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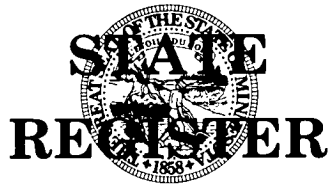
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### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 10			
6	Monday July 22	Monday July 29	Monday August 5
7	Monday July 29	Monday August 5	Monday August 12
8	Monday August 5	Monday August 12	Monday August 19
9	Monday August 12	Monday August 19	Monday August 26

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

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

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

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

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NOTICE

How to Follow State Agency Rulemaking Action in the State Register

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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

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

Issues 1-13, inclusive Issue 39, cumulative for 1-39
Issues 14-25, inclusive Issues 40-51, inclusive
Issue 26, cumulative for 1-26 Issue 52, cumulative for 1-52
Issues 27-38, inclusive

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

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# EXECUTIVE ORDERS

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## Emergency Executive Order No. 85-14

### Providing for Assistance to Officials of Aitkin County, Minnesota

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

WHEREAS, the Sheriff of Aitkin County has requested assistance in the search for and rescue of a lost sixty-five year old man; and

WHEREAS, the size and terrain of the search area are beyond the capabilities of local rescue resources;

NOW, THEREFORE, I order:

1. The Adjutant General of Minnesota to order to active duty on or after June 29, 1985, in service of the State, such elements and equipment of the military forces of the State as required and for such period of time necessary to insure the safety of our citizens.

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

Pursuant to Minnesota Statutes 1984, Section 4.035, this Order shall be effective retroactive to June 29, 1985, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I hereunto set my hand this third day of July, 1985.



# PROPOSED RULES

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

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

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

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

## Department of Commerce

### Proposed Rule Authorizing the Issuance of Medical Malpractice Insurance by the Minnesota Medical Malpractice Joint Underwriting Association

#### Notice of Reconvening Hearing

Notice is given that a public hearing will be held pursuant to Minn. Stat. § 14.14 (1984), in the above-entitled matter in Room 112 State Capital, St. Paul, Minnesota 55101, on August 12, 1985, at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of the proposed rule by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing by sending them to Administrative Law Judge, Jon L. Lunde, 4th Floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7645.

The rule hearing procedure is governed by Minn. Stat. § 14.02-14.45 (1984), and by Minn. Rule 1400.1200 (1984). Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address. The rule (2791.0100) was originally published in the *State Register* on May 20, 1985, Volume 9, Number 47, pages 2512-2513 (S.R. 2512).

The Commissioner is seeking to determine if there is medical malpractice insurance available in the voluntary market for either physicians, hospitals or other types of health care providers. If it is determined that such insurance is not available, the Commissioner will issue a rule authorizing the Joint Underwriting Association, established by Minn. Stat. Chapter 62F, to issue medical malpractice insurance on a primary basis to physicians, hospitals or other health care providers.

The hearing on this matter was originally convened on June 25, 1985. After the close of those proceedings newly discovered evidence in support of the rules was brought to the attention of the Department. This information pertains to the ability of nurse mid-wives and psychologists to obtain insurance coverage.

The Department has elected to consider the proposed rule of the Commissioner authorizing the issuance of medical malpractice insurance by the Joint Underwriting Association to be a rule and is accordingly proceeding pursuant to Chapter 14 of Minnesota Statutes in regard to the rule.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the Department of Commerce and will be available at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be reviewed at the department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

A supplement to the original Statement of Need and Reasonableness pertaining to the new evidence is now available and can be obtained in the manner described.

**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

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Pursuant to Minn. Stat. § 14.115, Subd. 2, the impact on small business has been considered in the promulgation of the rule. Anyone wishing to present evidence or argument as to the rule's effect on small business may do so. The Department's position regarding the impact of the rule on small business is set forth in the Statement of Need and Reasonableness and the supplement to the Statement of Need and Reasonableness.

The Department has solicited new testimony in regard to nurse-midwives and psychologists. The department also is seeking any additional information available as to these groups or others who are having difficulty in obtaining insurance coverage.

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

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

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

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

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

(b) who spends more than \$250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

One free copy of this notice and the proposed rule may be obtained by contacting Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101 or by calling (612) 296-5689. Additional copies will be available at the door on the date of the hearing. Comments regarding the hearing may be directed to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101.

A copy of the rule as previously published is attached to this notice.

July 12, 1985

Michael A. Hatch  
Commissioner of Commerce

### **Rule as Proposed (all new material)**

#### **2791.0100 AUTHORIZATION TO ISSUE MEDICAL MALPRACTICE INSURANCE.**

Pursuant to Minnesota Statutes, section 62F.04, the joint underwriting association is hereby authorized to issue medical malpractice insurance on a primary basis to physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance coverage in the voluntary market.



## Department of Public Service Weights and Measures Division

### Proposed Rules Governing Scale Standards and Inspection Fees

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Public Service proposes to repeal, amend and adopt the above entitled rules without a public hearing. The Director of the Department has determined that the proposals will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984), except that pursuant to Minnesota Statutes, Section 16A.128, subd. 2(a) (1984), no public hearing will be held on the portion of these proposed rules pertaining to inspection fees.

This proposed rulemaking contains three distinct sections which relate to Weights and Measures and have been combined to reduce the cost and time involved in the rulemaking process. The three sections are:

- 1) Part 7600.6800 incorporates NBS Handbook 44, 1985 edition, into Department rules;
- 2) Parts 7600.7200 to 7600.8000 adopt new requirements to allow commercial use of above ground vehicle and livestock scales, to clarify existing authority for outdoor scales, and to provide some slightly less stringent requirements for old scales.
- 3) Part 7650.0100 adopts increased inspection fees for commercial weighing and measuring devices.

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

Persons submitting comments should identify the portion of the rule addressed, the reason for the comment, and any change proposed. If, during the 30 day period for comments, 25 or more persons submit a written request for public hearing of the proposed rules contained in sections 1 and 2 of this rulemaking, the Department shall proceed to a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20. Because this proposed rulemaking contains three distinct sections, persons requesting a hearing should specify which section or sections they desire to have submitted for public hearing.

Persons who wish to submit comments should submit such comments to:

Michael Blacik  
Department of Public Service  
Weights and Measures Division  
2277 Highway 36  
St. Paul, Minnesota 55113  
Telephone: 612/341-7200

Authority for the adoption of rules pertaining to the proposed incorporation by reference of NBS Handbook 44, and to the other proposed technical requirements for commercial scales is contained in Minnesota Statutes, Section 239.06 (1984). Authority for the adoption of rules pertaining to inspection fees is contained in Minnesota Statutes, Section 239.10 (1984). Additionally, three separate statements of need and reasonableness that describe the need for and reasonableness of each provision of the proposed rules and identify the data and information relied upon to support the rules have been prepared and are available from Mr. Blacik upon request.

The Department has prepared three Statements of Need and Reasonableness because there are three distinct sections in this proposed rulemaking. Each of the Statements addresses one of the sections listed above. Persons who wish to receive copies of one or more of the Statements of Need and Reasonableness should identify the section or sections of interest to them so that the appropriate Statement or Statements can be sent.

#### Small Business Considerations in Rulemaking

As required by Minnesota Statutes, Section 14.115, all affected parties are hereby notified that the proposals to repeal, amend and adopt rules will have an impact on small businesses which operate commercial weighing and measuring devices in Minnesota. Owners and operators of small businesses subject to inspection by the Weights and Measures Division should review the proposed

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## PROPOSED RULES

rules, including the fees contained in Part 7650.0100, to determine the impact on them. Detailed descriptions of the Department's consideration of the impact of these proposed rules on small businesses are contained in the Statement of Need and Reasonableness which may be obtained by contacting Mr. Blacik.

The proposed incorporation of NBS Handbook 44 in Part 7600.6800 will impact small businesses. The impact is limited because the Department presently enforces an earlier version of the handbook. However, some substantial changes are proposed. The Statement of Need and Reasonableness prepared for this section contains a list of all proposed changes.

The proposed adoption of other technical requirements, in Parts 7600.7200 to 7600.8000, for commercial scales will impact small businesses. Some of the requirements are simple clarifications of existing authority while others provide significant relaxation of some stringent requirements for old scales. Additionally, the proposed requirements for above ground vehicle and livestock scales will provide useful options for small businesses which use such scales.

The proposed adoption of increased inspection fees in Part 7650.0100 will have an impact on all businesses which operate commercial weighing and measuring devices. Fees for inspection of light capacity scales will increase due to the increased costs of travel, fuel, equipment and salaries. Fees for inspection of some heavy capacity scales will increase only slightly because of improvements in productivity. However, livestock scale inspection fees will increase significantly due to increases in many cost factors. Fees for inspection of most petroleum measurement equipment have been eliminated as required by Minnesota Statutes, Sections 239.10 and 296.13. The cost of these inspections will be recovered through the Petroleum Inspection Fee paid to the Department of Revenue by licensed petroleum distributors.

More detailed information about the impact of the fees on small businesses is contained in the rule and in the Statement of Need and Reasonableness.

### Adoption of Proposed Rule

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. The Attorney General will also determine whether the record demonstrates a rational basis for the need for and reasonableness of the rules. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Blacik.

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

The rules will not require the expenditure of monies by local public bodies.

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

Ray Bohn, Director  
Department of Public Service

### Rules as Proposed

#### 7600.6800 ~~PROMULGATION OF EXISTING CODE~~ NBS HANDBOOK 44 INCORPORATED BY REFERENCE.

Excepting the requirements of the final sentence in Scales, S.1.6.3. (Customer's Indications) and as set forth in parts 7600.6900 to 7600.7100, the specifications, tolerances, and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards NBS Handbook 44 1985, 4th Edition, 1976, are adopted by reference as the standards of the state of Minnesota for such devices. However, if Handbook 44 contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public Utilities Commission, Minnesota law, or Public Utilities Commission rule shall govern. Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices, as adopted by the 69th National Conference on Weights and Measures and published by the United States Department of Commerce, National Bureau of Standards, (Washington, D.C., Nov. 1984) is incorporated by reference subject to the following exceptions:

A. If NBS Handbook 44 1985 contains any provisions contrary to the laws of Minnesota or the rules of the Minnesota Department of Public Service, Minnesota law and department rule govern.

