

30, July '86

STATE OF MINNESOTA

# STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

4

RECEIVED

JUL 28 1986

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



Monday 28 July 1986

VOLUME 11, NUMBER 4

Pages 97-120

# STATE REGISTER

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*.

## Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
4	Monday 14 July	Monday 21 July	Monday 28 July
5	Monday 21 July	Monday 28 July	Monday 4 August
6	Monday 28 July	Monday 4 August	Monday 11 August
7	Monday 4 August	Monday 11 August	Monday 18 August

\*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 editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

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

**Governor:** Rudy Perpich

**Director, Minnesota Documents  
Division:** Stephen A. Ordahl

**Editorial Staff:** Paul Hoffman

**Commissioner, Department of  
Administration:** Sandra J. Hale

**Editor:** Robin PanLener

**Circulation Manager:** Debbie Kobold

**Support Staff:** Bonnie Karels

## FOR LEGISLATIVE NEWS

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

### SENATE

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

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office  
Room 111 State Capitol, St. Paul, MN 55155  
(612) 296-0504

### HOUSE

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

**This Week**—weekly interim bulletin of the House.

**Session Summary**—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
(612) 296-2146

# CONTENTS

## MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 1-4 inclusive ..... 100

## PROPOSED RULES

### Commerce Department

Financial Institution Audit Control Policies ..... 101

## ADOPTED RULES

### Health Department

Services for Children with Handicaps ..... 104

### Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Income Limits for the Home Improvement Loan Program and Accessibility Loans ..... 104

## EMERGENCY RULES

### Public Utilities Commission

Proposed Emergency Rules Relating to Code of Conduct ..... 105

## OFFICIAL NOTICES

### Agriculture Department

#### Food Inspection Division

Outside Opinion Sought Regarding Proposed Rules Governing Manufacturer, Sale or Dispensing of Soft Drinks ..... 108

### Agriculture Department

#### Food Inspection Division

Outside Opinion Sought Regarding Proposed Rules Governing Organic Foods ..... 109

### Minnesota Historical Society

Grants Review Committee Meeting ..... 109

### Minnesota Housing Finance Agency

Notice of Public Hearing on Bond Issue ..... 109

### Human Services Department

Extension of Deadline on Request for Proposal for Prepaid Health Plans ..... 110

### Human Services Department

#### Health Department

#### Public Safety Department

#### Merit System

End of Solicitation Period for Comment Concerning Merit System Rules ..... 110

### Pollution Control Agency

#### Water Quality Division

Outside Opinion Sought Concerning Revisions to Rules Governing Award of State and Federal Grants and Loans for Municipal Wastewater Treatment Facilities ..... 111

### Transportation Department

Routes Designated and Permitted to Carry the Gross Weights Allowed ..... 111

### Transportation Department

Petition of City of Austin for a Variance from State Aid Standards for Obstacle Clear Free Zone ..... 112

### Transportation Department

Petition of County of Fillmore for a Variance from State Aid Standards for Design Speed ..... 112

### Transportation Department

Petition of City of Mendota Heights for a Variance from State Aid Standards for Eligibility Requirements for use of State Aid Funds for S.A.P. 140-103-05 ..... 112

### Transportation Department

Petition of City of Saint Cloud for a Variance from State Aid Standards for Street Width ..... 113

### Transportation Department

Petition of County of Otter Tail for a Variance from State Aid Standards for Eligibility Requirements for use of State Aid Funds for S.A.P. 56-635-10 ..... 113

## STATE CONTRACTS

### Administration Department

Contracts and Requisitions Open for Bid ..... 114

### Health Department

#### Disease Prevention and Health Promotion Division

Request for Proposal for a Distribution Plan for a Film Promoting Non-Smoking Among Minnesota Youth ..... 115

## NON-STATE CONTRACTS

### Metropolitan Council

Request for Proposals for Aerial Photographs of Metropolitan Area Landfills ..... 115

## TAX COURT

Amendment Ordered 14 July 1986 ..... 116

## 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:

- 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 requested by an agency.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

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

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

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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	

# MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

## COMMERCE DEPARTMENT

2675.2600; .2610; .2620; .2630 (proposed) ..... 102  
2791.0100 (proposed) ..... 29

## ENVIRONMENTAL QUALITY BOARD

4410.0200; .0500; .3100; .3600; .4300; .4400;  
.4600; .7500 (proposed) ..... 31

## HEALTH DEPARTMENT

4705.0100; .0300; .0400; .0500; .0600; .0900;  
.1400 (adopted) ..... 104  
4705.0600, s.3, i.D; .1600 (repealed) ..... 104

## HOUSING FINANCE AGENCY

4900.0381 (adopted) ..... 6  
4900.1360-4900.1362 (adopted) ..... 6

## POLLUTION CONTROL AGENCY

7010.0010-.0080 (adopted) ..... 43  
7010.0100; .0200; .0300; .0400; .0500; .0600;  
.0700 (repealed) ..... 43

## PUBLIC SAFETY DEPARTMENT

7500.0100-.3600 (adopted) ..... 6  
7500.0100, s.12,15,20,21; .0900; .1000; .1100;  
.1700; .1800, s.5; .1900; .2300; .2800; .3200;  
s.1; .3300 (repealed) ..... 6

## PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

7950.0100; .0200; .0300; .0400; .0500 (proposed) ..... 73

## TEACHING BOARD

8700.0310; .3810; .5503-.5512; .6410; .7500  
(adopted) ..... 48  
8700.3800 (repealed effective 7/1/89) ..... 48  
8700.5400-5406; .6400 (repealed effective 7/1/90) ..... 48

## HUMAN SERVICES DEPARTMENT

9500.1450-.1464 (proposed) ..... 35  
9500.1450-.1464 (proposed repealer effective 12/31/88) ..... 35  
9500.1650-.1663 (proposed) ..... 69  
9525.0010; .0020; .0030; .0040; .0050; .0060;  
.0070; .0080; .0090; .0100 (repealed) ..... 77  
9525.0015-.0165 (adopted) ..... 77

# 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 Permanent Rules Relating to Financial Institution Audit Control Policies

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

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and does not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30 day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101 telephone (612) 296-5689. Any person requesting a public hearing should state her or his name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, Sections 45.023 and 46.01. Additionally a Statement of Need and Reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minnesota Statutes Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

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

## PROPOSED RULES

---

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch  
Commissioner of Commerce

### Rules as Proposed (all new material)

#### 2675.2600 INTERNAL AUDIT CONTROL POLICY.

The board of directors of a bank, trust company, or savings bank shall establish a written internal audit control system. The individual directing the internal audit control system shall submit to the board of directors each quarter a report detailing the areas audited, results obtained, and the degree of compliance with established policies and internal controls. Documentation of audit procedures performed and the reports shall be maintained by the bank for inspection by the supervisory examiners and by the external auditors. The scope of coverage and effectiveness of the internal audit control system shall be reviewed for adequacy and approved by the board annually. The board shall consider inclusion of recommendations made by supervisory examiners and external auditors in the internal audit control system.

#### 2675.2610 ANNUAL AUDIT REPORT.

Subpart 1. **Contents.** The annual audit report made under the direction of the board of directors pursuant to Minnesota Statutes, section 48.10, must include as a minimum:

- A. a review of the adequacy of the internal control system and a test check to determine that control procedures are being followed;
- B. a review of board policies for development and a test check to determine that policies are being followed;
- C. confirmation of assets through a sample positive or negative verification and inspection of assets held at the bank;
- D. confirmation of deposits through a sample positive or negative verification;
- E. a review of all fixed assets, other real estate, and equity accounts since the last audit and recordation of board approval of transactions involving these accounts;
- F. a review of income, expense, and related accrual accounts since the last audit;
- G. a review of all general ledger accounts to determine their balanced condition, prompt reconciliation and appropriateness of reconciling items, and account makeup;
- H. a review of delinquent loans and collection action taking place;
- I. a review of the allowance for loan loss account;
- J. a review of charge off loans, including loan files and notes;
- K. a test check of loan files for documentation and approvals required by loan policy;
- L. review of the electronic data processing systems and procedures if applicable;
- M. review of significant activity in employee and officer accounts for propriety and compliance with bank policies and regulations; and
- N. review of off-balance sheet items including letters of credit.

Subp. 2. **Preparation.** A written report of the annual audit must be prepared and must include the scope of audit including the size of the samplings taken. The report must summarize the findings and make recommendations for improving conditions, where appropriate.

Subp. 3. **Transmittal.** The written report shall be transmitted to the board of directors within 30 days of completion of the audit.

Subp. 4. **Board response.** The board shall prepare a written response on the findings and recommendations contained in the report and submit the response, the report, and its findings and recommendations to the Department of Commerce, Division of Financial Examinations, within 60 days of receipt of the audit report.

The board response shall be filed with the audit report as part of the bank's permanent records.

#### 2675.2620 QUALIFICATIONS OF EXAMINING AUTHORITY.

Subpart 1. **Examining committee.** If the requirements of this part are to be accomplished in whole or in part by an examining committee appointed by the board, the audit must be completed by qualified directors or their appointees who are in fact reasonably independent. A director or appointee serving as a member of the examining committee will not be considered independent if:

- A. the person is closely related to active officers or employees of the bank;

- B. the person has outstanding loans with the bank subject to criticism by state or federal supervisory agencies; or
- C. the person has other unusual relationships or affiliations with the bank that question independence.

Subp. 2. **Internal auditor.** If the requirements of this part are to be accomplished in whole or in part by an internal auditor, the examination must be completed by a qualified internal auditor who is in fact reasonably independent. An internal auditor will not be considered independent if:

- A. the person is employed or accountable to anyone other than the board of directors, and salary and annual bonus are not set by the board;
- B. duties within the bank are not confined entirely to bank auditing;
- C. the person has any proprietary interest in any partnership, firm, or corporation which controls the bank, directly or indirectly;
- D. the person has outstanding loans subject to criticism by state or federal supervisory agencies;
- E. the person is a member of the immediate family of an officer, director, attorney, or employee for the bank; or
- F. the person has other unusual relationships or affiliations with the bank that question independence.

In banks of less than \$25,000,000 in total assets, where duties of the internal auditor cannot be confined entirely to bank auditing, the internal auditor will be considered reasonably independent only if someone else audits the areas for which the internal auditor has operational responsibilities. The board is responsible for determining that this degree of internal audit dependence is maintained.

