

State of Minnesota

# STATE REGISTER

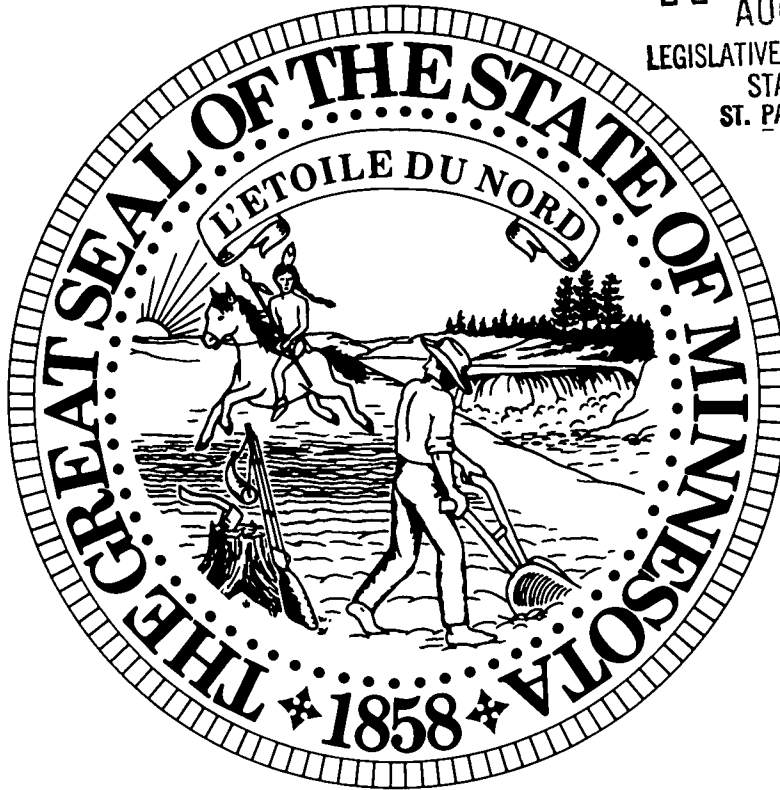
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# State Register

## Judicial Notice Shall Be Taken of Material Published in the 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, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

### Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
7	Monday 3 August	Monday 10 August	Monday 17 August
8	Monday 10 August	Monday 17 August	Monday 24 August
9	Monday 17 August	Monday 24 August	Monday 31 August
10	Monday 24 August	Monday 31 August	Monday 7 September

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

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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.

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## 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.

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Contact: Senate Public Information Office  
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(612) 296-0504

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Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
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# Minnesota Rules

## Amendments and Additions

### NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.

After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as **Proposed Rules**. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted.

For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-16; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August.

For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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## Proposed Rules

Pursuant to Minn. Stat. of 1984, §§ 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 Auto Nonrenewals

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

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 65B.17.

**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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All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. 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 do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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  
(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

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.

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

#### 2770.8000 POINTS FOR NONRENEWAL.

Subpart 1. [Unchanged.]

Subp. 2. **Exceptions.** If one operator accumulates three points or more, a policy or policies may be nonrenewed regardless of the number of insured vehicles in the household. If at the time the nonrenewal was sent, a ~~nonspouse~~ household member owns an automobile and a policy of his or her own, then that household member's driving record cannot be used to determine a basis for nonrenewal of policies of other household members, ~~except for violations in the four-point category.~~

Accidents or violations occurring while operating a commercial vehicle or an emergency vehicle cannot be used to accumulate points for nonrenewing a private passenger vehicle policy, except for violations in the four-point category.

## Department of Commerce

### Proposed Permanent Rules Relating to Joint Health and Disability Self-Insurance Plans

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

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 60F06.

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## Proposed Rules

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. 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 do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

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500 Metro Square Building  
St. Paul, MN 55101  
(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

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.

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

#### 2765.0900 MEMBERSHIP.

Subpart 1. **Availability.** Plan membership is available ~~only~~ to employers domiciled and authorized to transact business in Minnesota. Plans may also cover nonresident employers if the portion of the plan covering Minnesota resident employees is treated as a separate plan. A plan may establish other nondiscriminatory criteria for membership. Nothing in this chapter requires a plan to offer membership to an employer that does not meet the plan's underwriting standards.

Subp. 2. to 6. [Unchanged.]

#### 2765.1300 STOP-LOSS INSURANCE.

Subpart 1. **Purchase and alteration.** The plan must inform the commissioner at least ~~90~~ 180 days prior to expiration of any required stop-loss insurance policy whether it intends to renew the policy, and whether the insurer is willing to renew the policy. Alteration of a required stop-loss insurance policy mid-term with the effect of reducing coverage, and cancellation by the plan mid-term, are prohibited. Required stop-loss insurance policies must be noncancelable for a minimum of two years, for any cause including nonpayment of premium. If more than one stop-loss insurance policy is obtained in fulfillment of this part's requirements, their expiration dates must be the same.

**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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Subp. 2. and 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. and 6. [Unchanged.]

REPEALER. Minnesota Rules, part 2765.1300, subpart 4, is repealed.

## Department of Commerce

### Notice of Withdrawal of Proposed Rules Relating to Medical Malpractice Insurance (Home Health Care Aides)

Notice is hereby given that the Department of Commerce withdraws the rules pertaining to Medical Malpractice Insurance (Home Health Care Aides) that were previously published in the *State Register* on July 14, 1986 at pages 29-30 (11 S.R. 29-30).

Michael A. Hatch  
Commissioner of Commerce

## Department of Commerce

### Proposed Permanent Rules Relating to Plan Administrators

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

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 60A.23, subd. 8.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. 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 do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

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.



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## 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

#### 2767.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Administrator or self-insurance plan administrator.** "Administrator" or "~~self-insurance plan administrator~~" means vendors of risk management services and entities administering self-insurance plans or insurance plans as defined in *Minnesota Statutes*, section 60A.23, subdivision 8, clause (2), that provide coverage to residents of and risks located in Minnesota.

Subp. 3. [Unchanged.]

Subp. 4. **Key employees.** "Key employees" means those persons who, notwithstanding their titles, are of substantial importance to the operation of the ~~self-insurance plan administrator~~. Persons who have substantial discretionary, supervisory, or decision making authority which has a significant impact on the operation of the ~~self-insurance plan administration~~ are key employees. Officers and managers are presumptively included within this definition.

Subp. 5. and 6. [Unchanged.]

Subp. 7. **Services or risk management services.** "Services" or "risk management services" includes accounting and record retention, actuarial in conjunction with other services, claims administration, general administration, insurance, legal, loss control and safety, rehabilitation, risk management and analysis, and other services related to the establishment and maintenance of a program of self-insurance or a program of insurance.

#### 2767.0200 PURPOSE AND SCOPE.

Parts 2767.0100 to 2767.0950 are designed to assure that ~~self-insurance plan~~ administrators are capable of providing risk management services, financially solvent, and able to process claims in a prompt and equitable manner; and to allow the commissioner to authorize qualified entities to engage in the business in a manner which is fair, equitable, and consistent with all applicable Minnesota statutes.

