resolution passed by the governing body approving the application and authorizing execution of the grant agreement if funds are made available.

The office may request additional information from the applicant if it is necessary to clarify and evaluate the application.

**E. Time limit for submitting applications.** Competitive applications must be received in the office or postmarked by the closing date. The office shall give notice of the period during which applications will be accepted. The notice must be published in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the grant year.

**F. Regional review.** The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with Minn. Stat. § 462.391, subd. 3, or Minn. Stat. § 473.171, respectively.

### **10 MCAR § 1.515 Evaluation of applications; in general.**

All applications shall be evaluated by the office. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria in accordance with the percentages and fractions indicated in 10 MCAR §§ 1.520-1.545. Economic development project applications must meet threshold criteria in order to be evaluated.

### **10 MCAR § 1.520 Comparison of all Competitive Applications; General Competition.**

**A. Points available.** Thirty percent of the total available points shall be awarded by the office based on a general competition involving a comparison of all applications.

**B. Evaluation of community need.** Two-thirds of the points in the general competition shall be awarded based on evaluation of community need, which shall include:

1. The number of poverty persons in the area under the applicant's jurisdiction;

2. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and

3. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

**C. Evaluation of other factors.** One-third of the points in the general competition shall be awarded based on evaluation of:

1. The extent to which the proposed activities are compatible with regional or community development plans; and

2. Adequacy of the applicant's management and financial plan.

### **10 MCAR § 1.525 Comparison of Competitive Applications Within Categories.**

After completing the general competition described in 10 MCAR § 1.520, the office shall place each application in the appropriate grant category in accordance with 10 MCAR § 1.505. The categories are housing projects, public facilities projects,

economic development projects, and comprehensive programs. Seventy percent of the total points available for each application shall be awarded based on a comparison of the applications within each of the categories as further described in 10 MCAR §§ 1.530-1.545.

**10 MCAR § 1.546 Evaluation of Economic Development Projects.**

**A. In general.** Evaluation of economic development applications consists of eligibility threshold screening and project review. Applications must meet the eligibility thresholds in order to be referred for project review. Applications that fail to meet eligibility thresholds may be revised and resubmitted.

**B. Federal and state eligibility thresholds.** Applicants shall provide a description of the ways that activities address one of the federal objectives described in 10 MCAR § 1.500 B. Each activity proposed for funding must be eligible under current federal regulations.

Applicants shall describe how they will meet two of the three following thresholds based on state economic development objectives:

1. Creation or retention of permanent private sector jobs;
2. Stimulation or leverage of private investment; or
3. Increase in local tax base.

**C. Project review.** Applications that meet eligibility thresholds will be awarded points by the office based on evaluation of the two rating categories: project design and financial feasibility. Applications must attain at least two-thirds of the total available points for economic development to be recommended for funding. Applications must score at least half of the points available in each of the two rating categories.

Two-thirds of the available points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consideration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

One-third of the available points will be awarded based on an evaluation of the effective use of program funds to induce economic development. Consideration of financial feasibility must include investment analysis, commitment of other funds, and other factors relating to the type of program assistance requested.

**D. Funding recommendations.** Applications that attain at least two-thirds of the available points will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

**10 MCAR § 1.550 Determination of Grant Awards.**

**A. Funds available for grants.** The amount of funds available for grants shall be equal to the total allocation of federal funds made available to the State under United States Code, title 42, section 5306 (1981), after subtracting an amount for costs incurred by the office for administration of the program, as allowed by that law. The office is not liable for any grants under 10 MCAR §§ 1.500-1.565 until funds are received from the United States Department of Housing and Urban Development.

**B. Division of funds.**

1. Of the funds available for grants in each grant year, 30 percent shall be reserved by the office to fund single purpose grants, 15 percent shall be reserved for economic development grants, and 55 percent shall be reserved by the office to fund comprehensive grants, including the second and third years of comprehensive grants approved for funding under 10 MCAR § 1.505 and 10 MCAR § 1.545. However, the office may modify the proportions of funds available for single purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of fundable applications in either category.

2. At least 30 percent of the funds made available for single purpose grants shall be awarded for applications in each of the two categories: housing and public facilities. However, no application with a rating below the median score for its category shall be funded by the office solely for the purpose of meeting this requirement.

3. If there are unawarded economic development funds available at the end of the application year, two-thirds of the remaining funds will be available for competitive single purpose projects and one-third will be available for economic development projects during the next application year.

**C. Funding list.** Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to 10 MCAR §§ 1.515-1.545. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two

## STATE GRANTS

---

applications within any category, the application with the higher score in the general competition shall receive the higher ranking on the list.

**D. Approval by commissioner.** The list of applications recommended for funding, including recommended grant awards, shall be submitted by the office to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

**E. Reduction in amount requested.** The office may recommend an application for funding in an amount less than requested if, in the opinion of the office, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

**F. Grant ceilings.** No competitive single purpose grant may be approved for an amount over \$600,000. No comprehensive grant may be approved for an amount over \$700,000 from any single grant year or for more than a total of \$1,400,000 over three grant years. No economic development grant may be approved for over \$500,000.