Subp. 3. **Certified public accountants or licensed public accountants.** If the requirements of this part are to be accomplished in whole or in part by a certified public accountant or licensed public accountant, the audit must be completed by a qualified certified public accountant or a qualified licensed public accountant who is in fact independent. A certified public accountant or licensed public accountant will not be considered independent if:

- A. The certified public accountant, licensed public accountant, or any member of a firm performing the audit is connected with the bank as an officer, director, attorney, or employee or is a member of the immediate family of an officer, director, bank attorney, or employee.
- B. Is the beneficial owner, directly or indirectly, of any of the shares of stock of the bank.
- C. Has any proprietary interest in any partnership, firm, or corporation which controls the banks, directly or indirectly.
- D. The bank under examination has outstanding loans to the certified public accountant, licensed public accountant, partners, principals of the firm, or employees of such a firm who are directly involved in the examination, unless the loans are adequately disclosed in the audit report to the board of directors of the bank. Adequate disclosure includes the name of the borrower, the amount of the loan, the security pledged, and the appraisal or market value of the security at the time of the engagement.
- E. Makes entries or postings on the books of account or performs any other operating functions for the bank, except functions for which prior approval was requested and obtained in writing from the commissioner of commerce.
- F. Has other unusual relationships or affiliations with the bank that question independence.

In circumstances where directors, appointees, or the internal auditor are considered not independent or qualified to perform the annual audit, the board should engage a certified public accountant or licensed public accountant.

Subp. 4. **Board of directors.** If the requirements of this part are to be accomplished by the board of directors as provided in Minnesota Statutes, section 48.10, the board must number at least five and include at a minimum one outside director.

Subp. 5. **Audit by outside parties.** At least one examination every four years must be completed by outside parties as set forth in subpart 3.

#### **2675.2630 PERSONAL FINANCIAL STATEMENT.**

A stockholder who owns or controls 25 percent or more of bank stock, or 25 percent or more stock in a holding company that owns controlling interest of the bank, and who also serves as an active officer or director of the bank or bank holding company, must annually complete a personal financial statement. This statement must consist of a listing of assets and liabilities and be dated no more than one year before the annual audit. The statement must be submitted to the commissioner of commerce along with the audit report as prescribed in part 2675.2610, subpart 4.

**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 Health

### Adopted Rules Relating to Services for Children with Handicaps

#### Rules as Adopted

The rules proposed and published at *State Register*, Volume 10, Number 13, pages 684-687, September 23, 1985 (10 S.R. 684) are adopted with the following modifications:

#### 4705.0100 DEFINITIONS.

Subp. 27. **State gross median income.** "State gross median income" means the income level at which 50 percent of the people in the state have incomes higher than the gross median income and 50 percent of the people in the state have incomes which are lower, as determined by the United States Secretary of Health and Human Services in accordance with procedures established in United States Code, title 42, section 2002 (a)(6), as amended through August 12, 1981, adjusted in accordance with regulations prescribed by the secretary to take into account the number of individuals in a household, at Code of Federal Regulations, title 45, section 96.85, as amended through November 16, 1983. State median income figures for each household size are published annually in the Federal Register.

#### 4705.0600 COST-SHARING.

Subp. 3. **Amount of cost-sharing.** The amount of cost-sharing required of an applicant is determined in the following manner:

E. Step No. 4: The percentage that the applicant must share in the cost of treatment is based on the applicant's SCH adjusted income level and on the number of members in the household. This percentage is calculated according to the SCH cost-sharing schedule which must be updated annually to reflect any change in the state median income. The cost share schedule is determined for each household size, by establishing a zero cost share level for applicant families whose SCH adjusted income is equal to or less than 60 percent of the state gross median income. Increments of \$1,000 are used to establish each succeeding cost share level for each size household. The percentage that an applicant family will share in the cost of treatment increases one percent for each \$1,000, or fraction thereof, of applicant income above 60 percent of the state gross median income for that size household. For example, if X equals 60 percent of the state gross median income for Minnesota families with four members, applicant families of four members who have SCH adjusted incomes equal to or less than X will have a zero cost share obligation. Applicant families of four members whose SCH adjusted incomes fall between X and X plus \$1,000 will have a one percent cost share obligation. The SCH cost-sharing schedule is incorporated by reference. It is subject to frequent change. The SCH cost-sharing schedule shall be published annually in the *State Register* no later than 30 days prior to the effective date of the schedule. It is available at the Ford Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

## Minnesota Housing Finance Agency

### Housing Loans and Grants

#### Adopted Permanent Rules Relating to Income Limits for the Home Improvement Loan Program and Accessibility Programs

The rule proposed and published at *State Register*, Volume 10, Number 46, pages 2282-2283, May 12, 1986 (10 S.R. 2282) is adopted as proposed.

# EMERGENCY RULES

## Proposed Emergency Rules

According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

## Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

## Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

# MINNESOTA RULES AMENDMENTS AND ADDITIONS

(Emergency rules published in this issue)

7845.0100-.1000 (proposed emergency) . . . . . 105
--

## Public Utilities Commission

### Proposed Emergency Rules Relating to Code of Conduct

#### Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that Minnesota Public Utilities Commission intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in 1986 Minnesota Laws Chap. 409 § 5. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days after publication in the *State Registers* on Monday, July 28, 1986, to submit data and views in writing on the proposed emergency rule or any part or subpart of the rule. Any comments must be submitted to Rosellen Condon, 780 American Center Bldg., St. Paul, Minnesota 55101, (612) 296-2357.