B. The final sentence of NBS Handbook 44 1985, section 2 (scale code), specification S.1.8.3., is deleted.

NBS Handbook 44 is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota and is not subject to frequent change.

#### 7600.7200 ANIMAL AND LIVESTOCK SCALE.

**Subpart 1. Tolerances.** The basic maintenance tolerance ~~shall be~~ is one pound per 1,000 pounds of test load (0.1 percent). The acceptance tolerance ~~shall be~~ is one-half of the basic maintenance tolerance.

**Subp. 2. Shift test tolerance.** A shift test must be conducted on animal and livestock scales. The maximum test load is one-fourth of the scale capacity. A scale may be approved if the sum of the indicated errors for two load-bearing readings in the same section is within tolerance.

**Subp. 3. Section, defined.** “Section” means a pair of main load-bearing points arranged so that the vertical plane passing through the centers of both points is perpendicular to the longitudinal axis of the scale platform.

#### **7600.7210 SCALES, SENSITIVITY REQUIREMENT.**

For a scale not equipped with a balance indicator, but with a minimum graduated interval less than ten pounds, the sensitivity requirement is three times the value of the minimum graduated interval or 15 pounds, whichever is less.

#### **7600.7500 VEHICLE AND LIVESTOCK SCALE APPROACHES.**

**Subpart 1. Before January 1, 1986.** A vehicle scale shall have at least 12 feet or a distance equal to one-third of the deck length, whichever is greater, of straight hard surface driveway on either end of the scale not over one-third inch per foot out of level of platform. The first six feet on both ends shall be constructed of reinforced concrete.

**Subp. 2. After December 31, 1985.** For vehicle and livestock scales installed after December 31, 1985, each end of the scale must have a straight, paved approach which meets the following requirements:

A. Approaches must be at least as wide as the scale platform and at least ten feet long or one-third of the scale platform length, whichever is greater.

B. The first ten feet of each approach must be a reinforced concrete approach panel, one end of which rests on an extension of the scale foundation end wall. The remaining length of each approach may be concrete or asphalt.

C. Approaches should be sloped down from the scale platform. Maximum slope allowed is one-third inch per foot. Approaches must not be sloped up from the scale platform.

D. For above-ground scales, the foundation end walls must have wing wall extensions or the sides of the approaches must be paved so that fill material cannot fall under the scale platform.

#### **7600.7700 SUBMISSION OF PLANS.**

**Subpart 1. Scales installed by buyer.** For scales needing assembly or foundation construction by the buyer, the manufacturer shall furnish to the purchaser plans of design showing detailed dimensions for all scale parts and the material of which they are to be fabricated; also assembly plans showing location of all field connections and all information necessary for the purchaser to erect the scale. If it is so deemed necessary by the Weights and Measures Division the purchaser may be required to submit to said department for approval the foregoing plans, together with his detailed plans for the construction and location of the scale to be installed, including the foundation thereof must provide to the buyer complete plans, drawings, and instructions for assembling and installing the scale and for building the foundation. If potential rule violations are anticipated, the Weights and Measures Division may require the buyer to submit plans to the division before construction.

**Subp. 2. Above-ground vehicle and livestock scales.** The buyer of an above-ground vehicle or livestock scale must submit complete plans and drawings of the scale and foundation to the Weights and Measures Division before installation of the scale. The drawings must show the existing grade level at the scale site. The division shall approve scales for commercial use only if the plans comply with the requirements of this chapter or if a variance is issued under the requirements of part 7600.9800.

#### **7600.7750 PROTECTION FROM ENVIRONMENT.**

**Subpart 1. Outdoor scales.** The Weights and Measures Division shall require special environmental protection for an outdoor scale if the division finds that the scale is adversely affected by weather or other environmental factors. Environmental protection includes:

- A. belting or other suitable material to cover the clearance around the scale platform;
- B. wind skirts, wind walls, or effective foundation heating for above-ground scales;
- C. an improved drainage system or sump pump for pit-type scales;
- D. special shielding or weatherproofing of the scale indicator;
- E. a complete building to protect the scale from the weather;

**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

F. modifications, shielding, and other special measures to protect electronic scales from radio frequency interference and electromagnetic interference.

Subp. 2. Fertilizer scales. Hopper, tank, and mixer scales used for weighing dry or liquid bulk fertilizer must be completely enclosed in a building.

### 7600.7900 SCALE PITS.

Subpart 1. Generally. The scale pits on all motor Vehicle and livestock scales shall have 48 inch minimum distance between the weighbridge beam and the floor of the pit installed after December 31, 1985, must be installed on a reinforced, poured concrete foundation. Scales may be installed in a pit or on a slab above grade level. In either case, the foundation footings must extend below the local frost line. The foundation must be designed to support the weight of the scale and the anticipated maximum load on the scale without significant settling or cracking. Weighing element stands or bases must be securely bolted to the foundation. Space between a stand or base and the foundation must be filled with nonshrinking grout.

Subp. 2. Pit-type scale foundation. A pit-type vehicle or livestock scale foundation must meet the following requirements:

A. The walls, floors, footings, and weighing element support piers must be reinforced, poured concrete.

B. The clearance between the bottom of the weighbridge or other main structural member and the surface of the pit floor must be at least 48 inches.

C. For outdoor scales, the pit floor must have an effective drain system so that the pit floor remains reasonably dry and clean.

D. For outdoor scales, the tops of the pit walls must be above the existing grade level so that water will drain away from the scale.

Subp. 3. Above-ground scale foundation. An above-ground vehicle or livestock scale foundation must meet the following requirements:

A. The slab foundation must be poured integrally or interlocked with piers located directly below the scale load-bearing points.

B. The foundation must have end walls to prevent fill material from interfering with scale operation.

C. Where platform construction techniques allow, the surface of the foundation slab must be sloped down from the longitudinal centerline to each side to prevent dirt accumulation under the platform.

D. The clearance between the bottom of the weighbridge or other main structural member and the slab surface must be at least six inches for vehicle scales and at least 12 inches for livestock scales.

E. The scale platform, structural members, and foundation surfaces must be designed to allow access for cleaning under the scale platform and around all weighing elements.

F. For outdoor scales, the entire slab surface must be above the existing grade level so that water will drain away from the scale.

G. An effective heating system must be installed in the slab to prevent ice and snow accumulation under the platform and on the end walls.

H. An above-ground scale must be installed on a foundation slab above the existing grade level or in a pit which conforms to the requirements of subpart 2. Other methods of installation will not be approved.

### 7650.0100 INSPECTION FEES.

Subpart 1. Generally. The Weights and Measures Division of the Department of Public Service shall charge the following fees for all regular and special inspections as required by Minnesota Statutes, sections 239.10 and 239.52:

A. For small scales classified by capacity;

(1) \$11 for scales up to and including six pounds capacity;

(2) \$12 for scales of seven pounds capacity up to and including 250 pounds capacity;

(~~2~~) \$18 (3) \$20 for scales of 251 pounds capacity up to and including ~~1,000~~ 1,100 pounds capacity; and

(~~3~~) \$45 (4) \$45 for scales of ~~1,001~~ 1,101 pounds capacity up to and including ~~4,000~~ 2,000 pounds capacity;

(5) \$50 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;

(6) \$100 for scales of 4,001 pounds capacity up to and including 6,000 pounds capacity; and

(7) \$115 for scales of 6,001 pounds capacity up to and including 10,000 pounds capacity.

B. For specific classes of scales;

- (1) ~~\$120~~ \$130 for a two-section vehicle scale;
- (2) ~~\$150~~ \$160 for a three-section vehicle scale;
- (3) ~~\$165~~ \$175 for a four-section vehicle scale;
- (4) ~~\$175~~ \$185 for a five-section vehicle scale;
- (5) ~~\$250~~ \$275 for a railroad track scale;
- (6) ~~\$180~~ \$200 for a heavy capacity hopper scale located at a terminal grain elevator;
- (7) ~~\$100~~ \$115 for a fertilizer, ~~grain, or other~~ hopper scale;
- (8) ~~\$100~~ \$125 for a livestock scale;
- (9) ~~\$60~~ \$70 for a wheel load weigher used for law enforcement purposes; and
- (10) ~~\$50~~ \$55 for a jeweler's, pharmaceutical, or analytical balance.

C. For liquid measuring devices;

- (1) ~~\$13 for a petroleum product pump~~ \$45 for agricultural chemical meters and petroleum bulk meters used to measure petroleum products for which the petroleum inspection fee required by Minnesota Statutes, section 296.13 has not been paid; and
- (2) ~~\$40 for a vehicle tank meter or bulk meter; and~~
- (3) ~~\$50~~ \$55 for a liquified petroleum gas meter or stationary dispenser of liquified petroleum gas.

D. For a linear measuring machine, \$15.

E. For issuance or renewal of a placing-in-service permit, ~~\$40~~ \$50. This fee includes administrative costs, supplies to registered agents, and 20 minutes of equipment calibration time. ~~Where~~ When calibration costs exceed this limit, the regular laboratory calibration rate will be charged.

**Subp. 2. Other rates.** The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

- A. ~~\$45~~ \$50 for one inspector and appropriate test equipment designated for light capacity scale and volumetric equipment testing;
- B. ~~\$60~~ \$65 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and
- C. \$75 for laboratory calibration time.

**REPEALER.** Minnesota Rules, part 7600.8000, is repealed.

**EFFECTIVE DATE.** Minnesota Rules, part 7600.6800, as amended by these rules, is effective January 1, 1986.

**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.

## Department of Commerce

### Adopted Rules Governing Political Subdivision Self-Insurance Pools

The rules proposed and published at *State Register*, Volume 9, Number 19, pages 946-956, November 5, 1984 (9 S.R. 946) and Volume 9, Number 28, pages 1543-1544, January 7, 1985 (9 S.R. 1543) are adopted with the following modifications:

#### Rules as Adopted

##### CHAPTER 2785

##### DEPARTMENT OF COMMERCE

##### POLITICAL SUBDIVISION SELF-INSURANCE POOLS

##### 2785.0600 APPLICATION.

**Subp. 2. Prior existing pools.** Pools in existence at the time parts 2785.0100 to 2785.1600 are effective must submit their initial application for self-insurance authority no later than ~~July~~ December 1, 1985.