#### 2767.0400 REQUIREMENTS FOR LICENSING.

Subpart 1. **Application procedure.** Any person or entity desiring to be licensed as a ~~self-insurance plan an~~ administrator pursuant to *Minnesota Statutes*, section 60A.23, subdivision 8, shall apply to the commissioner in writing and on forms available from the commissioner. The licensee shall designate areas of risk management services which the ~~self-insurance plan~~ administrator may perform. Any license granted is effective for a period of two years unless surrendered by the licensee, or unless the license is revoked or suspended by order of the commissioner. The license is transferable only upon prior written approval by the commissioner as to new ownership or new management of the ~~self-insurance plan~~ administrator.

Subp. 2. **Application contents.** Each application for a license as a ~~self-insurance plan an~~ administrator must:

A. Be signed and sworn to by the applicant, or its owners, and be accompanied by the license fee required by *Minnesota Statutes*, section 60A.23. If the applicant is a corporate applicant, it must be verified by the president and secretary of the corporation. All fees must be paid by check, draft, or other negotiable instrument. Cash will not be accepted.

B. Describe the specific areas of risk management services intended to be provided.

C. Identify the owners of the company, including all partners of a partnership and all officers of a corporation.

D. Describe the organization and staff, with specific information concerning their expertise to provide service in the areas stated. This information must include detailed resumes of the applicant's key employees and all officers of any subcontractor. Resumes must state each person's name, age, resident address, licensing history, and qualifications and experience relating to the work they are to perform. The information must include:

(1) the experience and history of accountants, if applicable;

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## Proposed Rules

(2) if the applicant or its subcontractor intends to provide workers' compensation and other liability claims adjusting, a resume detailing the experience of the supervisor who shall possess at least three years' experience adjusting claims in the area of services to be provided; and

(3) a copy of the license of the adjuster responsible for adjusting workers' compensation or other liability claims, if applicable. The ~~self-insurance plan~~ administrator or its subcontractor shall have at least one adjuster who holds a license under Minnesota Statutes, chapter 72B and that adjuster shall be a resident of Minnesota.

E. Fully describe violations or investigations by any governmental agency which are known to the applicant concerning any person who is or may be affiliated with the applicant as an owner, shareholder, officer, employee, subcontractor, or employee of a subcontractor.

F. Submit proof of coverage under a fidelity bond for all persons involved in collecting money and making claims payments, and all officers of the company. The bond must cover losses from dishonesty, theft, forgery or alteration, and misplacement or mysterious and unexplainable disappearance. The bond must cover the actions of the persons subject to the bond as to their handling of clients' money as well as the administrator's money.

G. State the name and address of a resident agent who is authorized to act on behalf of the administrator and to accept service of process.

H. Include financial statements for the previous three years, or for as many years as the administrator has been in business up to three years. Financial statements for a period ending more than six months prior to the date of the application must be accompanied by an affidavit signed by a company officer under oath describing any material change in the net worth or the financial condition of the applicant since the date of the last financial statement.

I. Contain a statement that the applicant and its officers and supervising managers shall be responsible for the supervision of the actions of any and all personnel and subcontractors acting on behalf of the applicant.

### 2767.0600 LICENSE RENEWALS.

Subpart 1. [Unchanged.]

Subp. 2. **Required information.** In support of the application for license renewal, a ~~self-insurance plan~~ an administrator shall submit:

A. Any changes in the description of the administrative services intended to be provided.

B. Any changes in ownership of the company, including detailed information about the new owners.

C. Any changes in key staff or an employee's responsibilities, including resumes of all new key staff members or additional information to show qualifications of current staff to take on new responsibilities.

D. An explanation of any changes of the responsibilities of any subcontractor, including changes in firms contracted with, services provided, or individuals providing services contracted for.

E. Financial statements for the previous two years, including a certified financial statement for the most recent fiscal year. Certified financial statements for a period ending more than six months prior to the date of the application must be accompanied by an affidavit signed by a company officer under oath describing any material change in the net worth or financial condition of the applicant since the date of the certified financial statement. If the company has a gross income of less than \$15,000 per year so that the completion of the certified financial statement proves to be an undue financial burden, the applicant may have this requirement waived if:

(1) it has two years of operation within Minnesota on a solvent basis with no history of corporate bankruptcy or personal bankruptcy among chief officers and stockholders; and

(2) the administrator provides for a review audit by an independent certified public accountant or licensed public accountant, and provides to the department a copy of the review letter pursuant to the audit and corporate bank references.

F. Proof of coverage under a fidelity bond for all persons involved in making claims payments, and all officers of the company.

G. Information relating to any changes in personnel acting as resident agent for the ~~self-insurance plan~~ administrator.

### 2767.0700 LICENSE REPORTING REQUIREMENTS.

Subpart 1. **Time limit.** Within 30 days after signing a ~~self-insurance plan~~ an administrator contract, a licensee shall inform the department in writing of the name or names of the ~~self-insured client~~ under contract and the areas for which the client is self-insured, ~~excepting qualified ERISA clients if this information is classified as nonpublic by the commissioner of administration or insured.~~

Subp. 2. [Unchanged.]

Subp. 3. **Report compliance.** Each licensee shall file or ensure that the ~~self-insurers~~ clients it services file all required reports

relating to those services which the administrator provides within the times established by statute, rule, or order of the commissioner. Required reports include:

A. an annual activity report, filed within 60 days of the end of the calendar year, stating:

(1) the name and address of ~~self-insurance~~ clients administered by the licensee in Minnesota during the previous calendar year, ~~excepting qualified ERISA clients if this information is classified as nonpublic by the commissioner of administration;~~

(2) the area and type of service provided to each plan;

(3) the starting and/or termination date each client was serviced;

(4) the total number and total amount of claims paid and loss payments disbursed on behalf of each client; and

(5) the reserves established for each client;

B. loss information reports required by part 2780.0500;

C. any reports required by the Workers' Compensation Reinsurance Association, if applicable;

D. any report required by the Minnesota Department of Labor and Industry, if applicable; and

E. any other report required by the Department of Commerce.

Subp. 4. **Notification of contract termination.** If the contract between a licensee and a self-insured client is terminated, the licensee shall notify the commissioner in writing within 30 days after termination. The licensee shall maintain copies of all records relating to the self-insured client for six years after the termination date of each contract, if the records are not returned to the client.

Subp. 5. **Notification of cessation of business activities.** If a licensee ceases doing business as a ~~self-insurance plan~~ an administrator, the license must be surrendered and the commissioner must be informed in writing of the name and address of the custodian and the location of any files of ~~self-insured~~ clients formerly administered by the licensee.

Subp. 6. [Unchanged.]

**REPEALER.** Minnesota Rules, parts 2767.0300; 2767.0500; 2767.0800; and 2767.0950 are repealed.

## Department of Commerce

### Proposed Permanent Rules Relating to Workers' Compensation Self-Insurance

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

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 176.181.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. 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 do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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## Proposed Rules

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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  
(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon the support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

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.

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

#### 2780.0100 DEFINITIONS.

Subpart 1. and 2. [See Repealer.]