Recaptured and reallocated funds, which are not specifically dealt with in the rules, will be retained by the Department and used to fund competitive projects and those of an emergency nature.

### **Description of the Use of Funds in the 1985 Small Cities Community Development Block Grant Program**

During the 1985 grant program \$21,269,880 in federal funds was available for grants to eligible applicants for the Small Cities Development Program. Under the administrative rules for the SCDP, 10 MCAR §§ 1.500-1.565, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of February 1, 1985. The rules for the program established the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for comprehensive programs.

Upon completion of the competitive review and ranking process, 41 awards were made. Of the awards made on June 3, 1985, 12 were for new comprehensive programs (\$6,027,726) and 11 for continuation awards (\$5,971,372). In the single-purpose category, 9 public facilities projects (\$3,083,576) and 9 housing projects (\$3,453,100) were funded. Fourteen economic development projects, totaling \$2,526,927, have been funded, to date, out of fiscal year 1985 federal funds, with \$663,553 remaining.

An amount totaling \$18,535,774 was awarded to eligible applications in the competitive process; of that amount, \$456,376 were awarded contingent upon recapture funds awarded in fiscal years 1983 and 1984. Of all funds available in Fiscal Year 1985, \$11,999,098 (55%) were awarded for comprehensive programs and \$6,536,676 (30%) were awarded for single-purpose projects. The Department of Energy and Economic Development, Community Development Division, concludes that funds were awarded in accordance with the State's administrative rules for the program.

### **Assessment of the Relationship of 1985 Funds to State and Federal Objectives**

As in 1983 and 1984, for the 1985 grant program the Minnesota Department of Energy and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives, all funded activities must be designed to:

1. Benefit low and moderate income persons;
2. Prevent or eliminate slums or blight; or
3. Alleviate urgent community development needs caused by existing conditions, which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

The U.S. Housing and Urban Rural Recovery Act of 1983 amended the federal legislation so that in order to meet the test of principally benefit persons of low and moderate income not less than 51 percent of the funds must be spent on activities designed to benefit low and moderate income persons. With a total block grant of \$21,806,000 in 1985, the State of Minnesota is required to spend not less than \$11,121,060 on activities designed to meet the first national objective. The state adopted a goal of awarding 70 percent of the allocation for activities benefitting low and moderate income persons.

As with the earlier assessments, this assessment distinguishes between planning and administration activities and project-specific activities. The funds budgeted for planning and administration include both the funds retained by the Minnesota Department of Energy and Economic Development for administration of the program and funds awarded to units of general local government for planning and administration of their grants. No more than 20 percent of the block grant can be used for planning and administration.

For the 1985 grant program, the Minnesota Department of Energy and Economic Development, Community Development Division, and the 1985 grant recipients budgeted \$1,393,632 for planning and administration. These funds amount to 6 percent of the block grant, well below the 20.0 percent limit.

Under the grants awarded in the 1985 program, \$20,412,368 were budgeted for project-specific activities. Of these funds, \$18,527,715 (89 percent) were awarded for activities designed to benefit persons of low and moderate income, \$2,008,202 (10 percent) were awarded for activities designed to prevent or eliminate slums or blight, and \$294,000 (1 percent) were awarded for



activities designed to alleviate urgent community development needs. With respect to the total block grant, 85 percent of the funds were awarded for activities designed to benefit persons of low and moderate income. Thus, the 1985 grant awards exceeded the national goal of at least 51 percent benefit and the state objective of 70 percent benefit to persons of low and moderate income. State objectives for the Small Cities Development Program apply to the economic development set aside only. Each grant awarded must meet two of the three state objectives listed below:

1. Creation or retention of permanent private sector jobs, with a minimum threshold of one job created or retained for each \$20,000 of grant funds;
2. Leverage of private investment, with a minimum threshold of one dollar private funds for each grant dollar requested; and
3. Increase the local tax base, with a minimum threshold of an estimated 50 percent increase in the value of the parcel involved.

Of the federal economic development set aside funds awarded to date, all met the job creation or retention objective and also the private leverage threshold. Fourteen grants will leverage a total private investment of \$6,827,206 (1:2.7 ratio) and create or retain 920 jobs at an average grant cost of \$2,747 per job. Four grants met the tax base threshold. To meet the federal objective benefit to low and moderate income persons, at least 51 percent of the jobs proposed for each project had to be available to low and moderate income persons.

Based upon analysis of the 1985 Small Cities Development Program, the Minnesota Department of Energy and Economic Development, Community Development Division, concludes that that 1985 grant program fully meets state and national objectives for award of funds.