## Department of Commerce

### Adopted Rules Relating to Financial Planners

The rules proposed and published at *State Register*, Volume 9, Number 30, pages 1649-1653, January 21, 1985 (9 S.R. 1649) and Volume 9, Number 33, page 1782, February 11, 1985 (9 SR 1782) are adopted with the following modifications:

#### Rules as Adopted

##### 2800.4600 FRAUDULENT, DECEPTIVE, AND DISHONEST PRACTICES.

**Subpart 1. Prohibitions.** For the purposes of Minnesota Statutes, section 82.27, subdivision 1, clause (b), the following acts and practices constitute fraudulent, deceptive, or dishonest practices:

Q. represent on advertisements, cards, signs, circulars, letterheads, or in any other manner, that he or she is engaged in the business of financial planning unless he or she provides a disclosure document to the client. The document must be signed by the client, and a copy must be left with the client. The disclosure document must contain the following:

(1) the basis of fees, commissions, or other compensation received by him or her in connection with rendering of financial planning services or financial counseling or advice in the following language:

“My compensation ~~will~~ may be based on the following:

- (a) ... commissions generated from the products I sell you,
- (b) ... fees, or
- (c) ... a combination of (a) and (b). [Comments]”;

(4) the specific identity of any financial products or services (by category, for example mutual funds, stocks, or limited partnerships) the person is authorized to offer or sell in the following language:

##### 2790.0550 REGULATION OF BUSINESS OF FINANCIAL PLANNING.

**Subp. 2. Prohibition.** No agent or insurer may represent on advertisements, cards, signs, circulars, letterheads, or in any other manner, that he or she is engaged in the business of financial planning unless he or she provides a disclosure document to the client. The document must be signed by the client, and a copy must be left with the client. The disclosure document must contain the following:

D. the specific identity of any financial products or services (by category, for example mutual funds, stocks, or limited partnerships) the person is authorized to offer or sell in the following language:

"The license(s) entitles me to offer and sell the following products and/or services:

- (a) ... securities, specifically the following: [List],
- (b) ... real property,
- (c) ... insurance,
- (d) ... other: [List]."

#### **2875.1051 REGULATION OF BUSINESS OF FINANCIAL PLANNING.**

D. the specific identity of any financial products or services (by category, for example mutual funds, stocks, or limited partnerships) the person is authorized to offer or sell in the following language:

"The license(s) entitles me to offer and sell the following products and/or services:

- (a) ... securities, specifically the following: [List],
- (b) ... real property,
- (c) ... insurance,
- (d) ... other: [List]."

**EFFECTIVE DATE.** These rules are effective August 1, 1985.

## **Department of Commerce**

### **Adopted Rules Relating to Securities Regulation**

The rules proposed and published at *State Register*, Volume 9, Number 24, pages 1296-1300, December 10, 1984 (9 S.R. 1296) are adopted with the following modifications:

#### **Rules as Adopted**

##### **2875.0150 ISOLATED SALES.**

**Subp. 2. Computation.** For the purpose of computing the number of sales that have been made, or will have been made upon completion of a proposed offering pursuant to Minnesota Statutes, section 80A.15, subdivision 2, clause (a):

D. the sales to any "accredited investor" within the meaning of Code of Federal Regulations, title 17, section 230.501(a) shall be excluded.

##### ~~**2875.1590 BANKS, SAVINGS INSTITUTIONS, AND SAVINGS AND LOAN ASSOCIATIONS; PROMOTION OR ESTABLISHMENT OF SECURITIES BROKERAGE SERVICES INVOLVING EXECUTION OF CUSTOMER PURCHASE AND SALE ORDERS.**~~

**Subpart 1. License requirements.** A bank, savings institution, or savings and loan association which is not licensed as a broker dealer may effect transactions in securities for the account of others by promoting or establishing accounts for broker-dealers only if the bank, savings institution, or savings and loan association:

A. ~~does not hold itself out to the public as a securities broker through publishing, broadcasting, distributing, or circulating any form of advertising through any type of media or any other manner;~~

B. ~~contracts with a broker-dealer to promote or establish accounts for that broker-dealer and the following conditions are all met:~~

- ~~(1) the broker-dealer is a National Association of Securities Dealers member who is licensed in Minnesota;~~
- ~~(2) all determinations of suitability are made by the licensed broker-dealer;~~

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## ADOPTED RULES

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(3) promotional or account-establishing functions are only performed by persons who are licensed as agents to the broker-dealer; and

(4) the bank, savings association, or savings and loan association has a contract with only one broker-dealer during the same period of time;

C. does not engage in investment advice or underwriting in connection with the securities activities described in this rule;

D. conducts all securities activities in a manner not exceeding the powers conferred by federal and state laws regulating banks, savings institutions, and savings and loan associations; and

E. does not receive compensation for referrals to broker-dealers whose activities are not within the scope of these rules.

**Subp. 2. Employees as agents.** No bank employees may be licensed as agents to more than one broker-dealer.

**Subp. 3. Filing requirements.** If a bank, savings institution, or savings and loan association contracts with a licensed broker-dealer to promote or establish accounts, the following information must be provided to the commissioner at least 30 days prior to the effective date of the contract:

A. the training manual to be used in the training of bank employees by the broker-dealer and a description of all other training to be provided;

B. a written description of the allocation of the following functions between the contracting parties with respect to securities transactions;

(1) opening, approving, and monitoring of accounts;

(2) extension of credit;

(3) maintenance of books and records;

(4) receipt of and delivery of funds and securities;

(5) safeguarding of funds and securities;

(6) confirmations and statements; and

(7) acceptance of orders and execution of transactions;

C. a written commitment from the bank, savings institution, or savings and loan association that the commissioner will have access to customer records of securities transactions in their possession;

D. identification of all bank, savings institution, or savings and loan association employees involved with the marketing program, a description of their functions and method of compensation, and identification of the agents of the licensed broker-dealer; and

E. a U-4 application for designated agents of the licensed broker-dealer.

## Department of Commerce

### Adopted Rules Relating to Subdivided Land

The rules proposed and published at *State Register*, Volume 9, Number 29, pages 1609-1612, January 14, 1985 (9 S.R. 1609) are adopted as proposed.

## Department of Commerce

### Adopted Rule Relating to Unfair Practices in Franchise Agreements

The rule proposed and published at *State Register*, Volume 9, Number 31, page 1679, January 28, 1985 (9 S.R. 1679) and Volume 9, Number 33, page 1783, February 11, 1985 (9 S.R. 1783) is adopted as proposed.

## Department of Health

### Maternal and Child Health

#### Adopted Rule Relating to Newborn Metabolic Screening Program; Duties of Responsible Parties

The rule proposed and published at *State Register*, Volume 9, Number 43, pages 2365-2366, April 22, 1985 (9 S.R. 2365) is adopted as proposed.



## Department of Natural Resources Division of Minerals

### Adopted Rules Relating to Peatland Reclamation

The rules proposed and published at *State Register*, Volume 9, Number 23, pages 1236-1249, December 3, 1984 (9 S.R. 1236) and Volume 9, Number 36, page 1980, March 4, 1985 (9 S.R. 1980) are adopted with the following modifications:

#### Rules as Adopted

DEPARTMENT OF NATURAL RESOURCES  
PEATLAND RECLAMATION  
GENERAL PROVISIONS

#### 6131.0100 SITING.

**Subp. 3. Requirements; avoidance areas for mining.** Peat mining within the areas in items A to F will be allowed only if the mining and associated reclamation will enhance the existing use of the area; or, if no reasonable or prudent alternative exists and, in the case of state-owned land, the affected area will be replaced by an area of equal or greater public value serving the same purposes as the affected area:

#### 6131.0120 SITE RESTORATION.

**Subp. 2. Requirements.** The requirements of site restoration are contained in items A to D:

A. The operator shall contact the landowner to determine whether the landowner agrees to assume management responsibility for a specific postmining land use including but not limited to wildlife habitat, forest production, agriculture, or biomass production. If the landowner does not agree to assume responsibility for postmining management, then the operator shall comply with the site restoration requirements in item B. If the landowner agrees to assume postmining management, the operator and the landowner shall jointly develop a postmining management plan at the time of application for or amendment to a permit to mine. The postmining management plan shall:

#### 6131.0150 PERMIT APPLICATIONS.

**Subp. 4. Environmental setting.** To gain information on the environmental setting of the proposed mining area, the applicant shall submit:

B. Environmental setting maps prepared as overlays to 7-1/2 minute United States Geologic Survey quadrangle maps delineating the mining area and such adjacent lands as required by the commissioner to show the areas directly or indirectly affected by the mining operation. The following information as it exists at the time of application shall be submitted:

(3) surface ownership of record and ownership of easements above, on, or below the surface within the mining area;  
and

(4) all underground uses of the property including pipelines and cables; and

(4) (5) exclusion and avoidance areas pursuant to part 6131.0100, subparts 2 and 3.

#### 6131.0280 PUBLICATION.

When an advertisement is required, it shall be published once each week for four successive weeks in a legal newspaper, pursuant to Minnesota Statutes, section 331.02, which is circulated in the locality of the proposed mining operation. This advertisement shall contain:

A. a statement and map indicating the location and boundaries of the mining area;

B. the names of all surface owners of record and owners of easements above, on, or below the surface within the mining area;

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# ADOPTED RULES

## Pollution Control Agency

### Adopted Rules Relating to Sewage Treatment Grants

The rules proposed and published at *State Register*, Volume 9, Number 33, pages 1793-1812, February 11, 1985 (9 S.R. 1793) are adopted with the following modifications:

#### Rules as Adopted

#### 7075.0402 MUNICIPAL NEEDS LIST.

**Subp. 5 Removal from needs list.** Upon approval of a facilities plan, the agency may determine that the municipality does not have a need and remove the municipality and the project from the municipal needs list.