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

A free copy of the proposed emergency rule is available by contacting Kathy Briesemeister, 780 American Center Bldg., St. Paul, MN 55101, (612) 296-2243.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form related to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Rosellen Condon.

## EMERGENCY RULES

---

---

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with the Minnesota Statutes, section 14.35.

M.E. Hennen  
Executive Secretary

### Rules as Proposed, Emergency (all new material)

#### 7845.0100 [Emergency] DEFINITIONS.

Subpart 1. **Code.** "Code" refers to the code of conduct required by Laws of Minnesota 1986, chapter 409, section 5 and set out in this chapter.

Subp. 2. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3. **Commissioner.** "Commissioner" means a member of the commission.

Subp. 4. **Employee.** "Employee" means the executive secretary of the commission, or a member of the commission's professional, secretarial, or clerical staff.

Subp. 5. **Public utility.** "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4, except that for the purposes of this chapter it also includes a municipal utility or a cooperative electric association that produces or furnishes natural, manufactured, or mixed gas or electric service and its agents, officers, and representatives.

Subp. 6. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, section 237.01, except that for the purposes of this chapter it also includes an independent telephone company as defined in Minnesota Statutes, section 237.01, subdivision 3; a radio common carrier as defined in Minnesota Statutes, section 237.01, subdivision 4; and their agents, officers, and representatives.

Subp. 7. **Proceeding.** "Proceeding" means a formal or informal undertaking of the commission, on its own motion or otherwise, in which it seeks to resolve questions or issues raised in a complaint, in a petition, or during rulemaking.

#### 7845.0200 [Emergency] AUTHORITY.

This code is prescribed by the commission pursuant to Minnesota Statutes, section 216A.05 and Laws of Minnesota 1986, chapter 409, section 5.

#### 7845.0300 [Emergency] PURPOSE AND CONSTRUCTION.

The purpose of this code is to preserve the integrity and independence of commission decision making and to promote public confidence in the objectivity of commission decisions. Commissioners and employees should maintain high standards of conduct to prevent a conflict or the appearance of a conflict between private interests and official duties. This code must be construed to secure these objectives in keeping with the quasi-judicial function of the commission.

#### 7845.0400 [Emergency] CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. **General behavior.** A commissioner or employee shall respect and comply with the law and shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision-making process.

Subp. 2. **Actions prohibited.** Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

- A. using public office for private gain;
- B. giving preferential treatment to an interested person or entity;
- C. impeding the efficiency or economy of commission decision making;
- D. losing independence or impartiality of action;
- E. making a commission decision outside official channels; and
- F. affecting adversely the confidence of the public in the integrity of the commission.

#### 7845.0500 [Emergency] QUASI-JUDICIAL RESPONSIBILITIES.

Subpart 1. **Inappropriate influences.** Commissioners shall not be swayed by partisan interests, public clamor, or fear of criticism.

Subp. 2. **Orderly proceedings, behavior.** Commissioners shall maintain order and decorum in proceedings before the commission. In their official capacity, commissioners must be patient, dignified, and courteous to litigants, witnesses, lawyers, commission staff, and others appearing before them. Commissioners shall require similar conduct from persons appearing before them.

**7845.0600 [Emergency] DISQUALIFICATION.**

Subpart 1. **Disqualifying factors.** Commissioners and employees shall disqualify themselves if they:

A. have a personal bias or prejudice concerning a party;

B. before employment with the commission, served or participated as a lawyer or material witness in the pending proceeding;

or

C. have an interest, other than that of the general public, that could be substantially affected by the outcome of the proceeding.

Subp. 2. **Written disclosure; withdrawal.** The commissioner or employee shall disclose in writing within 48 hours to the commission the disqualifying interest and withdraw, taking no part in the pending proceeding.

**7845.0700 [Emergency] PROHIBITED ACTIVITIES.**

Subpart 1. **In general; exceptions.** A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility or telephone company. This prohibition does not apply to:

A. books or printed materials supplied on a complimentary basis for official use, when the value of each item does not exceed \$50;

B. a meal or beverage served at or on the premises of an educational program devoted to improving the regulatory process or the administration of the commission, the value of which does not exceed \$15; or

C. a meal or beverage served during and at site investigations or negotiations, the value of which does not exceed \$15.

Subp. 2. **Outside income.** A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust so long as the mutual fund or trust does not hold a significant portion of its investments in public utilities or telephone companies subject to regulation by the commission.

Subp. 3. **Interests in utilities.** A commissioner or professional employee shall not invest in a public utility or telephone company, acquire a legal or equitable interest in it, however small, become its director or advisor, or actively participate in its affairs. This prohibition does not apply to:

A. ownership in a mutual fund or trust that holds securities in a telephone company or public utility unless the commissioner or professional employee participates in the management of the fund;

B. holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility;

C. purchasing services from a telephone company or public utility on the same terms and conditions as a member of the general public; or

D. holding membership in a cooperative association under the same terms and conditions as other members of the cooperative.

Subp. 4. **Outside employment.** A commissioner or employee shall not negotiate for or accept outside employment or other involvement in a business or activity that will impair the person's independence of judgment in the exercise of official duties.