## **Department of Human Services Chemical Dependency Program Division**

### **Notice of Intent to Identify the Need for a Competitive Bid Process on an Existing Grant**

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is considering the continuation of a grant award to Chrysalis—Center for Women in providing outpatient treatment services.

The CDPD will open this grant to competitive selection if requested to do so by a qualified potential vendor. The potential vendor must demonstrate its capability to deliver an equal or superior service at a comparable cost. Programs must be licensed under Minnesota Rules, parts 9530.5000-9530.6500 (formerly Rule 43).

Potential vendors should submit a letter outlining their qualifications to provide the services described to Ruthie M. Dallas, 6th Floor, Space Center Bldg., 444 Lafayette Rd., St. Paul, MN 55101 no later than close of business (4:20 PM) Monday, February 24, 1986.

The grant award will be approximately \$90,000. The purpose of the outpatient treatment program is to serve adult women with chemical abuse problems including women and their families who are dependent upon alcohol, prescription medicine, and/or other chemicals. Some chemical-related problems that are unique for chemically dependent females include under- and unemployment and poor housing conditions, child care problems, confusion about sexuality, repeated victimization by incest, rape, or battering, mixed feelings associated with being a mother, high incidences of poly-drug use, "hiding" alcoholism at home, and discriminatory treatment on the job, church, courts, streets and home. These problems are multiplied for minority women. Activities of the program include comprehensive outpatient treatment services including assessments and individualized treatment plans for approximately 190 multi-drug dependent women; individual counseling, education sessions, group therapy, and lectures. In addition to providing comprehensive outpatient treatment services, the vendor must maintain relationships and coordinate joint programming consultation with key female and minority agencies, provide ongoing outside consultation and training services, and maintain clinical financial recordkeeping systems on grant-related activity.

# SUPREME COURT DECISIONS

---

---

Decisions Filed Friday, January 24, 1986

Compiled by Wayne O. Tschimperle, Clerk

**C2-85-1475 Betty Lou Dorman v. Jennie-O-Foods and Sentry Insurance Company, Relators, et al. Workers' Compensation Court of Appeals.**

The requirements of Minn. Stat. § 176.131, subd. 3(b) (1984) with respect to post-injury registration of an employee with a pre-existing physical impairment are mandatory and unambiguous. An application for such registration must be made within 180 days after the employer-insurer receive notice of the employee's work injury.

Affirmed. Yetka, J.

Took no part, Peterson, J.

## Orders

**CX-85-2308 In the Matter of the Application for the Discipline of Aurelio P. Nardi, an Attorney at Law of the State of Minnesota. Supreme Court.**

Suspended. Amdahl, C.J.

# TAX COURT

---

---

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

## State of Minnesota Tax Court Ramsey County, Regular Division

**Rex S. Musselman, Appellant, v. Commissioner of Revenue, Appellee, Docket No. 4365**

**Findings of Fact, Conclusions of Law, and Order for Judgment Dated January 17, 1986**

The above entitled matter came on for trial before the undersigned Judge of Minnesota Tax Court on January 17, 1986. The Appellant did not appear. Neil F. Scott, Special Assistant Attorney General appeared for the Commissioner of Revenue.

NOW, THEREFORE, based on the files, records and proceedings herein, the Court makes the following:

### Findings of Fact

1. American Sound Labs, Inc. (hereinafter "corporation") failed to remit withholding taxes to the State of Minnesota for the period October 1980 through September 1981 in the amount of \$16,242.87.
2. The corporation is now out of business and has no assets.
3. The Appellant was a co-founder of the corporation, owned 50% of the stock and was President of the corporation during the period of the unpaid taxes.
3. Although the Appellant did not have check signing authority he did participate in the day to day management of the corporation and, as President, had the ultimate control over the payment or non-payment of creditors.

### Conclusions of Laws

1. The Appellant, as President and 50% owner of the corporation is personally liable to the State of Minnesota, Commissioner of Revenue under Minn. Stat. 290.92, subd. 1 (4) and 6 (7) for the unpaid withholding taxes of the corporation for the period

October 1980 through September 1981 in the amount of \$16,247.87 tax, \$4,348.81 penalty, \$12,549.32 interest totaling \$33,141.00 together with additional interest at the statutory rate from November 9, 1985.

2. The Notice of Personal Liability and Order Denying Protest are hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

January 17, 1986

By Order of the  
Minnesota Tax Court  
M. Jean Stepan  
Judge of Tax Court

State of Minnesota  
State Register and Public Documents Division  
117 University Avenue  
St. Paul, Minnesota 55155

(612) 297-3000  
(toll-free # for MN:  
1-800-652-9747)

## 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.

**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 Minnesota Rules 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 Statutes 1985 Supplement.** Pocket part supplement to Minnesota Statutes 1984.

- \_\_\_\_\_ \$25.00 + \$1.50 = \$26.50.\*
- 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.**

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 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

### HOUSE

**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

**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**