#### 7075.0405 PRIORITY POINTS FOR TYPE OF PROJECT.

**Subpart 1. Table of priority points by type of project.** A municipality shall be awarded priority points based on the type of project to be constructed according to the following:

Type of Project	Priority Points
Tertiary treatment facilities:	
A. major tertiary treatment facilities	160
B. dechlorination facilities	120
C. ancillary addition to existing tertiary treatment facilities	80
Secondary treatment facilities:	
D. major secondary treatment facilities	150
E. dechlorination facilities	110
F. ancillary addition to existing secondary treatment facilities	75
Collection systems or collector sewers:	
G. collection system or collector sewer in other than a totally unsewered incorporated city	10
H. improvement of collection system or collector sewer reliability	10
Combined sewer overflow:	
I. control of combined sewer overflow	150

**Subp. 2. Description of project types.** Project types are described as follows:

A. Major treatment facilities are new facilities or additions to existing facilities which improve effluent quality in order that a municipality may achieve compliance with its NPDES/SDS permit and conditions. Major treatment facilities include ~~collection systems in totally unsewered incorporated cities~~, major interceptor sewers, and sewer system rehabilitation. Land application systems and stabilization ponds that are proposed as an alternative to tertiary and secondary treatment facilities that discharge to waters of the state are considered tertiary treatment and secondary treatment for purposes of project priority. Whether a land application system or stabilization pond is a tertiary or secondary treatment system is determined as based on the effluent limitations applicable to discharges to the receiving water. Subsurface disposal systems, including septic tanks, designed to treat an average daily flow of not more than 1,200 gallons and the drainfield portion and one central septic tank to treat an average daily flow in excess of 1,200 gallons are considered secondary treatment for purposes of project priority.

# 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.

## Board of Animal Health

### Notice of Special Board Meeting

A special meeting of the Board of Animal Health has been scheduled for Friday, September 20, 1985 at the Holiday Inn North, Mankato, Minnesota at 9:30 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Dr. Thomas J. Hagerty  
Executive Secretary

## County Law Libraries

### Joint Notice of Filing Fees

Pursuant to Minn. Stat. 140.422 (140.421 for Hennepin and Ramsey Counties) the following County Law Libraries announce the Law Library fees to be collected in the district, county, municipal, probate and conciliation courts of their respective counties.

Pursuant to Minn. Stat. 140.422 subd. 4, for counties other than Hennepin and Ramsey, fees shall be in effect until July 1, 1987.

### County Law Library Filing Fees

County	Civil		Probate	Conciliation		Criminal Conviction	Misd./Traffic
	Pl.	Def.		Pl.	Def.		
AITKIN	5	5	5	5	5	-	-
ANOKA	7	7	5	5	5	10(a)	-
BECKER	5	5	5	-	-	-	-
BELTRAMI	6	6	6(b)	6	6	4	4
BENTON	10	10	10	5	5	10	10
BIG STONE	5	5	5	5	5	5	5
BLUE EARTH	5	5	5	5	5	-	-
BROWN	5	5	5	5	5	-	-
CARLTON	10	10	10	5	5	-	-
CARVER	7	7	7	5	5	-	-
CASS	5	5	5	5	5	-	-
CHIPPEWA	10	10	10	10	10	10	10(d)
CHISAGO	5	5	3	3	3	5(e)	1
CLAY	10	10	10	5	5	10	5
CLEARWATER	5	5	5	1	1	3	3
COOK	5	5	5	5	5	5	5
COTTONWOOD	5	5	5	5	5	-	-
CROW WING	5	5	5	5	5	-	-
DAKOTA	5	5	5	5	5	-	-
DODGE	5	5	5	5	5	-	-
DOUGLAS	10	10	10	5	5	10	5
FARIBAULT	5	5	5	5	5	-	-
FILLMORE	5	5	5	5	5	-	-
FREEBORN	10	10	10	5	5	10	10
GOODHUE	5	5	5	5	5	-	-
GRANT	5	5	5	5	5	5	5
HENNEPIN	7	7	7	3	3	-	-

# OFFICIAL NOTICES

County	Civil			Conciliation		Criminal Conviction	Misd./Traffic
	Pl.	Def.	Probate	Pl.	Def.		
HOUSTON	5(f)	5(f)	5(f)	5(f)	5(f)	-	-
HUBBARD	5	5	5	5	5	5	5
ISANTI	5	5	5	3	3	-	-
ITASCA	5	5	5	5	5	5(g)	-
JACKSON	5	5	5	5	5	1	1
KANABEC	5	5	3	3	3	5(e)	1
KANDIYOHI	10	10	10	10	-	15(h)	10(i) 2(d)
KITTSOON	5	5	5	5	5	5	5
KOOCHICHING	5	5	5	5	5	5	5
LAC QUI PARLE	10	10	10	10	10	10	10(d)
LAKE	5	5	5	5	5	5	5
LAKE OF THE WOODS	5	5	5	5	5	-	-
LE SUEUR	10	10	10	5	5	-	-
LINCOLN	5	5	5	5	5	-	-
LYON	5	5	5	5	5	-	-
MAHNOMEN	5	5	5	1	1	-	-
MARSHALL	5	5	5	5	5	5	5
MARTIN	5	5	5	5	5	-	-
McLEOD	5	5	5	5	5	-	-
MEEKER	10	10	10	5	-	-	-
MILLE LACS	7	7	7	2	2	2	2
MORRISON	10	10	10	1	1	10(e)	5(j)
MOWER	5	5	5	5	5	-	-
MURRAY	5	5	5	5	5	1	1
NICOLLET	5	5	5	5	5	1	1
NOBLES	5	5	5	5	5	1	1
NORMAN	5	5	5	-	-	-	-
OLMSTED	10	10	10	5	5	10(k)	-
OTTER TAIL	10	10	10	-	-	10	5
PENNINGTON	7.50	7.50	7.50	5	5	7.50	7.50
PINE	5	5	5	3	3	-	-
PIPESTONE	5	5	5	5	5	5	5 1(c)
POLK	5	5	5	1	-	5	5
POPE	5	5	5	5	5	5	5
RAMSEY	7	7	7(L)	-	-	-	-
RED LAKE	5	5	5	5	5	5	5 2.50(c)
REDWOOD	5	5	5	5	5	-	-
RENVILLE			NO FEES				
RICE	10	10	10	10	10	-	-
ROCK	5	5	5	5	5	5	5 1(c)
ROSEAU	5	5	5	5	5	5	5
SCOTT	5	5	5	-	-	-	-
SHERBURNE	5	5	5	3	3	1(a)	-
SIBLEY	7	7	7	7	7	-	-
ST. LOUIS	10	10	10	5	5	2(m)	2(m)
STEARNS	10	10	10	5	5	10	10 1(c)
STEELE	5	5	5	5	5	-	-
STEVENS	5	5	5	5	5	5	5
SWIFT	7	7	7	7	7	2	2
TODD	10	10	10	5	5	10(e)	5(j) 3(c)
TRAVERSE	5	5	5	5	5	5	5
WABASHA	5	5	5	5	5	-	-
WADENA	5	5	5	-	-	-	-
WASECA	10	10	10	5	5	-	-

County	Pl.	Civil		Conciliation		Criminal Conviction	Misd./Traffic
		Def.	Probate	Pl.	Def.		
WASHINGTON	5	5	5	-	-	-	-
WATONWAN	5	5	5	-	-	-	-
WILKIN	5	5	5	5	5	5	5
WINONA	5	5	-	5	-	-	-
WRIGHT	5	5	5	3	3	1	1
YELLOW MEDICINE	10	10	10	10	10	10	10(d)

**NOTES:**

- (a) ANOKA—Felonies, gross misdemeanors, and misdemeanors.
- (b) BELTRAMI—Probate fees charged only on formal proceedings and determination of descent.
- (c) BENTON, PIPESTONE, RED LAKE, ROCK, STEARNS, & TODD—Fee for petty misdemeanors.
- (d) CHIPPEWA, KANDIYOHI, LAC QUI PARLE, & YELLOW MEDICINE— No fee for non-moving traffic violation conviction.
- (e) CHISAGO, MORRISON, KANABEC & TODD—Fee for gross misdemeanors and felonies.
- (f) HOUSTON—Reserves right to increase existing fees to \$7.
- (g) ITASCA—Fee charged in criminal actions where penalty imposed is \$100 or more or jail time, including suspended jail time.
- (h) KANDIYOHI—Fee for felonies.
- (i) KANDIYOHI—Fee for gross misdemeanors.
- (f) MORRISON & TODD—Fee for misdemeanors.
- (k) OLMSTED—No conviction fee for cases that do not go to trial.
- (L) RAMSEY—No fee on guardianship or conservatorship petitions.
- (m) ST. LOUIS—Conviction fees will not be collected until board, after reviewing operating costs, determines it is necessary.

**State Board of Education  
Department of Education  
Partnerships Division**

**Outside Opinion Sought Regarding Amending Minimum Student Staff Ratio to Obtain Financial Aid for Secondary Vocational Programs**

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency to amend the Required Minimum Student Instructor-Staff Ratio of 10 Students to Instructor/Instructor Coordinator to Obtain Financial Aid for Secondary Vocational Programs. The amendment of these rules is authorized by Minnesota Statutes, section 124.53 subd 3; and 124.574 subds 4, 5.

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

Paul Day  
Minnesota Department of Education  
637 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-4864 or in person at the above address.

# OFFICIAL NOTICES

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All statements of information and comments shall be accepted until August 23, 1985. Any written material received by the State Board of Education shall become part of the record in the event that the rules are amended.

July 22, 1985

J. Thomas Strom, Manager  
Secondary Vocational Education  
Partnerships Division

## Department of Human Services Board on Aging

### Notice of Proposed Intrastate Funding Formula

Notice is hereby given that the Minnesota Board on Aging, after consultation with area agencies on aging and in compliance with the Older Americans Act of 1965, as Amended, and 45 CFR, Part 1321, is publishing for review and comment the proposed intrastate funding formula for the allocation of Older Americans Act, Title III, funds among area agencies on aging.