Subp. 5. **Insider information.** A commissioner or employee shall not directly or indirectly use, or permit others to use, information not made available to the general public, to advance a private interest.

**7845.0800 [Emergency] FUTURE EMPLOYMENT.**

Subpart 1. **One-year restriction.** While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with a rate-regulated public utility or telephone company.

Subp. 2. **Commissioner communication with parties.** A commissioner shall not communicate, directly or indirectly, with a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that party. The commissioner shall disclose in writing to the commission any communication regarding past or future benefits or compensation within 48 hours after the communication is made. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subpart.

Subp. 3. **Employee communication with parties.** A professional employee shall disclose in writing to the commission any communication regarding future benefits, compensation, or employment with a party to a pending proceeding before the commission within 48 hours after the communication is made. Reprisals must not be taken against a professional employee who complies with this subpart.

## EMERGENCY RULES

---

---

### 7845.0900 [Emergency] POSTEMPLOYMENT REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a rate-regulated public utility or telephone company, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

Subp. 2. **By employee.** For one year after leaving the commission, an employee shall not represent a rate-regulated public utility or telephone company before the commission on a proceeding that the employee participated in during that employment with the commission.

### 7845.1000 [Emergency] SANCTIONS.

Subpart 1. **Against commissioner.** A commissioner who intentionally fails to comply with this code is subject to disciplinary action under Minnesota Statutes, sections 15.0575 and 216A.036, and in accordance with Minnesota Statutes, section 43A.33.

Subp. 2. **Against employee.** An employee who intentionally fails to comply with this code is subject to disciplinary action under the applicable collective bargaining agreement, commissioner's or manager's plan, or in accordance with Minnesota Statutes, section 43A.33.

## OFFICIAL NOTICES

---

---

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

---

## Department of Agriculture Food Inspection Division

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Manufacture, Sale or Dispensing of Soft Drinks

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose rules governing the manufacture, sale or dispensing of soft drinks. The adoption of these rules is authorized by M.S. sec. 34.09.

The rules must include, but are not limited to, sanitary practices involving beverage manufacturing plants, beverage dispensing equipment, and the use of sterile containers in packaging beverages for home consumption.

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

Ms. Carol Milligan  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6906, and in person at the above address.

All statements of information and comment must be received by August 25, 1986. Any written material received by the Department shall become part of the rulemaking record.

July 8, 1986

Jim Nichols  
Commissioner

**Department of Agriculture  
Food Inspection Division**

**Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing  
Organic Foods**

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose rules governing organic food standards and marketing practices. The adoption of these rules is authorized by M.S. sec. 31.94.

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

Ms. Carol Milligan  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6906, and in person at the above address.

All statements of information and comment will be received by August 25, 1986. Any written material received by the Department shall become part of the rulemaking record.

July 8, 1986

Jim Nichols  
Commissioner

**Minnesota Historical Society**

**Grants Review Committee Meeting**

A meeting of the Minnesota Historical Society's Grants Review Committee will be held on Thursday, August 14, 1986 at 7:00 p.m. in the Fort Snelling History Center, St. Paul, MN, to consider grant applications for the federal Historic Preservation Fund Certified Local Government Program.

**Notice of Public Hearing on Bond Issue**

**Minnesota Housing Finance Agency**

The Minnesota Housing Finance Agency will hold a public hearing pursuant to Section 103(k) of the Internal Revenue Code of 1985, as amended, on August 12, 1986, at 9 a.m., 3rd Floor, 400 Sibley Street, Saint Paul, Minnesota, 55101, on a proposed issue of Housing Development bonds in an aggregate principal amount not to exceed \$19,632,000 for the purpose of financing the facilities described below as residential rental projects and for the purpose of funding bond reserve accounts. The general functional description of the type and use of each facility, the maximum aggregate face amount of bonds to be issued with respect to it, the initial owner, operator, or manager of the facility, and its prospective location are as follows:

<u>Description</u>	<u>Maximum Bond Amount</u>	<u>Initial Owner; Operator or Manager</u>	<u>Location</u>
Rehabilitation of five apartment buildings (approx. 163 units)	\$4,000,000	A partnership, corporation or other entity, one or more of the members of which is Brighton Development Corp., Richard Brustad, David D. and Margaret E. Lucas, Keith and Linda Donaldson, Neighborhood Improvement Co.; or a related party.	1400-1420 Portland Ave. and 600 E. 15th St.; Minneapolis; MN.
New apartment building (approx. 58 units)	\$3,485,000	A partnership, corporation or other entity, one or more of the members of which is Brutger Companies Inc.; or a related party.	S.E. corner of Victoria & Hwy. 36; Roseville, MN.

## OFFICIAL NOTICES

---

---

<u>Description</u>	<u>Maximum Bond Amount</u>	<u>Initial Owner; Operator or Manager</u>	<u>Location</u>
New apartment building (approx. 69 units)	\$4,145,000	A partnership, corporation or other entity, one or more of the members of which is Brighton Development Corp., Richard Brustad, David D. and Margaret E. Lucas, Keith and Linda Donaldson; or a related party.	Seventh Street, N.E. & Third Ave. N.E., Minneapolis, MN.
Rehabilitation of one six-story warehouse building into apartment units (approx. 90 units)	\$4,900,000	A partnership, corporation or other entity, one or more members of which is Lancer & Associates, Inc., Lance W. Peterson; or a related party.	319 East Kellogg Blvd.; St. Paul, MN.
New townhouse/apartment buildings (approx. 60 units)	\$3,102,000	A partnership, corporation or other entity, one or more of the members of which is Terry Hartman, Rickey Hartman, Forest Oak Builders, Creek Meadows Corp., Holmes Park Village, Ltd. Partnership, Donald T. Knutson; or a related party.	114th Ave. & Robinson Dr. North; Coon Rapids, MN.