Subp. 3. and 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 6. to 14. [Unchanged.]

Subp. 15. **Workers' Compensation Reinsurance Association; WCRA.** "Workers' Compensation Reinsurance Association" means that association created by Laws of Minnesota 1979, Special Session, chapter 3, sections 17 to 25, hereinafter referred to as the "WCRA," governed by Minnesota Statutes, sections 79.34 to 79.40.

Subp. 16. [Unchanged.]

**REPEALER.** Minnesota Rules, parts 2780.0100, subparts 1, 2, and 5; 2780.0200; 2780.0300; 2780.0400, subpart 5; 2780.1400, subpart 1; 2780.2700; and 2780.9910 are repealed.

## Board of Dentistry

### Proposed Permanent Rules Relating to Certain Fees

#### Notice of Intent to Amend a Rule without a Public Hearing, Notice of Intent to Amend a Rule with a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

##### I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Dentistry (hereinafter "Board") is hereby giving notice of its intent to amend a rule without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1986), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rule amendments pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986). The hearing will be cancelled if 25 or more people do

not request that one be held. There will be a one week period between the end of the comment period and the scheduled hearing date. This period will give interested persons time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

## II. NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry proposes to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for the adoption of rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to amend the rule is contained in *Minnesota Statutes* §§ 16A.128, 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986).

All persons have 30 days from the date this Notice is published in the *State Register* (i.e., through September 16, 1987) to submit comment in support of or in opposition to the proposed amendments or any part of them. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Mr. Douglas R. Sell  
Executive Director  
Minnesota Board of Dentistry  
Suite 109, 2700 University Avenue West  
St. Paul, Minnesota 55114  
(612) 642-0579

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

If adopted, the proposed amendments will increase the fees collected by the Board for annual license or registration renewal.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed amendments to the rule has been prepared and is available from Mr. Sell upon request.

The approval of the Commissioner of Finance for amendments of rules relating to fees is required by *Minnesota Statutes* sections 16A.128, subd. 1a (1986). The Commissioner's approval of the proposed license and registration annual renewal fees is contained in a memorandum dated June 8, 1987, which is attached to the Statement of Need and Reasonableness. The memorandum is also available from Mr. Sell upon request.

Promulgation of the proposed rule amendments will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land. Likewise, it is believed that the changes will not have a quantitative or qualitative impact on small businesses. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

If no hearing is required, upon adoption of the amendments to the rule, the amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates 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 rule as amended, must submit a request to Mr. Sell at the above address.

Any rule amendment made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the amendment to the rule.

## III. NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH

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## Proposed Rules

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RESPECT TO THE ABOVE-CAPTIONED RULE AMENDMENTS WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON SEPTEMBER 23, 1987, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986), in the main conference room, first floor, 2700 University Avenue West, St. Paul, Minnesota 55114, on September 23, 1987, commencing at 9:00 A.M.

The statutory authority of the Board to amend the rules relating to fees is contained in *Minnesota Statutes* §§ 16A.128, 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986). Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is believed that the changes will not have a quantitative or qualitative impact on small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone: (612) 341-7606. Unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1985), as promulgated by the Office of Administrative Hearings. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed amendments will increase the fees collected by the Board for annual license or registration renewal. The specific changes are set forth in Part II of the Alternative Notices. A free copy of the proposed rule amendments may be obtained from Mr. Sell at the address noted above.

The proposed rule amendments may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed amendments are encouraged to participate in the process.

Please be aware that the Board of Dentistry is given this simultaneous notice of its intent to adopt the above-captioned rule amendments with a hearing only if 25 or more persons request a hearing pursuant to the Notice contained in Part II above. The hearing on the proposed amendment has been scheduled for September 23, 1987. It is suggested that anyone interested in the rule amendments covered by this Notice inquire of the Board office in accordance with the procedures set forth under Part IV below to determine whether the hearing has been canceled because less than 25 persons requested it.

*Minnesota Statutes* 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 *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

- (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including the individual's 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 the individual's 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, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board's offices and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes all of the evidence and argument which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Board's offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rule amendments 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 amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendments with the Secretary of State.

#### **IV. NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING**

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before September 16, 1987, and leave your name, address and telephone number. You will be notified after September 16, 1987, if the hearing has been cancelled. You may also call the Board after September 16, 1987, for oral confirmation regarding the scheduled hearing. The Board's telephone number is (612) 642-0579.

Dated: 3 August 1987

Douglas R. Sell  
Executive Director  
Board of Dentistry

### **Rules as Proposed**

#### **3100.2000 FEES.**

Subpart 1. [Unchanged.]

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

- A. dentist, ~~\$45~~ \$70;
- B. dental hygienist, ~~\$20~~ \$25; and
- C. registered dental assistant, ~~\$14~~ \$17.

Subp. 3. to 10. [Unchanged.]

## **Department of Labor and Industry**

### **Proposed Permanent Rules Relating to Occupations and Professions; Fees**

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

Notice is hereby given that the Minnesota Department of Labor and Industry, Code Enforcement Division, intends to adopt the above-captioned rules without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22-14.28 (1986).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed rules are encouraged. Each comment should identify the portion of the proposed rules 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 agency and do not result in a substantial change in the rules as proposed.

A public hearing will not be held on these rules, unless twenty-five or more persons submit written requests for public hearing on the proposed rules within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 14.131-14.20 (1986). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes proposed.

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## Proposed Rules

Comments or written requests for a public hearing should be submitted to:

Ray Bohn  
Commissioner, Department of Labor and Industry  
5th Floor, Space Center Building  
444 Lafayette Road  
St. Paul, Minnesota 55101  
(612) 296-2342

Authority for the adoption of these rules is contained in *Minnesota Statutes* § 183.44 (1986), § 183.545 (1986), § 326.46-50 (1986), and § 16A.128. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, identifies the data and information relied upon to support the proposed rules, and assesses the impact of the proposed rules on small businesses and local public bodies has been prepared and is available from the Commissioner, upon request, by contacting Debra Caswell at the above address, telephone number (612) 296-8184.

Upon adoption of the final rules without a public hearing, all jurisdictional documents, 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 legality and form as it relates to 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 requests to the Commissioner at the above address.

These rules are designed to clarify and make more uniform the rules governing licensing and fees for Occupational Professions, boiler operations, boat pilots, High Pressure pipefitters, boiler operators, and High Pressure Piping Operations. The rules propose certain fee increases necessary to meet the requirements of *Minnesota Statutes* § 16A.128, that the fees collected be approximately equal to the amount appropriated to the agency plus support and indirect costs of the agency which are attributed to Division operations.

The Department has considered the affect upon small businesses, as required by *Minnesota Statutes* § 14.115 (1986), and has determined that the affect will be minimal, as the license fees apply to individuals, and the permit and inspection fees are based upon the size of the project and the amount of time required. Small businesses typically have only a few items to inspect and thus would incur a total increase of less than \$50.00 per year in most instances. The Department's position in this regard is set forth more fully in the Statement of Need and Reasonableness.