#### A. Formula Goals and Assumptions

1. Goals of the intrastate funding formula are to
  - assure equitable availability of funds to the service population of each area agency on aging in the state;
  - reflect the proportionate distribution of persons age 60 and over in each planning and service area; and
  - give preference to populations over age 60 with greatest social and economic need, with special attention to low income minority populations.
2. Assumptions on which the intrastate funding formula is based are that
  - particular attention should be given to the needs of older Native Americans living on reservations;
  - area agencies in less populated areas of the state should be assured an adequate proportion of grant funds; and
  - emphasis should be placed on providing funds to those areas with older populations with the greatest economic or social need.

#### B. Statement of Funding Formula

1. Area Plan Administration The MBA shall take 8.5% of its combined allotments for supportive services, congregate nutrition services and home delivered meal services, after application of amounts used under section 308(b) for state agency administration, in the same proportion as each fund contributes to the total remaining, set-aside amounts for the Indian Area Agency on Aging, and compute distribution of the balance as follows:

- a. An identical \$15,000 base to each area agency; and
- b. Remaining funds awarded according to factors of population 60+ (70%), low income 60+ (25%) and minority 60+ (5%).

2. Direct Service—Title IIIB Supportive Services

The Minnesota Board on Aging shall delete amounts for state agency administration, operation of the long term care ombudsman program, set-aside for long term care ombudsman program grants, area agency administration and the Indian Area Agency on Aging, and compute the distribution of the balance as follows:

- a. An identical \$50,000 base to each area agency; and
- b. Remaining funds awarded according to factors of population 60+ (70%), low income 60+ (25%) and minority 60+ (5%).

3. Direct Service—Title III C1 and C2 Nutrition Services

The Minnesota Board on Aging shall delete amounts for state agency administration, area agency administration and the Indian Area Agency on Aging, and compute the distribution of the balance as follows:

- a. An identical \$50,000 base to each area agency; \$25,000 for Title III-C1 and \$25,000 for Title III-C2; and
- b. Remaining funds awarded according to factors of population 60+ (70%), low income 60+ (25%) and minority 60+ (5%).

Funds available to area agencies on aging for use in program development are included in service grants. Area agency on aging requests for specific amounts will be considered as part of the annual area agency on aging plan and budget approval process.

**C. Data Utilized**

The Minnesota Board on Aging shall use the factors of a) population 60+ weighted 70%, b) low income 60+ weighted 25%, and c) minority 60+ weighted 5%. The data used shall be from 1980 Census runs, Summary Tape Files 2 and 4, completed by Minnesota Analysis and Planning System for the Minnesota Board on Aging.

**D. Fund Allocation**

A demonstration of the application of the formula proposed in Section B results in the following:

AAA	FUND Title <u>III-3A</u>	FUND Title <u>III-B</u>	FUND Title <u>III-C1</u>	FUND Title <u>III-C2</u>	Total <u>Federal</u>
Region 1	38,456	150,614	176,909	47,185	413,164
Region 2	31,447	120,549	131,516	40,556	324,067
Region 3	81,550	335,471	456,007	87,945	960,973
Region 4	61,495	249,443	326,121	68,976	706,034
Region 5	49,663	198,689	249,492	57,785	555,629
Region 6E	38,109	149,126	174,662	46,857	408,753
Region 6W	30,822	117,870	127,471	39,965	316,128
Region 7E	35,055	136,028	154,887	43,969	369,939
Region 7W	46,818	186,484	231,066	55,094	519,462
Region 8	47,616	189,908	236,234	55,849	529,606
Region 9	59,239	239,768	311,514	66,843	677,365
Region 10	87,795	362,262	496,457	93,852	1,040,366
Region 11	280,887	1,190,544	1,747,008	276,483	3,494,922
Region 12	<u>30,100</u>	<u>67,500</u>	<u>162,000</u>	<u>25,000</u>	<u>284,600</u>
NOTE:	919,050	3,694,257	4,981,343	1,006,357	10,601,007

NOTE: The application of the proposed formula, if adopted in 1986 and subsequent years, will result in allotments which vary from the above as the funds available to the state for distribution to area agencies on aging change.

E. The Minnesota Board on Aging will consider adopting the proposed intrastate funding formula at their regular meeting, Friday, September 13, 1985. The formula, if adopted, and after review and comment by the Commissioner of the Administration on Aging, will be applied to the Older Americans Act funds awarded to the Minnesota Board on Aging beginning with federal fiscal year 1986.

All written comments must be received by the Minnesota Board on Aging no later than August 30, 1985. Requests by those wishing to appear before the Board in person to provide comments on the formula proposed must be received in writing no later than September 6, 1985.

All comments and requests should be mailed to:

Gerald A. Bloedow, Executive Secretary  
 Minnesota Board on Aging  
 204 Metro Square Building  
 121 E 7th Street  
 St. Paul, MN 55101

**Department of Labor and Industry  
 Prevailing Wage Division**

**Certified Prevailing Wage Rates for Commercial Construction**

Effective August 1, 1985, the commissioner will certify prevailing wage rates for commercial construction in the following Minnesota counties: Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Red Lake, Roseau, St. Louis, Wadena and Wilkin.

## OFFICIAL NOTICES

A copy of the determined wage rates for Minnesota counties may be obtained by writing to the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties the charge is \$25.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Steve Keefe, Commissioner  
Department of Labor and Industry

## Minnesota State Agricultural Society Minnesota State Fair

### Meeting Notice

The first scheduled meeting of the Minnesota State Agricultural Society's board of managers during the 1985 State Fair, Aug. 22 through Sept. 2, will be at 10 a.m. Friday Aug. 23 in the Administration Building on the fairgrounds, St. Paul.

Subsequent meetings will be at the call of the society's president as necessary to conduct fair-related business. Dates and times will be available from the communications office in the Service Building on the fairgrounds.

## STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

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

## Department of Administration Procurement Division

### Commodities Contracts and Requisitions Currently Open for Bidding

<u>Requisition #</u>	<u>Item</u>	<u>Ordering Division</u>	<u>Delivery Point</u>	<u>Estimated Dollar Amount</u>
55-304-06635, 55-304-06611	Carpet & Accoustiflor Install—Rebid	Brainerd State Hospital	Brainerd	Contact buyer
Contract 01-000-04432	Dairy Products Folding Steel Chairs, Tables; Table & Chair Carts	Various Military Affairs	Various Various	Contact buyer Contact buyer
26-072-09487	Sony Video Camera	Moorhead State University	Moorhead	Contact buyer
22-600-01561	Purchase of Novell Network System	Energy & Economic Development	St. Paul	Contact buyer
27-138-47723	Telephone System	Community College System	St. Paul	Contact buyer
79-000-47146	Repair of Aircraft	Transportation— Aeronautics	St. Paul	Contact buyer



## STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
38-000-00861	Modular Office System	Investment Board	St. Paul, Mn.	Contact buyer
79-000-46871	Carpeting Only—No Installation	Transportation	St. Paul	Contact buyer
Rebid Contract	Mini Computer Services— Addendum #1	Various	Various	Contact buyer
21-200-09828	Maintenance on P.B. Mailing System	Economic Security	St. Paul	Contact buyer
27-147-44047	3M Detection System	Vermillion Community College	Ely, Mn.	Contact buyer
79-000-48260	Maintenance ILS. Equip.	Transportation— Aeronautics	Various	Contact buyer
Contract	Lubricating Oils and Greases	Various	Various	\$375,000-425,000
Contract	Cummins Diesel Repair Part	Various	Various	Contact buyer
79-400-02512	Galvanized Steel Posts	Transportation	Detroit Lakes	Contact buyer
12-400-86573	Neonatal Reagents	Health	Minneapolis	Contact buyer
55-201-06263	Barber & Beauty Shop Services	Cambridge State Hospital	Cambridge	Contact buyer
21-200-09958	Telephone System	Economic Security	Mora	Contact buyer
26-073-18005- 18006	Typewriter Maint.	St. Cloud State University	St. Cloud	Contact buyer
02-511-47285	Perma Stamps	Administration— Central Stores	St. Paul	Contact buyer
26-073-18004	Maint. Xerox Typewriters	St. Cloud State University	St. Cloud	Contact buyer
26-073-18018, etc.	Hockey Equipment	Various	Various	Contact buyer
63-000-00812-1301	PERA Newsletter	Public Employees Retirement Association	St. Paul	Contact buyer
55-000-92310-1382	MSA Notice of Action and Grant	Human Services	St. Paul	Contact buyer
27-152-46199	Mailing Service	Anoka-Ramsey Community College	Anoka	Contact buyer
34-000-04575	Purchase of Photocopy Machine	Housing Finance Agency	St. Paul	Contact buyer
Contract	Floor Wax Contract	Various Locations	Various Locations	\$146,195.50
27-152-42720	Purch. of used CPT w/p System	Inver Hills Community College	Inver Grove Heights	Contact buyer
79-000-47145	Aircraft Repair	Transportation— Aeronautics	St. Paul	Contact buyer
Contract	Genuine Kuhn Mower Repair Parts	Various	Various	\$8,000-10,000
26-175-06159	Remodeling of Lecture Center	Southwest State University	Marshall	Contact buyer
27-148-46638	Supply & Install Ceramic Tile	Rochester Community College	Rochester	Contact buyer
55-103-03257	Deaireator	Moose Lake State Hospital	Moose Lake	Contact buyer
02-310-14016	Lexan	St. Peter State Hospital	St. Peter	Contact buyer
42-206-07895	Modular Open Space Office System	Labor & Industry	St. Paul	Contact buyer
26-175-06141	Roof Repair as Needed	Southwest State University	Marshall	Contact buyer
78-620-25373	Drinking Water Tower Chemicals	MN Correctional Facility	Stillwater	Contact buyer
26-074-12019	Maintenance on IBM System	Winona State University	Winona	Contact buyer
32-100-13405	Maintenance on IBM Displaywriter System	Pollution Control	Roseville	Contact buyer

## STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
Contract	Carton Paper	Administration— Central Stores	Various	\$8,000-10,000
78-830-07699, etc.	Flush Valves	MN Correctional Facility	St. Cloud	Contact buyer
07-700-34627-1130	Odometer Statement	Public Safety	St. Paul	Contact buyer
27-147-44053-1258	Direct Mail Brochure	Vermilion Community College	Ely	Contact buyer
99-730-28398	Purchase of Computer & Netware System	Public Safety	Minneapolis	Contact buyer
07-500-36031	Transporting Used Vehicles	Public Safety— MN State Patrol	Various	Contact buyer

Contact 296-6152 for referral to specific buyers.