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

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

Dated: July 28, 1986

Minnesota Housing Finance Agency  
BY James J. Solem, Executive Director

## Department of Human Services

### Extension of Deadline on Request for Proposal for Prepaid Health Plans

Notice was published in the *State Register*, Monday, June 16, 1986, for proposals to provide health care services to General Assistance Medical Care (GAMC) recipients in St. Louis County. The deadline for submitting a proposal has been extended to 4:00 p.m., August 15, 1986. Please direct proposals and inquiries to:

William E. Novak  
Department of Human Services  
Space Center Building  
444 Lafayette Road  
St. Paul, Minnesota 55515  
Phone: 612/296-1725

## Department of Human Services Department of Health Department of Public Safety Merit System

### End of Solicitation Period for Comment Concerning Merit System Rules

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning Minnesota Merit System rules, published in the *State Register* June 23, 1986, will end on August 11, 1986.

Questions concerning the comment period may be addressed to:

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

## **Pollution Control Agency—Division of Water Quality**

### **Outside Opinion Sought Concerning Revisions to Rules Governing Award of State and Federal Grants and Loans for Municipal Wastewater Treatment Facilities**

Notice is hereby given that the Minnesota Pollution Control Agency is seeking information or opinions from sources outside the Agency in preparing to adopt permanent rules governing the municipal wastewater treatment facilities state and federal construction grants and loan programs.

Minnesota Rules Chapter 7075 governs the award of federal and state grants and loans for the planning and construction of publicly owned wastewater treatment facilities. The rules will be revised to provide for administration of a revolving loan program as authorized in Minnesota Laws 1986, Chapter 465, Art. 3, Section 6. In addition, the rules will be revised to provide for improved utilization of unrestricted funds to speed the construction of wastewater treatment facilities and to provide for the reimbursement of municipalities, through grants and/or loans, for a portion of the capital costs of service contracts with private entities providing wastewater treatment. See Minnesota Laws 1986, Chapter 465, Art. 4, Section 8. The Agency will also receive comments and suggested revisions to other parts of Chapter 7075.

Adoption of permanent rules is authorized by Minnesota Statutes, section 116.16, subdivision 5.

The Minnesota Pollution Control Agency requests information and comments concerning the subject of these rules. Interested or affected persons or groups may submit statements of information or comments orally or in writing.

Written statements should be addressed to:

Sharon Meyer  
Division of Water Quality  
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, Minnesota 55113

Oral statements of information and comment will be received over the telephone at (612) 296-7230 Monday-Friday between the hours of 9:00 a.m. and 4:00 p.m.

All statements of information and comment shall be accepted until September 30, 1986. Any written material received by the Minnesota Pollution Control Agency shall become a part of the rule file in the event that the rules are adopted.

## **Department of Transportation**

### **Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.825**

Whereas, the Commissioner of Transportation has made his Order No. 68884, as amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, 69796, 70006, 70031, 70152, 70455, 70520, 70580, 70652, 70698, 70747, 70749, 70765, 71011, 71070, 71172, and 71313 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

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

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

# OFFICIAL NOTICES

---

## COUNTY ROADS

Dakota — C.S.A.H. 5 from T.H. 13 to proposed 126th Street (12 month). [Note: Corrects Order 71313.]  
23 July 1986

Richard P. Braun  
Commissioner

## Department of Transportation

### Petition of City of Austin for a Variance from State Aid Standards for Obstacle Clear Free Zone

Notice is hereby given that the City Council of the City of Austin has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on Municipal State Aid street 121 (4th Street N.E.) from Main Street to 15th Avenue N.E.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit utility poles within the required obstacle free area.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

18 July 1986

Richard P. Braun  
Commissioner of Transportation

## Department of Transportation

### Petition of County of Fillmore for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the County Board of the County of Fillmore has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a bridge construction project on County State Aid Highway 15, 4 miles southwest of Preston, Minnesota.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9919 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a design speed of 35 miles per hour instead of the required design speed of 40 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

18 July 1986

Richard P. Braun  
Commissioner of Transportation

## Department of Transportation

### Petition of City of Mendota Heights for a Variance from State Aid Standards for Eligibility Requirements for Use of State Aid Funds for S.A.P. 140-103-05

Notice is hereby given that the City Council of the City of Mendota Heights has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a variance from the requirement that a plan must be approved by the State Aid Engineer prior to the award of contract in order to finance the project with State aid funds.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.2800 Subpart 2 adopted pursuant to

Minnesota Statutes Chapter 161 and 162, so as to permit the Office of State Aid Minnesota Department of Transportation, the authority to authorize the use of State Aid monies to finance S.A.P. 140-103-05.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