The Department has considered the affect upon local public bodies as required by *Minnesota Statutes* § 14.11, subd. 1 (1986), and has determined that the affect will be minimal. The Department's position in this regard is set forth in the Statement of Need and Reasonableness.

The text of the proposed rules follows this notice in the *State Register*.

One free copy of the proposed rules may be obtained by contacting Debra Caswell at the Minnesota Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101.

Dated: 17 August 1987

Ray Bohn, Commissioner  
Department of Labor and Industry

### Rules as Proposed

#### 5225.0300 EXPIRATION AND RENEWALS.

Subpart 1. **Timing.** All Licenses for engineers and pilots, unless sooner revoked, shall be are valid for a period of one year from the date of issuance, with privilege of renewal without examination upon application ~~therefor to 444 Lafayette Road, 5th floor the Department of Labor and Industry, Boiler Inspection Division,~~ and payment of a renewal fee not later than within ten consecutive calendar days after of the expiration of such license date. The renewal license shall must be given a consecutive issue number and the same monthly date as the original issue. ~~Applications~~ An application for renewal shall may not be presented prior to before 30 days of preceding the expiration date of the license. Engineers who fail to renew their licenses within the ten days of grace herein provided for shall be before the ten-day grace period has expired are subject to the following subparts 2 and 3.

Subp. 2. **Expirations within less than five years** Renewal application within one year of expiration. Licenses which have expired less than five years prior to date A license that expired within one year of application for renewal may be renewed without the necessity of an examination upon on filing an application therefor for renewal, accompanied by the expired renewal fee required in part 5225.8600. Applications shall be marked "expired renewal" and do not have to be signed.

Subp. 3. **Expirations of five years or more** Renewal application beyond one year of expiration. Licenses which have A license that expired five years or more prior to than one year before the date of application for renewal may be renewed by filing an



application ~~therefor~~ for renewal, accompanied by the fee required by part 5225.8600, subpart 2, item C, and passing ~~an~~ the examination required by part 5225.0500.

**5225.8600 FEES.**

Subpart 1. [Unchanged.]

**Subp. 2. Engineer licenses.**

A. The fees for a new boiler operating engineer license, application, and examination are as follows:

- (1) chief engineer, ~~\$40~~ \$50;
- (2) first class engineer, ~~\$25~~ \$30;
- (3) second class engineer, ~~\$20~~ \$25;
- (4) special engineer, ~~\$15~~ \$20;
- (5) hobby engineer, ~~\$30~~ \$50; and
- (6) pilot, ~~\$20~~ \$30.

B. The fees for license renewal under part 5225.0300 are as follows:

- (1) chief engineer, \$25;
- (2) first class engineer, \$20;
- (3) second class engineer, \$15; ~~and~~
- (4) special engineer, ~~pilot~~, \$10; and
- (5) pilot, \$10.

C. The fees for expired renewals under part 5225.0300, subpart 2, are as follows:

- (1) chief engineer, ~~\$30~~ \$50;
- (2) first class engineer, ~~\$25~~ \$30;
- (3) second class engineer, ~~\$20~~ \$25; ~~and~~
- (4) special engineer, ~~pilot~~, ~~\$15~~ \$20; and
- (5) pilot, \$30.

D. The fee for replacement of a lost license of any class is \$15.

Subp. 3. **Boiler and pressure vessel inspection.** The fees for the annual inspections of boilers and the biennial inspections of pressure vessels under *Minnesota Statutes*, section 183.545, subdivision 3, are as follows:

- A. boiler inaccessible for internal inspection, ~~\$20~~ \$30;
- B. boiler accessible for internal inspection, ~~\$30~~ \$45;
- C. boiler internal inspection over 2,000 square feet, ~~\$40~~ \$60;
- D. boiler internal inspection over 4,000 square feet, ~~\$50~~ \$75;
- E. boiler internal inspection over 10,000 square feet, ~~\$70~~ \$100;
- F. boiler requiring internal inspection up to one-half day, ~~\$130~~ \$170;
- G. pressure vessel for internal inspection, ~~\$20~~ \$30; and
- H. pressure vessel inaccessible for internal inspection, ~~\$10~~ \$20.

Subp. 4. **Shop inspections.** The fees for shop inspections under *Minnesota Statutes*, section 183.545, subdivision 3, are as follows:

- A. inspection of two hours or less, ~~\$70~~ \$90; supervisor, \$115;
- B. one-half day, four hours or less, ~~\$130~~ \$170; supervisor, ~~\$180~~ \$220;

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## Proposed Rules

C. eight hours or less, ~~\$240~~ \$300; supervisor, ~~\$320~~ \$350; and

D. each hour over eight hours, per hour, ~~\$45~~ \$50; supervisor, ~~\$50~~ \$75.

Subp. 5. **Inspectors.** The fees for inspector's examinations, certificates, and endorsements under Minnesota Statutes, section 183.545, subdivisions 6, 7, and 8, are as follows:

A. national board inspector's exam, ~~\$40~~ \$75;

B. nuclear endorsement, ~~\$20~~ \$30;

C. Minnesota certificate of competency, original, ~~\$20~~ \$30; and

D. Minnesota certificate of competency, renewal, ~~\$15~~ \$20.

Subp. 6. **Exemption certificates.** The fees ~~fee for an exemption certificates~~ certificate under *Minnesota Statutes*, section 183.57, subdivision 2, ~~are as follows:~~

~~A. first object inspected, \$10; and~~

~~B. each additional object inspected, \$5 is \$10 for each object inspected.~~

Subp. 7. **Vessel inspections.** The fees for vessel inspections under *Minnesota Statutes*, section 183.545, subdivision 1, are as follows:

A. boat under 30 feet, ~~\$30~~ \$50;

B. boat from 30 to ~~no more than~~ 40 feet, ~~\$40~~ \$60;

C. boat ~~over~~ 40 to ~~no more than~~ 50 feet, ~~\$50~~ \$70; and

D. boat over 50 feet, ~~\$60~~ \$80.

Subp. 8. **Hobby boilers.** ~~The inspection fee for hobby boilers or traction boilers, not previously certified in Minnesota is \$75. The inspection fee for an inspection of a hobby or traction boiler is \$45.~~

### 5230.0100 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Reinstatement Application for renewal.** ~~After February A license may be reinstated upon payment of the regular examination fee; however, the council may at its discretion require the applicant to be reexamined and pass an examination before being reinstated as a licensed steamfitter that has expired within one year of application for renewal may be renewed without an examination on filing an application for renewal with the Department of Labor and Industry, accompanied by the fee required in this part. An application for renewal received by the department more than 30 days after the expiration date of the license must be accompanied by the late fee in subpart 3, item E.~~

~~If a license holder has failed to submit an application for renewal within one year of the date of the expiration of the license, renewal is not allowed unless the applicant files the application, pays the fee required by this part, and passes the examination required by this chapter.~~

Subp. 3. **Examination and license.** The fees for examination and license are as follows:

A. pipefitter ~~journey journeyman~~ (, examination and license), ~~\$25~~ \$50;

B. renewal of pipefitter ~~journey journeyman~~ license, ~~\$15~~ \$30;

C. contracting pipefitter (, examination and license ), ~~\$75~~ \$125;

D. renewal of contracting pipefitter license, ~~\$60~~ \$110;

E. ~~contracting pipefitter bond pipefitter contractor bond~~ and insurance processing, ~~\$25~~ \$50; and

F. temporary pipefitter license, ~~\$25~~; and

G. late fee, ~~\$5~~ fees:

(1) contractor, ~~\$125~~; and

(2) journeyman, ~~\$50~~.