## Department of Agriculture Office of the Commissioner

### Applications Accepted for Agricultural Market Development Projects Under the Agricultural Development Grant Program

Notice is hereby given that the Minnesota Department of Agriculture is accepting applications for agricultural development grants as provided for in Minnesota Statutes 17.101, subd. 2, and in 3 MCAR §§ 1.4060-1.4070. Applications are being received and will continue to be received until October 1, 1985.

Organizations wishing to apply for a grant should request a copy of the rules governing the program and other related application material. The rules describe eligibility criteria, application content and application procedures. Separate proposals must be submitted for each grant being sought. Other information may be obtained by contacting:

Rollin Dennistoun, Ph.D.  
Deputy Commissioner  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 296-9310

Applicants are to submit their proposal(s) to Dr. Dennistoun at the above address on or before 4:30 p.m. October 1, 1985. A maximum grant of \$70,000 per biennium is available per organization. The applying organization must provide 25% of the funds.

## Department of Agriculture Plant Industry Division

### Request for Proposals for Advertising Services

The Plant Industry Division, Department of Agriculture, is seeking a consultant to provide advertising Services under contract as follows:

1. To promote the quality of Minnesota Certified Seed Potatoes and thus increase the demand and sales of same through advertising promotion in various printed media, including various potato oriented publications throughout the country;
2. To develop and implement, upon review and approval of the department, an advertising campaign to accomplish objective #1.

The selected consultant will be paid up to \$20,000 for services rendered. The actual contract payment will be based upon the actual services performed. The contract will be for September 1, 1985 through June 30, 1986.

Proposal submissions will be accepted until 4:30 p.m. on August 15, 1985. The formal RFP may be requested from and other inquiries may be made to:

RICHARD T. ZINK  
Plant Industry Division  
90 West Plato Blvd., Room 226  
St. Paul, Minnesota 55107  
(612) 296-8387

## **Department of Corrections Minnesota Program for Victims of Sexual Assault**

### **Grant Funds Available**

The Minnesota Department of Corrections, Program for Victims of Sexual Assault, announces the availability of grant funds to address the problem of sexual assault within racial minority populations and in areas of the state that do not have sexual assault services. Services to be provided through the grant are: crisis intervention and support for victims of sexual assault; training for professionals; and community education and coordination with other agencies. As a general guideline, grant awards will be between \$5,000 and \$14,000.

Consideration for services to racial minority populations will be given to proposals that: address the issue of sexual assault within the Asian community, provide services to Hispanics in the seven county Metro area, and provide services to racial minorities in unserved areas of the state such as Indian Reservations.

Consideration will also be given to applicants that propose comprehensive services to unserved geographic areas of the state. That includes the counties of Aitkin, Brown, Chisago, Clearwater, Cook, Faribault, Freeborn, Goodhue, Isanti, Kanabec, Kittson, Koochiching, Lake of the Woods, Le Sueur, Lincoln, Mahnomon, Marshall, Martin, Mille Lacs, Morrison, Mower, Murray, Nicollet, Norman, Pine, Roseau, Scott, Sibley, Steele, Todd, Wabasha, Wadena, Waseca, Watowan, and Yellow Medicine.

The Minnesota Program for Victims of Sexual Assault provides funding to 28 sexual assault centers throughout the State of Minnesota.

Interested persons and agencies may request a grant application from the Minnesota Program for Victims of Sexual Assault by calling (612) 642-0256. Applications are due by August 19, 1985.

## **Department of Employee Relations Training & Development Division**

### **Request for Proposals for Low Back Injury Prevention Program**

The Department of Employee Relations is requesting proposals for implementation of a Low Back Injury Prevention program for use by state agencies. This initial pilot phase will include installing the program in up to four state agencies. If the pilot effort is successful, the program will be expanded to other state agencies and possibly include a train-the-trainer aspect.

The Department has approximately \$30,000 to spend for this pilot effort.

Inquiries and proposals should be directed to:

Mark Sundquist  
Training & Development Manager  
Department of Employee Relations  
444 Lafayette Road  
St. Paul, MN 55101

Proposals for this request will be accepted until 4:30 p.m., August 12, 1985.

## STATE CONTRACTS

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### Department of Energy and Economic Development

#### Economic Recovery Grant Funds Expended

Notice is hereby given that the State Department of Energy and Economic Development has expended its Fiscal Year 1984 Economic Recovery Grant Fund appropriation per Minnesota Rules, part 116J.873.

For further information, contact Robert Benner, Deputy Commissioner (612) 297-2515.

### Department of Energy and Economic Development Minnesota Office of Tourism

#### Request for Proposals for Illustration Services

The Minnesota Office of Tourism is seeking proposals for provision of illustrations for publication for a one-year period commencing September 1, 1985, with an option to renew for each of two consecutive years. Annual contract for professional services plus expenses is estimated to be \$12,000, subject to Tourism approval.

Illustration is for the MINNESOTA EXPLORER newspaper and other Tourism publications. The newspaper is published three times per year; 12-24 pages; four-color broadsheet. Applicants must have newspaper experience and be skilled in black and white, cut-color and airbrush techniques. There will be approximately 10-20 illustrations per issue, plus occasional illustrations for other publication needs.

Those interested should submit a resume of work and a portfolio for consideration to: Bonnie Richter, Communications Manager, Minnesota Office of Tourism, 240 Bremer Bldg., 419 N. Robert St., St. Paul, MN 55101, 612/297-3879.

Proposals will be accepted at that address until 5 p.m., Thursday, August 15, 1985. Portfolios may be picked up August 22, 1985, or by prior arrangement.

### Department of Energy and Economic Development MN Office of Tourism

#### Request for Proposals to Provide Art Direction Services

The Minnesota Office of Tourism is seeking proposals for provision of art direction services for a one-year period commencing September 1, 1985, with an option to renew for each of two consecutive years. Annual contract for professional services plus expenses is estimated to be \$10,000, subject to Tourism approval.

Art direction is for the *Minnesota Explorer* newspaper only. It is published three times per year; 12-24 pages; four-color broadsheet. Applicants must have at least five years experience with four-color newspaper production. Art director will be responsible for all layouts within a pre-established design format.

Those interested should submit a resume of work and a portfolio for consideration to: Bonnie Richter, Communications Manager, Minnesota Office of Tourism, 250 Bremer Bldg., 419 N. Robert St., St. Paul, MN 55101, 612/297-3879.

Proposals will be accepted at that address until 5 p.m., Thursday, August 15, 1985. Portfolios may be picked up August 22, 1985, or by prior arrangement.

### Department of Health

#### Maternal and Child Health Special Projects Grants Available

This notice of availability applies to grants to be awarded by the Minnesota Department of Health under the authority of Minnesota Statutes, Sections 145.88 to 145.889, as amended by 1985 Special Session, House File No. 10, Article 19, Sections 18-23; 37, Subd. 4(d); and 38; except for projects established prior to federal enactment of the Maternal and Child Health Services Block Grant. The Notice of Availability published in the *State Register* on March 25, 1985, applies to these pre-Block projects.

#### Purpose, Scope, and Eligibility

The Maternal and Child Health (MCH) Special Projects Grant Program will be funded by both federal and State revenues. A description of the purposes of each follows.

The federal Maternal and Child Health Services Block Grant (Title V, Social Security Administration) was enacted to assure that mothers and children have access to quality maternal and child health services. This Act was particularly intended to provide services for those at low income or those considered at high risk because they have a condition that significantly increases the probability of disease, injury, death, or other adverse health-related problems. The program includes services for reduction of infant mortality, reduction of preventable diseases, meeting the health needs of children with handicapping conditions, and promoting the health of mothers and children—particularly those with greatest need.

The 1985 State Law Amendments require that all special project grant funds from federal and State sources be used for qualified programs that:

“(1) specifically address the highest risk populations, particularly low income and minority groups with a high rate of infant mortality and children with low birth weight, by providing services calculated to produce measurable decreases in infant mortality rates, instances of children with low birth weight, and medical complications associated with pregnancy and childbirth;

“(2) specifically target pregnant women whose age, medical condition, or maternal history substantially increases the likelihood of complications associated with pregnancy and childbirth or the birth of a child with an illness, disability, or special medical needs;

“(3) specifically address the health needs of young children who have or are likely to have a chronic disease or disability or special medical needs; or

“(4) provide family planning and preventive medical care for specifically identified target populations, such as minority and low income teenagers, in a manner calculated to decrease the occurrence of inappropriate pregnancy and minimize the risk of complications associated with pregnancy and childbirth.” (1985 Special Session, House File No. 10, Article 19, Section 18, Subd. 7)

The only instance in which funds may be used for programs that do not meet these purposes is when “the local board of health or community health services area can demonstrate that existing programs fully address the needs of the highest risk target populations described in this subdivision” (Section 18, Subd. 7). Further, all applications are now legislatively required to include “a description of the manner in which the program responds to needs and priorities for services identified by the Maternal and Child Health Advisory Task Force. . . .” A preliminary statement of these priorities is contained in the draft State Plan recently distributed for review and comment.

In addition to continuation of pre-Block Grant MCH Special Projects, three (3) other funding arrangements for MCH Special Projects are established as follows:

### **1. Formula MCH Special Projects**

Eligible applicants are local boards of health (hereinafter referred to as CHS boards of health) established in Minnesota Statute Section 145.913 and for which a State subsidy is received under Sections 145.911 to 145.922.