18 July 1986

Richard P. Braun  
Commissioner of Transportation

## **Department of Transportation**

### **Petition of City of Saint Cloud for a Variance from State Aid Standards for Street Width**

Notice is hereby given that the City Council of the City of Saint Cloud has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on Municipal State Aid Street 128 (East St. Germain Street) from Riverside Drive Northeast Drive Southeast.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 52' (2 lanes) with parallel parking on both sides instead of the required width of 52' (4 lanes) with parking prohibited.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

18 July 1986

Richard P. Braun  
Commissioner of Transportation

## **Department of Transportation**

### **Petition of County of Otter Tail for a Variance from State Aid Standards for Eligibility Requirements for Use of State Aid Funds for S.A.P: 56-635-10**

Notice is hereby given that the County Board of the County of Otter Tail has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from the requirement that a plan must be approved by the State Aid Engineer prior to the award of contract in order to finance the project with State Aid funds.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.2800 Subpart 2 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit the Office of State Aid, Minnesota Department of Transportation, the authority to authorize the use of State Aid monies to finance S.A.P. 56-635-10.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

18 July 1986

Richard P. Braun  
Commissioner of Transportation

# 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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

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

## Department of Administration—Procurement Division

### Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Used Automobiles	August 4, 1986	Public Safety	St. Paul	07-300-39391
Expansion Memory System Upgrade	August 4, 1986	Health	Minneapolis	12-400-95388
Typesetter-Rebid	August 4, 1986	Teachers Retirement	St. Paul	69-000-01156
Monkey Kidney Cells	August 4, 1986	Transportation	St. Paul	79-000-526771
Teaching Microscope	August 4, 1986	Health	Minneapolis	12-400-95473
Structures Test Unit	August 4, 1986	Health	Minneapolis	12-400-95389
Lab Supplies	August 4, 1986	Mankato State University	Mankato	26-071-16884
Polariscope	August 4, 1986	Mankato State University	Mankato	26-071-16921
Measuring Microscope	July 31, 1986	Mankato State University	Mankato	26-071-16883
Anti-Freeze	July 30, 1986	Mankato State University	Mankato	26-071-16916
	August 1, 1986	Various	Various	Sch. 59-Price Contract
Kiln	July 31, 1986	Bemidji State University	Bemidji	26-071-16884
Steam Cleaners—Degreasers and absorbent material (Rebid)	July 31, 1986	Transportation—Various offices	Various locations	Price Contract
TI Instruments	July 31, 1986	Energy Conservation	St. Paul	02-310-14810
Weather Station	July 31, 1986	Transportation	Crane Lake	79-000-70373
CCTV Purchase Rebid	July 31, 1986	Correctional Facility	St. Cloud	78-830-08120
Office Chairs	July 31, 1986	Minneapolis Community College	Minneapolis	27-151-47415
Liquid Petroleum Gas Rebid	July 31, 1986	Various	Various	Sch. 93A
Color Copy Service Contract	July 30, 1986	Trans.	St. Paul	70-000-70802
				Price Contract
Heat Exchanger Bundle	July 30, 1986	Transportation	Duluth	79-000-70832
Power Washer	July 30, 1986	Transportation	Willmar	79-000-70875
Automated Power Files—Rebid	July 30, 1986	Natural Resources	St. Paul	29-000-43425
Lease/Maintenance of Software	July 30, 1986	Jobs/Training	St. Paul	21-200-13404
Modular Square Tube Tile Units	July 30, 1986	Transportation	St. Paul	79-000-70248
Heat Convection System	July 28, 1986	Mankato State University	Mankato	26-071-16913
Convection System	July 28, 1986	Mankato State University	Mankato	26-071-16907
Protein Analyzers	July 28, 1986	Agriculture	Minneapolis	04-131-71348
Thermal Conduction System	July 28, 1986	Mankato State University	Mankato	26-071-16895
Delivery Service—IMB	July 29, 1986	Information Management Bureau	Various	02-410-51340
Lead Analysis	July 29, 1986	Health Dept.	Minneapolis	12-600-95361
Genuine Mott Mower Repair Parts	July 29, 1986	Various	Various	Price-Contract

## **Department of Health Disease Prevention and Health Promotion Division**

### **Request for Proposal for a Distribution Plan for a Film Promoting Non-Smoking Among Minnesota Youth**

The Minnesota Department of Health is seeking proposals from agencies or individuals interested in competing for a contract for developing, implementing, and evaluating a plan for statewide distribution to movie theaters of a one-minute film promoting nonsmoking among Minnesota youth. The film to be distributed features a television personality who is extremely popular among teenagers, as well as an original sound track and excellent production values.

The anticipated amount of this contract is not more than \$20,000. The estimated starting date is September 8, 1986, with an estimated end date of March 31, 1987. The film is to be placed in movie theaters across the state from approximately November 15, 1986, to January 15, 1987.

The distribution plan implemented under this contract must include a mechanism for verifying the placement and showing of the film. The contractor will be responsible for contacting all movie theaters in the state, for negotiating placement of the film in as many theaters as possible, and for duplicating and delivering copies of the film. The contractor must collect complete process-evaluation data on the project and must conduct an in-depth evaluation of the effect of this film, and five related public service announcements, on the intended teenage target group.

Applicants must demonstrate administrative, organizational, market research, and fiscal capability to complete this project. Other desirable qualifications include familiarity with public service or public health campaigns, knowledge of the film industry and of technical aspects of film duplication, and evaluation skills.