~~Payment of all examination and license fees must accompany the application. There will be no refund of fees paid. All licenses, except the temporary pipefitter license, will expire December 31, but may be renewed upon application made the following January or February. Applications in February will be processed only upon payment of the late fee.~~

~~A temporary pipefitter license must be renewed every 12 months. An individual may not hold a temporary license for more than 36 months.~~

Subp. 4. **Permit to construct or install power piping systems.** Any A person, firm, or corporation that ~~intends to construct~~ constructs or ~~install~~ installs power piping systems must file an application for a permit with the Department of Labor and Industry, or with a municipality that is authorized by law to issue that type of permit, before beginning construction or installation. The department's fees for a permit to construct or install power piping systems are:

A. filing fee (application for permit), \$25; and

B. inspection fee, ~~0.005~~ 0.010 of the first \$1,000,000, plus ~~one-half mill of the amount over \$1,000,000 of the cost of bids awarded for the construction or installation of~~ 0.0075 of the next \$2,000,000, plus 0.0005 of the next \$47,000,000, plus 0.00025 of the amount over \$50,000,000 of the cost of constructing or installing the power piping systems as defined under part 5230.0260.

## 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.

## Minnesota State Agricultural Society

### Minnesota State Fair

#### Adopted Rule Changes Governing the Operation and Management of the Minnesota State Fair and Minnesota State Fairgrounds

The Minnesota State Agricultural Society board of managers adopted the following rule changes June 12, 1987, at a general business session. The following rules are amendments to those published in the *State Register* in February, 1981:

**S.F. 1.18** Pets. No dogs or other pets, other than seeing-eye dogs, shall be permitted on the State Fairgrounds ~~during the annual State Fair at any time~~. This prohibition does not apply to the State Fair campgrounds or to any other exhibit areas expressly designated by the Secretary-General Manager.

**S.F. 1.19** Roller Skates and Skateboards. Use of roller skates or skateboards shall not be permitted on the State Fairgrounds ~~during the annual State Fair at any time~~ except in an exhibit contracted by the Society.

**S.F. 1.20** Practice Driving. The State Fairgrounds may not be used by any person, organization or firm to conduct lessons for or to practice driving automobiles or other motor vehicles, unless such ~~person, organization or firm has entered into a contract with the Society to engage in such activity~~. activity is covered under a contract with the Society.

## Department of Commerce

### Adopted Permanent Rules Relating to Insurance Continuing Education

#### Notice of Adoption of Exempt Rules and Amendments to Rules

Pursuant to Section 128, Chapter 337, *Laws of Minnesota 1987* the Commissioner of Commerce was directed to adopt changes to *Minnesota Rules*, Chapter 2725 so as to effect the changes required by the legislature in sections 8 to 10 of Chapter 337.

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# Adopted Rules

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The rules and amendments are exempt from the rulemaking provisions of Chapter 14 of *Minnesota Statutes*. Compliance with Section 14.38, subdivision 7 was required.

Pursuant to section 14.38, subdivision 7 the revisor of statutes has approved the form of the rules; two copies of the rules with the revisor's certificate of approval have been filed with the secretary of state; and this notice and a copy of the rules will be published in the *State Register*. Pursuant to *Minnesota Statutes*, section 14.38, subdivision 8, five working days from the date of publication in the *State Register* the rules and rule amendments become effective.

Dated: 3 August 1987

Michael A. Hatch  
Commissioner of Commerce

## Rules as Adopted

### 2725.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 2725.0100 to 2725.0240, the following terms have the meanings given them.

Subp. 1a. **Applicant.** "Applicant" means a person who has applied to the commissioner of commerce pursuant to *Minnesota Statutes*, section 60A.17, subdivision 1, paragraph (a), for a license as an insurance agent.

Subp. 1b. **Company sponsored course.** "Company sponsored course" means a course sponsored by, offered by, or affiliated with an insurance company or its agents.

Subp. 2. **Coordinator.** "Coordinator" means an individual who is responsible for monitoring insurance education offerings.

Subp. 3. [See Repealer.]

Subp. 4. **Instructor.** "Instructor" means an individual lecturing in an insurance education offering.

Subp. 5. **Licensee.** "Licensee" means a natural person licensed by this state to sell classes of insurance for which licensing examinations are required.

Subp. 6. [See Repealer.]

Subp. 7. **Person.** "Person" means a natural person, firm, institution, partnership, corporation, or association.

Subp. 8. **Sponsor.** "Sponsor" means a person offering or providing insurance education. A sponsor of prelicense education must satisfy the requirements for a private vocational school as mandated by the Minnesota Department of Education.

### 2725.0110 GENERAL REQUIREMENTS.

Subpart 1. **Courses approved for continuing education credit.** Only courses which impart substantive and procedural knowledge relating to the insurance field shall be approved for credit.

Subp. 1a. **Curriculum for prelicense education.** The following are the curriculum requirements for insurance prelicense courses for Minnesota resident agents.

#### Basic Fundamentals Course

30 hours

#### Part I

Minimum time: 15 hours

Maximum time: 22.5 hours

1. Rules, Regulations, and Law
  - A. Rules from the Administrative Procedure Act
    - a. Chapter 2795 - Agent Conduct
    - b. Chapter 2790 - Insurance Marketing Standards
  - B. Minnesota law regarding general requirements
2. Fundamentals of Insurance
  - A. What is insurance?
  - B. What is the insurance organization?
  - C. How does insurance relate to society?
  - D. What is management of risk?

#### Part II

Minimum time: 3 hours

Maximum time: 7.5 hours

**Property And Casualty**

1. Insurance and insurance-related concepts
2. Policy provisions
3. Types of policies
4. Perils, exclusions, deductibles, and liability
5. Prospecting and evaluating needs
6. Servicing clients
7. Presentation and acceptance of policy

Part III

Minimum time: 3 hours  
Maximum time: 7.5 hours**Life/Accident And Health**

1. Types of policies and coverages
2. Policy provisions, options, and benefits
3. Completing the application/delivering the policy
4. Taxes, retirement, and other insurance concepts
5. Group insurance
6. Other provisions affecting insurance benefits

**Life/Accident And Health****15 Hours****A. Life**

Including but not limited to the following:

1. Whole life
2. Endowment
3. Term
4. Variable
5. Universal

**B. Health**

Including but not limited to the following:

1. Major medical
2. Hospital
3. Disability
4. Medicare supplement

**C. Minnesota laws, rules, and regulations pertinent to life/accident and health insurance only.****Property/Casualty Course****15 hours****A. Personal lines**

Including but not limited to the following:

1. Homeowners
2. Auto
3. Inland marine

**B. Commercial lines**

Including but not limited to the following:

1. Fire
2. Auto
3. Crime

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## Adopted Rules

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- 4. Umbrella
- 5. Inland marine

C. Minnesota laws, rules, and regulations pertinent to property and casualty insurance only.

Subp. 2. **Nonapproved courses for continuing education.** The following are not approved courses:

- A. a course which is approved for prelicense training;
- B. courses designed to prepare students for a license examination;
- C. courses in mechanical office or business skills, including typing, speed reading, or use of calculators or other machines or equipment;
- D. courses in sales promotion, including meetings held in conjunction with the general business of the licensee;
- E. courses in motivation, salesmanship, psychology, time management, or communication;
- F. courses related to office management or intended to improve the operation of the licensee's business; or
- G. courses which are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed;
- H. courses not approved by the Department of Commerce; or
- I. courses which can be completed by the student at home or outside the classroom without the supervision of an instructor approved by the Department of Commerce.