However, certain areas (the cities of Minneapolis and Saint Paul and the CHS board of health that serves the four counties of Beltrami, Lake of the Woods, Clearwater and Hubbard) are not eligible to receive funding under this provision of the legislation because a pre-Block Grant MCH Special Project located within the CHS area receives an allocation of funds that is greater than the amount which the CHS area would be allocated under the Formula.

Table 1 indicates the maximum funding available for each CHS board of health for the two-year period, Calendar Years 1986-87, subject to continuation of MCH Services Block Grant funding at the 1985 federal fiscal year level. The new State legislation requires that funds made available to CHS boards of health be distributed by them “to qualified programs that provide essential services within the community health services area” (Section 18, Subd. 3). Thus, each CHS board of health is required by Statute to establish a process for its CHS area by which proposals may be solicited and considered from all qualified programs that have interest in participation, including those of non-profit and other public agencies and Indian reservations. Documentation of this process will be required in the application in accordance with the following provision of the new legislation:

“Applications by local boards under section 18, subdivision 3, must also contain a summary of the process used to develop the local program, including evidence that the local board notified local public and private providers of the availability of funding through the local board for maternal and child health services; a list of all public and private agency requests for grants submitted to the local board indicating which requests were included in the grant application; and an explanation of how priorities were established for selecting the requests to be included in the grant application. The local board shall include, with the grant application, a written statement of the criteria to be applied to public and private agency requests for funding.” (Section 22, Subd. 2)

If a CHS board of health does not submit an application for funding, the allocation for that CHS area will be reallocated to other CHS areas for which approvable applications have been received. Other local public and private providers may not apply directly to the Department for funding under this provision.

# STATE CONTRACTS

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## 2. Pine County MCH Special Project

The new legislation establishes an allocation for projects in areas of the State that are not a part of the CHS system organized under Minnesota Statute Section 145.913. At the present time, this program applies only to Pine County. The legislation uses the same criteria in establishing an allocation for this area as are required in calculation of the Formula MCH Special Projects allocations for CHS areas. For the two-year period of Calendar Years 1986 and 1987, the allocation for projects in Pine County totals \$48,930, subject to continuation of MCH Services Block Grant funding at the 1985 federal fiscal year level. Any governmental agency or non-profit corporation interested in participating in this allocation is eligible to apply. In the interest of developing a single coordinated grant application not exceeding the total funding available for projects in Pine County, the Commissioner or her designee will convene a meeting of agencies who submit Notices of Intent to Apply for these funds.

## 3. Competitive MCH Special Projects

The new legislation establishes an allocation of \$450,000 for a competitive grants program to be implemented only in the cities of Minneapolis and Saint Paul and the CHS area which includes the counties of Beltrami, Lake of the Woods, Clearwater and Hubbard, i.e., areas ineligible to participate in the Formula MCH or Pine County MCH Special Projects. Applications will be accepted from Pre-Block Grant projects and any new applicants that propose to provide services consistent with the requirements of the program.

### Notice of Intent to Apply for Funds

Any organization interested in applying for funds through one of the three arrangements described above should submit a Notice of Intent to:

Commissioner of Health  
Minnesota Department of Health  
717 SE Delaware Street  
P.O. Box 9441  
Minneapolis, Minnesota 55440  
Attention: Grants Management, Room 232-G

The Notice of Intent must include the following information:

Name of Applicant Organization  
Name, Address, and Telephone Number of a Contact Person  
Type of MCH Special Projects Grant Program  
Maximum Amount of Special Project Grant Funds to be Requested for the Two-Year Period 1986 and 1987

A copy of the Notice of Intent should also be sent to the grant manager identified in the last section of this notice. In addition, each non-CHS agency applying for Competitive MCH Special Projects should submit a copy of the Notice of Intent to the CHS Board of Health in its geographical service area.

The Notice of Intent must be received by the Department of Health no later than 4:30 p.m., Wednesday, July 31, 1985.

### Application Materials

An organization expressing an intent to apply will be provided with pertinent application materials, information on the review and award process, and the name and telephone numbers of Minnesota Department of Health consultants available to provide technical assistance concerning preparation of the grant application. Application materials will be available after July 7, 1985.

### Application Submission Requirements

The original plus two additional copies of each completed application must be received by the Minnesota Department of Health no later than 4:30 p.m. on the dates identified below. The completed application must also be submitted to appropriate Regional Development Commissions (RDCs), Health Systems Agencies (HSAs) and CHS boards of health no later than the deadline of receipt of the application at the Minnesota Department of Health. Competitive MCH Special Project grant applications not received by the deadline will be reviewed and funded only after all other applications are reviewed and funded (in accordance with available funds).

Grant application receipt deadlines are no later than 4:30 p.m. on the following dates:

Formula MCH Special Projects	October 31, 1985
Pine County MCH Special Projects	September 16, 1985
Competitive MCH Special Projects	September 16, 1985

These deadlines were established in recognition of the extra time that may be needed by Formula MCH Special Projects to develop a local grants administration process. CHS boards of health are asked to include the Formula MCH Special Project appli-

cations as an identified section in their CHS Plans. Further guidelines for the development of this section of the CHS Plan are available through MDH District Office Representatives and Nursing Consultants, or from the MCH Special Projects Grants Manager.

**Minnesota Department of Health MCH Special Project Grant Manager**

A Maternal and Child Health Special Projects grant manager at the Minnesota Department of Health is available for further information regarding the Special Projects grants. As indicated above, a copy of the Notice of Intent should be sent to:

Ronald G. Campbell, M.D., M.P.H.  
 Section of Maternal and Child Health Technical Services  
 Minnesota Department of Health  
 717 SE Delaware Street  
 P.O. Box 9441  
 Minneapolis, Minnesota 55440  
 (612) 623-5539

**Awards of Funds and Contract Schedule**

Applications will be reviewed as submitted and grants awarded in accordance with legislative requirements, applicable Rules for management of funds granted to community health services (4700.0500-4700.1200), and criteria identified in the application materials. Applicant organizations will be notified in writing of the status of the application. Contracts will be completed by applicant organizations and executed by the State according to the following dates:

	Award Decision	Contract
Formula MCH Special Projects	December 31, 1985	February 1, 1986
Pine County MCH Special Projects	November 30, 1985	January 1, 1986
Competitive MCH Special Projects	November 30, 1985	January 1, 1986

**Duration of Funding**

Funds for approved MCH Special Projects will be awarded for the period of January 1, 1986, through December 31, 1987. Funding for the full award period will be dependent upon continuation of federal Title V, SSA appropriations at the federal fiscal year 1985 level.

TABLE I  
 FORMULA MCH SPECIAL PROJECTS ALLOCATION TABLE FOR  
 CALENDAR YEARS 1986 AND 1987

CHS Area	Agency Award For 2-Year Period CY 1986 & 1987
Aitkin-Itasca-Koochiching	\$174,658
Anoka	\$363,290
Becker-Mahnomen-Norman	\$101,477
Beltrami-Lake of the Woods-Clearwater-Hubbard	\$ 0*
Benton-Sherburne	\$128,236
Blue Earth	\$ 95,989
Brown-Nicollet	\$ 88,247
Carlton-Cook-Lake-St. Louis	\$523,080**
Carver	\$ 56,898
Cass-Todd-Wadena-Morrison	\$244,340
Chippewa-Lac Qui Parle-Swift-Yellow Medicine-Big Stone	\$ 91,393
Chisago-Kanabec	\$ 88,883
Clay-Wilkin	\$107,113
Cottonwood-Jackson	\$ 37,440
Crow Wing	\$101,672
Dakota	\$313,720
Dodge-Steele	\$ 75,172
Douglas-Grant-Pope-Stevens-Traverse	\$ 95,689

\* Pre-Block Grant project amount is greater than Formula allocation.  
 \*\* Pre-Block Grant project amount is deducted from Formula allocation.

# STATE CONTRACTS

	Agency Award For 2-Year Period CY 1986 & 1987
CHS Area	
Faribault-Martin-Watonwan	\$ 89,352
Fillmore-Houston	\$ 65,347
Freeborn	\$ 66,627
Goodhue-Wabasha	\$ 20,970**
Hennepin	\$553,433
Hennepin (Bloomington)	\$ 87,657
Hennepin (Edina)	\$ 26,147
Hennepin (Minneapolis)	\$ 0*
Hennepin (Richfield)	\$ 51,151
Isanti-Mille Lacs	\$101,148
Kandiyohi	\$ 81,174
Kittson-Marshall-Pennington-Red Lake-Roseau	\$ 86,747
Le Sueur-Waseca	\$ 78,137
Lincoln-Lyon-Murray-Pipestone	\$ 90,319
Meeker-McLeod-Sibley	\$106,203
Mower	\$ 66,049
Nobles-Rock	\$ 46,124
Olmsted	\$158,469
Otter Tail	\$ 85,084
Polk	\$ 71,563
Ramsey	\$284,982
Ramsey (St. Paul)	\$ 0*
Redwood-Renville	\$ 60,930
Rice	\$ 73,759
Scott	\$ 79,680
Stearns	\$197,793
Washington	\$196,699
Winona	\$ 81,322
Wright	\$123,896

\* Pre-Block Grant project amount is greater than Formula allocation.

\*\*Pre-Block Grant project amount is deducted from Formula allocation.

## Metropolitan Council

### Invitation for Sealed Bids for Printing

The Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101, is requesting sealed bids to print the Consumer's Guide to Nursing Homes.

Specifications for printing the publication can be obtained by contacting Nadine Farrington, publications unit, at 291-6478.

Sealed bids will be accepted by the Metropolitan Council until 4 p.m., August 1, 1985. The Council's purchasing officer will open the sealed bids publicly in the Council offices at 10 a.m., August 2.

All sealed bids shall be marked "Bids to print Consumer's Guide to Nursing Homes—to be opened on August 2, 1985." Bids shall be mailed to Nadine Farrington, Communications Department, Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101.

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

July 17, 1985

Sandra S. Gardebring, Chair



# SUPREME COURT

## Decisions Filed Friday, July 19, 1985

### Compiled by Wayne O. Tschimperle, Clerk

**C6-83-1863 In Re: the Marriage of: Nadine G. Kelly, Petitioner, v. Michael J. Kelley, Appellant. Court of Appeals.**

Notice of appeal should be liberally construed in favor of its sufficiency.