Agencies or individuals interested in bidding for this contract should request a copy of the Request for Proposal from:

Kathy Harty or Susan Ersted  
Center for Nonsmoking and Health  
Minnesota Department of Health  
717 S.E. Delaware St.  
Minneapolis, MN 55440  
(612) 623-5500 or 623-5273

The deadline for submittal of proposals is 4:30 p.m., Monday, August 25, 1986. The selection of a contractor from those who have submitted proposals will be announced on September 5, 1986.

---

---

## **NON-STATE PUBLIC CONTRACTS**

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

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

---

### **Metropolitan Council**

#### **Request for Proposals for Aerial Photographs of Metropolitan Area Landfills**

The Metropolitan Council desires proposals for providing aerial photographs, and computations of remaining capacities at eight sanitary landfills in the metropolitan area.

Responses must be received on or before 4 p.m., Aug. 29, 1986. Questions and requests for copies of the RFP should be directed to:

Thomas R. Caswell  
Metropolitan Council  
300 Metro Square Bldg.  
7th & Robert Streets  
St. Paul, MN 55101  
(612) 291-6319

# TAX COURT

---

---

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

---

## State of Minnesota Tax Court—Regular Division

Amendment Dated: July 14, 1986

### DOCKET NO. 4335

Karl G. Granse d/b/a/ K. G. Photo, Appellant, vs. Commissioner of Revenue, Appellee.

The Minnesota Tax Court, Chief Judge Carl A. Jensen presiding, heard a motion for amended findings presented by the appellant at the Hennepin County Government Center, Minneapolis, Minnesota, on July 10, 1986.

Bradford C. Riendeau, Attorney at Law, appeared on behalf of appellant.

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

### ORDER

1. The Conclusions of Law are amended by striking paragraph number 2 and renumbering the subsequent paragraphs.

IT IS SO ORDERED.

Dated: 14 July 1986

BY THE COURT  
Carl A. Jensen, Chief Judge  
Minnesota Tax Court

# DOCUMENTS CENTER

---

---

## Publications, Services, Subscriptions

### Order Form on Back

For Information, Call 297-3000

#### NEW PUBLICATIONS:

**Physicians Directory 1985.** Names and addresses in alphabetical order of licensed chiropractors, doctors of medicine and osteopaths, optometrists, podiatrists and registered physical therapists. Code #1-1. \$15.00.

**Health Care Facilities Directory 1986.** Contains a list of hospitals and related institutions licensed and/or certified in Minnesota. Alphabetical listing by county. Includes town and facility name, ownership, capacity, available services, address, phone number, and director's name. Code #1-89. \$15.00.

#### OTHER PUBLICATIONS:

**Legislative District Maps.** A six-map set of Minnesota Legislative and U.S. Congressional Districts. Shows boundaries since redistricting. (3 maps 17" x 22", 1 map 25" x 29", 2 maps 28" x 40"). Sent to you in a sturdy mailing tube. Code #7-7. \$4.95.

**MN Hazardous Waste Rules** (as in effect 2-10-86). MN Rules Chapter 7045 and 7046. The rules governing the permits, storage, production and shipment of Hazardous Waste. Code #3-71. \$13.50.

**Occupational Safety and Health Rules** (as in effect 1-6-86). Chapters 5205-5206, 5210, 5215. State standards for safe working conditions including: personal protective equipment, walking and working surfaces, illumination and ventilation. 84 pp. Code #3-18. \$9.00.

**The Medical Alley Directory.** Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations. Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. (Code #40-7. \$109.00)

The following two publications are discounted more than 40%.

**Education Laws 1984.** A complete extract from the 1984 Minnesota Statutes of the empowering legislation relating to public schools. Code #2-83. ~~\$16.00~~ reduced to \$9.00.

**Education Laws 1985 Supplement.** The 1986 Education Laws (with changes incorporated from the 1986 Legislative Session) will not be available until the Winter of 1986. Code #2-83s1. ~~\$12.50~~ reduced to \$7.00.

\* **Minnesota Laws 1986.** All laws passed in the Regular and Special Sessions. Code #18-4. \$23.00, plus \$1.38 tax.

\* **Minnesota Rules 1985.** 10-volume set. Code #18-200. Single volumes: \$13.00 plus 78¢ tax; Full set: \$125.00 plus \$7.50 tax.

\* **Minnesota Rules 1986 Supplement Number 1.** Code #18-200A. \$15.00 + 90¢ tax.

**State Register Index.** Contains cumulative finding aids to Volume 9 of the *State Register*, including Minnesota Rules Amendments and Additions. Executive Orders list & index. Agency & Subject Matter indices. Code #13-9 SR INDEX. \$5.00.

#### SUBSCRIPTIONS:

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription \$130; Trial Subscription (13 weeks) \$40.00; Single copies \$3.50.

**Workers Compensation Decisions.** Volume 38. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates. \$89.50.

#### SERVICES:

**Mailing Lists.** Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

**Minnesota's Seasons.** Catalog of lake maps, fishing guides, bikeway maps, cookbooks, travel guides, and more. Free.

**Minnesota State Documents Center 1986 Catalog.** Contains list of publications available through Minnesota Documents Center. Free.

**State Register Binder.** Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.

---

\* These publications require no postage and handling fees