Subp. 3. **Automatic approval.** The commissioner shall grant automatic approval for continuing education for insurance related courses approved by the Department of Commerce for real estate education, the Board of Continuing Legal Education for legal education, or similar regulatory offices within Minnesota.

The commissioner shall grant approval for the purpose of continuing education for courses approved by the insurance regulatory agency in another state if the continuing education laws and rules governing course accreditation in that state do not conflict with parts 2725.0100 to 2725.0240.

Subp. 4. **Credit hours.** Continuing education courses must be attended in their entirety in order for a licensee to receive full credit. Proportional credit will be given for partial attendance at a continuing education course. Sponsors may not issue certificates of compliance to students that have not attended the entire prelicensing course. Certificates of compliance may be issued to students who have completed the entire course even if the student did so by attending more than one offering of the course.

Upon completion of approved courses, students shall receive credit for the number of hours approved for the course based on one hour of credit for each hour of attendance.

The number of approved hours will include only time spent on educational activities.

The approved instructor for a continuing education course shall earn one and one-half hours of continuing education credit for each one hour of instruction of approved continuing education courses.

Neither students nor instructors may earn continuing education credit for attending or instructing at any subsequent offering of the same continuing education course for three years after attending or teaching the course.

Subp. 5. **Examinations.** Course examinations will not be required for insurance education courses unless the sponsor requires an examination.

Subp. 6. **Textbooks.** Textbooks are not required for insurance education courses. If textbooks are not used, students are to be provided with a syllabus containing, at a minimum, the course title, times and dates of the course offering, the names and addresses or telephone numbers of the course coordinator and instructor, and a detailed outline of the subject matter to be covered. A textbook or syllabus must be available for the use of each student during the course. Any printed material disbursed to the students must be of a readable quality. Any textbook required must contain accurate and current information relating to the subject being taught.

Subp. 7. **Approval of course offerings.** Sponsors must submit their courses to the commissioner for approval at least 30 days prior to the date on which the course is to be held. Each application for approval of a course offering must be accompanied by the application for approval of the instructor unless the instructor has already been approved. Applications must be submitted on forms prescribed by the commissioner.

Subp. 8. **Approval of continuing education courses not submitted for approval.** Licensees may receive continuing education credit for courses attended which have not been submitted for approval by a coordinator. Requests for approval of these courses must be submitted on forms prescribed by the commissioner.

Subp. 9. **Advertising.** Courses cannot be advertised in any manner as approved unless approval has been granted, in writing, by the commissioner.

Upon written request by a sponsor, the commissioner shall grant permission, in writing, to the sponsor to use the term "approval pending" if it is clearly visible in the advertisement and if in fact the course has been submitted to the commissioner for approval in accordance with subpart 7.

All advertising relating to approved course offerings must contain either of the two following statements as is appropriate: "This course has been approved by the commissioner of commerce for insurance continuing education credit." or "This course has been approved by the commissioner of commerce for prelicensing education credit." The statement must be prominently displayed on the cover of any pamphlet, advertisement, or circular.

The number of hours for which a course has been approved shall be prominently displayed on any advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.

Advertising must be truthful, clear, and not deceptive or misleading.

Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

Subp. 10. **Approval of subsequent offerings.** If approval has been granted for the initial offering of a course, approval for subsequent offerings shall be granted without requiring a new application if a "Notice of Subsequent Offering" is filed with the commissioner at least 30 days in advance of the date the course is to be held.

Subp. 11. **Continuing education courses must be open.** All continuing education course offerings, except company sponsored courses which are specifically restricted to agents of the company or agency, shall be open to any interested individuals. Access to prelicensing course offerings may be restricted by the sponsor.

Subp. 12. **Fees.** Fees for courses shall be reasonable and clearly identified to students.

Reasonable discounts of tuition may be offered.

If a course is canceled for any reason, all fees shall be returned promptly. In all instances, the fees must be refunded within 30 days of cancellation.

In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full. The fees must be refunded within 30 days of postponement unless the student has notified the sponsor that he or she has chosen to attend the postponed course.

A sponsor may have a refund policy addressing student's cancellation or failure to complete a course, as long as that policy is clear to potential students.

Subp. 13. **Adequate facility to be used.** Each course of study shall be conducted in a classroom or other facility which is adequate to comfortably accommodate the faculty and the number of students enrolled. The sponsor may limit the number of students enrolled in a course.

Subp. 14. **National examinations.** Courses leading to a recognized national examination shall be assigned continuing education credit hours in the same manner as other courses. ~~A licensee who passes a national examination shall receive 20 hours of continuing education credit, even though the licensee has not attended 20 or more hours of courses leading to the examination.~~

Subp. 15. [See Repealer.]

**REPEALER.** *Minnesota Rules*, parts 2725.0100, subparts 3 and 6; and 2725.0110, subpart 15, are repealed.

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# 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 Higher Education Coordinating Board

## Proposed Emergency Rules Relating to Education Grants; Dislocated Rural Workers

### Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Laws of Minnesota* for 1987, Chapter 386, Article 10, Section 6. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Rose Herrera Hamerlinck  
Minnesota Higher Education Coordinating Board  
550 Cedar Street, Suite 400  
Capitol Square Building  
St. Paul, MN 55101  
(612) 296-7963

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Rose Herrera Hamerlinck.

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 relates 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 Rose Herrera Hamerlinck.

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 continue to be in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 10 August 1987

David A. Longanecker, Executive Director  
Higher Education Coordinating Board

### Rules as Proposed (all new material)

#### DISLOCATED RURAL WORKER ASSISTANCE PROGRAM

#### 4830.1560 [Emergency] SCOPE.

Parts 4830.1560 to 4830.1565 [Emergency] govern state assistance to schools for students who are dislocated rural workers.



**4830.1561 [Emergency] ELIGIBLE SCHOOLS.**

An eligible school under part 4830.0300 is eligible to receive an allocation of state assistance for students who are dislocated rural workers.