Trial court did not abuse its discretion in its division of the property.

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

**C8-85-895 Michael Bush, et al., Petitioners, v. Honorable Rudy Perpich, Governor of the State of Minnesota and Lynn C. Olson, Special Commissioner, In Re: Proceeding to Remove R. Kathleen Morris from Office; R. Kathleen Morris, Petitioner, v. Honorable Rudy Perpich, Governor of the State of Minnesota and Lynn C. Olson, Special Commissioner, In Re: Proceeding to Remove R. Kathleen Morris from Office. Ramsey County.**

Petition for writ of prohibition denied. Amdahl, C.J.

Dissenting, Kelley, J., Wahl, J., and Coyne, J.

**C2-84-512 David Mattson v. Continental Insurance Company, Petitioner, Appellant. Court of Appeals.**

The insured was entitled to receive underinsured motorist benefits for injuries arising from a vehicle owned by the insured but not insured under the insurance policy, despite a policy exclusion to the contrary.

Affirmed. Amdahl, C.J.

**C7-84-571 Roger Sibbert, et al., v. State Farm Mutual Automobile Insurance Company, Appellant. Court of Appeals.**

The insured was entitled to receive underinsured motorist benefits for injuries arising from a vehicle owned by the insured but not insured under the insurance policy, despite a policy exclusion to the contrary.

Affirmed. Amdahl, C.J.

**CX-83-1977 Roger N. Sobania v. Integrity Mutual Insurance Company, et al., Petitioners, Appellants. Court of Appeals.**

The insured was entitled to receive underinsured motorist benefits for injuries arising from a vehicle owned by the insured but not insured under the insurance policy, despite a policy exclusion to the contrary.

Affirmed. Amdahl, C.J.

**C4-83-310 State of Minnesota v. George Graham, Appellant. Ramsey County.**

The trial court did not abuse its discretion by not removing a juror for cause, by not declaring a mistrial after the prosecutor got "choked up" during his opening argument, by not ordering a new trial after the prosecutor called the defendant an executioner in the closing statement, by not limiting the use of the defendant's prior criminal record for impeachment purposes, by not giving a self-defense instruction, and by not reshewing a video tape recording to the jury. Although showing a video tape recording of an angry, dirty, bloody defendant in the hospital was unfairly prejudicial and of minimal probative value, any error was harmless. Numerous other claims made by the defense are meritless.

Affirmed. Yetka, J.

**C0-83-1325 State of Minnesota v. Jeanne Newstrom, Petitioner, Appellant. Itasca County.**

Minn. Stat. § 120.10, subd. 2(1984), which defines "school" in part as one in which the curriculum is taught by teachers whose qualifications are "essentially equivalent" to those of public school teachers, is unconstitutionally vague, under the United States Constitution, amendment XIV and the Minnesota Constitution, art. 1, § 7, for purposes of imposing criminal penalties on persons charged with violating the compulsory school attendance law.

Reversed. Wahl, J.

**CX-84-211 State of Minnesota, Petitioner, Appellant, v. Donald Budke, and Kathleen Budke. Otter Tail County.**

Affirmed. Wahl, J.

**C9-84-586 Thomas M. Willmus as Trustee of the Geraldine Willmus Trust for the Benefit of John Willmus, Relator; Rose M. Willmus, Relator; Mark T. Willmus, Relator, v. Commissioner of Revenue. Tax Court.**

The Commissioner of Revenue correctly determined that a taxpayer's 1979 state minimum tax on preference items under Minn. Stat. § 290.091 (1979) was to be computed pursuant to the provisions of sections 56 through 58 of the Internal Revenue Code of 1954 as amended through December 31, 1976.

## SUPREME COURT

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The commissioner's promulgation of a schedule for calculation of 1979 state minimum tax to include preference items subject to federal section 55 treatment did not exceed its administrative authority.

Calculation of 1979 minimum tax on preference items subject to section 55 treatment was properly based on the rate set forth under section 56 of the Internal Revenue Code as amended through December 31, 1976.

Affirmed. Wahl, J.

**C7-84-1543 Myles Spicer v. Carefree Vacations, Inc., Petitioner, Appellant. Court of Appeals.**

An order refusing to vacate a default judgment constitutes an appealable order.

Reversed and remanded for reinstatement of appeal. Kelley, J.

## TAX COURT

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

### State of Minnesota Tax Court Regular Division

**Alfred and Jeannette Nelson, Appellants, v. Commissioner of Revenue, Appellee,  
Docket No. 3998**

#### **Findings of Fact, Conclusions of Law and Order for Judgment Dated July 17, 1985**

The above-entitled matter came on for trial on April 10, 1985 before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, at the Tax Court hearing room in St. Paul, Minnesota.

Bernard L. Brodkorb, Jr., Accountant, appeared on behalf of appellants.

James W. Neher, Special Assistant Attorney General, appeared on behalf of appellee.

Post-trial briefs were filed by the parties.

The Court, having heard and considered the evidence adduced at trial and having reviewed the files and records herein and being fully advised, now makes the following:

#### **Findings of Fact**

1. Appellants, Alfred D. Nelson and Jeanette Nelson, are cash-basis calendar-year taxpayers. Mr. Nelson has a full-time salaried position.
2. For the tax year 1979, appellants filed a joint Minnesota Individual Income Tax Return. For tax years 1980 and 1981, they filed separate Minnesota returns on a combined form.
3. Appellant, Alfred D. Nelson, during the tax years in question was part-owner of a small farm.
4. Appellant, Jeanette Nelson, had no ownership interest in this farm property and contributed no services toward its operation.
5. Appellant, Alfred D. Nelson, in each of the year the farm was operated at a loss, claimed his share of this loss in his income tax returns as an offset against his non-farm income.
6. The Commissioner denied this offset under Minn. Stat. § 290.09, subd. 29, the farm loss modification law.
7. Appellants filed amended returns assigning the farm loss entirely to appellant Jeanette Nelson and, in addition, assigning additional earned income to Jeanette Nelson for services in taking care of some jointly owned rental property. Appellants then assigned the entire loss from this rental property to Alfred D. Nelson.
8. The Commissioner denied the changes claimed in appellants' amended returns and appellants appeal.

**Conclusions of Law**

1. The changes claimed in appellants' amended returns are not supported by either the facts or the law.
2. The Commissioner's Orders dated May 11, 1983 and August 26, 1983 are hereby affirmed in all respects.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

July 17, 1985

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

**State of Minnesota Tax Court  
Regular Division**

**Freddie Petersen, Jr., Appellant, v. Commissioner of Revenue, Appellee, Docket No. 4192**

**Findings of Fact, Conclusions of Law and Order for Judgment Dated July 18, 1985**

The above-entitled matter came on for hearing before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on June 3, 1985 at the Tax Court's hearing room at 5th Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101.

Freddie Petersen, Jr., appellant, appeared pro se.

Michele M. Owen, Special Assistant Attorney General, appeared on behalf of appellee.

**Findings of Fact**

1. Appellant Freddie Petersen, Jr., was a Minnesota resident and domiciliary for the years 1963 through 1981 and currently resides in Minneapolis, Minnesota.
2. Appellant did not file Minnesota income tax returns for the years 1963 through 1967, 1969 through 1977 and 1979 through 1981. Appellant did file Minnesota income tax returns, married filing separately, for the years 1968 and 1978.
3. The Minnesota Department of Revenue notified appellant Freddie Petersen, Jr., by letters in 1982 and 1983 that he had failed to file income tax returns and demanded that returns be filed.
4. Appellant submitted two boxes of miscellaneous documents to the Minnesota Department of Revenue income tax examiner, from which the examiner could not determine reportable income or allowable deductions or credits. Appellant was notified by the Department of Revenue that his documentation was insufficient to show the amount of income tax due for the years in question. Appellant produced no further information or explanation.
5. Commissioner filed returns were then prepared based upon checking account statements and a loan application subpoenaed from appellant's bank, and from three bank deposit slips submitted by appellant to the tax examiner. The 1981 loan application signed by appellant lists his monthly income as \$1200. The checking account statements were used by the examiner to calculate appellant's gross income with a percentage factor included to account for inflation. The Commissioner prepared returns do not include any of appellant's wife's income for the years in question. The deposit slips were used to verify that not all earned income was deposited into appellant's checking account, and to adjust his income on the returns to allow for that factor. The Commissioner prepared returns included a standard deduction and one personal exemption.
6. The income tax examiner contacted the Internal Revenue Service to determine whether appellant had filed federal income tax returns for some of the more recent years in question, and was told that appellant had filed a federal return for 1978, but not for 1977, 1979, 1980 and 1981.
7. Appellant was mainly self-employed as a lawn and tree care and snowplowing service provider during the years in question, but did work for other businesses during 1968 and 1978.
8. At trial appellant produced no documentation to show that the Commissioner prepared returns were incorrect in any respect. Appellant stated that the Commissioner prepared returns were wrong and that he had documentation at his house to prove his position, and that he did not wish to show it to anyone who worked for the state. Appellant requested that the state provide him with an accountant to prepare his income tax returns.

9. Appellant gave sufficient testimony at trial to indicate that in addition to his personal exemption, dependent exemptions should have been allowed as follows:

For the years 1963 through 1971—one exemption;  
for the years 1969 through 1970—two exemptions;  
for the years 1971 through 1977—three exemptions;  
for the years 1979 through 1981—two exemptions.

**Conclusions of Law**

1. The Commissioner prepared returns for the years 1963 through 1967, 1969 through 1977, and 1979 through 1981 are not barred by any applicable statute of limitations.

2. The Commissioner prepared returns should be adjusted to reflect the allowance for dependent exemptions as specified in paragraph number 9 of the Findings of Fact.

3. The Commissioner's Order dated August 4, 1984, from which this appeal was taken, should be modified accordingly, but is affirmed in all other respects.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

July 18, 1985

By the Court,  
M. Jean Stepan, Judge  
Minnesota Tax Court

## ORDER FORM

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