**4830.1562 [Emergency] APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.**

**Subpart 1. Allocation formula.** The board shall allocate grant money to eligible schools according to the formula in this subpart. An eligible school's allocation is the school's share, divided by the sum of school shares. An eligible school's share is the number of entering Minnesota resident students enrolled in the last fiscal year, from the school's home county, and contiguous counties. Students who resided in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county must not be counted in any school's share. A school whose allocation would be less than \$500 using this formula must not receive an allocation. Would-be allocations of less than \$500 must be reallocated, using this formula, to other schools.

**Subp. 2. Notification.** The board shall notify each school of the amount allocated to it.

**Subp. 3. Accountability.** A participating school is accountable for money disbursed to students for assistance for dislocated rural worker students. The money may be used by students only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll in, or withdraws from, school, the school may use the funds for other eligible students. The school must return unused money to the board.

**Subp. 4. Report; unused funds.** When requested by the board, a school shall report on its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds according to the formula in subpart 1.

**4830.1563 [Emergency] DETERMINATION OF STUDENT ELIGIBILITY.**

A school shall determine if a student is eligible for a dislocated rural worker assistance grant. To be eligible a student must demonstrate compliance with the requirements in this part.

- A. The student must meet the requirements for an eligible student as defined in part 4830.0100, subpart 5, items B, C, E, and F
- B. The student must be enrolled in an adult farm management program, or an occupational training program. The program cannot be a liberal arts program. The program must prepare the student for available employment within a labor market where the student lives or is willing to move.
- C. The student must have applied for all other federal and state financial aid scholarship or grant programs.
- D. The student must be able to demonstrate that subitem 1, 2, or 3 applies to the student:
  - (1) The student or the student's spouse is a worker who has been separated from employment or has notice of separation from employment. The separation must be because of a plant shutdown, an industry slowdown, or because the worker's occupation is obsolete; or be in a region where there has been a decline in the number of persons in the worker's customary occupation. The worker must be unlikely to go to work for the same employer or in the same occupation for a year after the job loss.
  - (2) The student is a displaced homemaker.
  - (3) The student or the student's spouse is a farmer who can demonstrate severe household financial need.

**Subp. 4. Severe household financial need; incorporation by reference.** Severe household financial need is demonstrated by relating the income of the student's household to the income of a same-sized household as found in the most current table of standard maintenance allowance found in the current edition of "Handbook for Financial Aid Administrators" published by the American College Testing Program; 2201 North Dodge Street, P.O. Box 168; Iowa City, Iowa 52243. The table is incorporated by reference, is subject to frequent change, and is available in the handbook in public libraries throughout the state through the Minitex interlibrary loan system. The table is also available separately from the board.

**4830.1564 [Emergency] AMOUNT AND TERM OF GRANTS.**

**Subpart 1. Financial need.** An eligible school shall award a grant to an eligible student, to the extent allocated funds are available and to the extent the student demonstrates financial need according to a method consistent with the school's financial aid policies and procedures.

**Subp. 2. Amount.** The amount of the grant to a student when combined with the expected or awarded (a) federal, state, institutional, and private grant assistance that the student receives, (b) employer reimbursement, and (c) the expected parent and student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's direct educational cost as defined in subpart 3.

**Subp. 3. Direct educational cost.** The direct educational cost includes the following:

- A. resident tuition and fees at the institution;
- B. cost of educational materials;

## Emergency Rules

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- C. transportation expenses;
- D. an allowance for child care expenses; and
- E. other expenses allowed by the school.

The direct educational cost must be consistent with the school's financial aid policies and procedures.

### **4830.1565 [Emergency] COLLECT, REPORT DATA.**

The school must collect demographic, educational, and financial data specified by the board from eligible students requesting grants. The school shall provide the board with individual student data upon request.

## Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, 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.

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## Department of Agriculture

### Agronomy Services Division

### **Notice of Special Local Need (SLN) Registration for: Diquat Herbicide H/A**

Pursuant to *Minnesota Statutes*, Section 18A.23, and 3MCAR, Section 1.0338 B, the Minnesota Department of Agriculture (MDA), on July 27, 1987, issued a Special Local Need (SLN) Registration for Diquat Herbicide H/A, EPA Reg. No. 239-1663, manufactured by Chevron Chemical Company, Richmond, California.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need (SLN) Registration permits the use of this product for desiccation of Russet Burbank potato vines at a single application rate of two pints per acre in Minnesota.

The application and other data required under *Minnesota Statutes*, Sections 18A.22, Subdivision 2(a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B, relative to this registration (identified as SLN No. MN-87-0002) is on file for inspection at:

Minnesota Department of Agriculture  
Agronomy Services Division  
Pesticide Control Section  
90 West Plato Boulevard  
St. Paul, Minnesota 55107  
Telephone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, have thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to *Minnesota Statutes*, Chapter 14, for the purpose of revoking, amending, or upholding this registration.

Dated: 27 July 1987

Jim Nichols, Commissioner  
Minnesota Department of Agriculture

## **Department of Agriculture**

### **Agronomy Services Division**

#### **Notice of Special Local Need (SLN) Registration for: Diquat Herbicide H/A**

Pursuant to *Minnesota Statutes*, Section 18A.23, and 3MCAR, Section 1.0338 B, the Minnesota Department of Agriculture (MDA), on August 5, 1987, issued a Special Local Need (SLN) Registration for Diquat Herbicide H/A, EPA Reg. No. 239-1663, manufactured by Chevron Chemical Company, Richmond, CA.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need (SLN) Registration permits the use of this product as a preharvest foliage desiccant for birdsfoot trefoil (seed crop only).

The application and other data required under *Minnesota Statutes*, Sections 18A.22, Subdivision 2(a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B, relative to this registration (identified as SLN No. MN-87-0003) is on file for inspection at:

Minnesota Department of Agriculture  
Agronomy Services Division  
Pesticide Control Section  
90 West Plato Boulevard  
St. Paul, Minnesota 55107  
Telephone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, have thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to *Minnesota Statutes*, Chapter 14, for the purpose of revoking, amending, or upholding this registration.

Dated: 5 August 1987

Jim Nichols, Commissioner  
Minnesota Department of Agriculture

## **Department of Agriculture**

### **Agronomy Services Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Chemigation**

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing chemigation. The adoption of these rules is authorized by *Minnesota Statutes*, sec. 18B.08, subd. 5, which permits the agency to develop specific requirements for implementation of a program to regulate application of pesticides by irrigation.

The Department requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to:

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

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

## Official Notices

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All statements of information and opinions shall be accepted until September 8, 1987. Any written material received by the Department shall become part of the rulemaking record to be submitted to the Attorney General or the administrative law judge in the event that the rule is adopted.

Dated: 29 July 1987

Jim Nichols  
Commissioner

### Department of Agriculture

#### Agronomy Services Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Pesticide Bulk Storage

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing bulk pesticides. The adoption of these rules is authorized by *Minnesota Statutes*, sec. 18B.14, subd. 2, which permits the agency to develop a program to regulate bulk pesticides including installation of secondary containment devices, storage site security, safeguards, notification of storage site locations, criteria for permit approval, a schedule for compliance and other necessary requirements.

The department requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to:

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

Oral statements 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 opinions shall be accepted until September 8, 1987. Any written material received by the Department shall become part of the rulemaking record to be submitted to the Attorney General or the administrative law judge in the event that the rule is adopted.

Dated: 29 July 1987

Jim Nichols  
Commissioner

### Department of Commerce

#### Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments to Existing Rules Regarding Interstate Banking Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules and amend existing rules relating to Interstate Banking. The department is primarily concerned with establishing the five point rating scale for evaluating financial institutions owned by interstate bank holding companies required by *Minnesota Statutes*, section 48.97, subd. 3. Promulgation of these rules is authorized by *Minnesota Statutes*, sections 48.93, 48.97, 48.99 and 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* § 14.115, subdivision 1.

The Department of Commerce 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 to:

James Miller, Deputy Commissioner  
Department of Commerce  
500 Metro Square Building  
St. Paul, MN 55101  
(612) 296-2715

Oral statements will be received during regular business hours over the telephone at (612) 296-2715.

All statements of information and comment shall be accepted until September 25, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch  
Commissioner of Commerce

## Department of Commerce

### Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Reciprocal Interstate Branching by Saving and Loans Associations Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules relating to reciprocal interstate branching by saving and loans associations. Promulgation of these rules is authorized by *Minnesota Statutes*, Sections 51A.58 and 45.023.

The Department of Commerce 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 to:

Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612). Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and comment shall be accepted until September 18, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch  
Commissioner of Commerce

## Commissioner of Commerce

### Order and Notice of Hearing In the Matter of the Workers' Compensation Assigned Risk Plan Rates for Classes 7219, 7230, 7231, 8292 and 8293

Commissioner of Commerce Michael A. Hatch (hereinafter the "Commissioner") has determined as follows:

1. *Minnesota Statutes* § 79.251, subd. 3 (1986) requires the Commissioner to establish a schedule of rates for the workers' compensation assigned risk plan.
2. The Commissioner has received several complaints and objections regarding the workers' compensation assigned risk plan rates for classes 7219, 7230, 7231, 8292 and 8293, all of which classes involve professions within the trucking industry.
3. Such complaints and objections include, among other things, the contention that due to the workers' compensation assigned risk plan rates for the above-referenced classes, truckers are unable to profitably operate in this state, and as a result, some trucking operations are no longer able to conduct business in Minnesota.
4. An informational hearing is desirable to assist the Commissioner in determining whether the existing workers' compensation assigned risk plan schedule of rates is reasonable for classes 7219, 7230, 7231, 8292 and 8293. Such information will be utilized by the Commissioner in establishing rates pursuant to section 79.251, subd. 3.
5. The following Order is in the public interest.

NOW, THEREFORE, IT IS ORDERED, that a public hearing will be held on September 24, 1987 at 9:00 a.m. in the Large Hearing Room, 500 Metro Square Building, Seventh & Robert Streets, St. Paul, Minnesota. The hearing will be conducted by Administrative Law Judge Peter C. Erickson who offices at 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota, 55415, telephone (612) 341-7606. The purpose of the hearing is to obtain information and/or argument as to whether the workers' compensation assigned risk plan rates are reasonable for classes 7219, 7230, 7231, 8292 and 8293.

All interested persons will have the opportunity to submit any written or oral information and/or argument in this regard. Based on the information and argument submitted at the hearing, Administrative Law Judge Erickson will issue a Report to the Commissioner, which Report will contain Findings of Fact, Conclusions and Recommendation as to whether the workers' compensation assigned risk plan rates are reasonable for classes 7219, 7230, 7231, 8292 and 8293. Pursuant to section 79.251, subd. 3, the hearing will not be conducted in accordance with *Minnesota Statutes*, ch. 14. Administrative Law Judge Erickson shall conduct the hearing in a manner and pursuant to procedures that he deems appropriate.

## Official Notices

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Any questions or inquiry regarding the foregoing hearing should be directed to Rose Ortiz, Minnesota Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101, telephone: (612) 297-4017.

Dated: 7 August 1987

Michael A. Hatch  
Commissioner of Commerce  
State of Minnesota

## Council on Disability

### Notice of Semi-monthly Meet Schedule

The Council will be holding its regular semi-monthly meeting on Thursday, September 17, 1987 beginning at 9AM at the Ramada Inn, 1870 Old Hudson Road, St. Paul, MN 55119. The public is invited to attend; open meeting law guide lines will be in effect. The agenda will include: a discussion of progress on General Assistance project, introductions of the office of Ombudsman for mental health and mental retardation, a review of on-going work projects of the Council, and other items to be announced later.

The Council has established the following meeting dates for the balance of the fiscal year:

November 19, 1987  
January 28, 1988  
March 24, 1988  
May 26, 1988

For further information contact the Council at (612) 296-6785—1-800-652-9747 (Voice/TDD) or at 208 Metro Square Bldg., St. Paul, MN 55101.

## Department of Health

### Notice of Solicitation of Outside Information or Opinions In the Matter of Rules Relating to Licensure of Laboratories for Drug and Alcohol Testing in the Workplace

Notice is hereby given that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption of a rule governing the licensure of laboratories for drug and alcohol testing in the workplace. The adoption of the rule is authorized by Act of June 3, 1987, chapter 388, section 4, *Minnesota Session Law Service (West)*. Chapter 388, section 4 requires the agency to license laboratories which employers must use when requiring an employee to undergo drug or alcohol testing.

The State Department of Health requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to John Ikeda, Laboratory Services Section, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Oral statements will be received during regular business hours over the telephone at (612) 623-5000 and in person at the above address.

All statements of information and opinions shall be accepted until 30 days from the date of this publication. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 10 August 1987

Sister Mary Madonna Ashton  
Commissioner of Health  
Minnesota Department of Health

## Department of Health

### Public Forum on Naturopathic Physicians and Contact Lens Technicians and Opticians

A public forum will be held on September 16, 1987 to receive comments on the need to regulate naturopathic physicians as well as contact lens technicians and opticians. The Minnesota Association of Naturopathic Physicians, Inc. has requested that naturopathic physicians be licensed in Minnesota. The Minnesota Opticians Society, in conjunction with the Minnesota Contact Lens Society, are requesting licensure of those occupations. These requests for regulation are currently under review by the Department of Health.

The public forum will be held from 5:00-9:30 p.m. in the Albert Chesley Room (#105) of the Minnesota Department of Health, 717 Delaware Street, S.E., Minneapolis, Minnesota 55440. Comments regarding the need to regulate naturopathic physicians will be heard from 5:00-6:45 p.m. Comments regarding the need to regulate contact lens technicians and opticians will be heard from 7:45-9:30 p.m.

State law requires that before the Department can make a determination regarding the need to regulate a human service occupation, it must consider (1) whether the public will be harmed if the occupation remains unregulated; (2) what kind of specialized skill or training is needed to assure competency, on the part of both new and experienced members of the occupation; (3) possible alternatives to state regulation of the occupation; and (4) the overall cost effectiveness and economic impact of regulating the occupation.

Written comments may be submitted on the day of the forum, or mailed by October 6 to the Occupational Analysis Section, Minnesota Department of Health. For more information contact Mary Cahill at (612) 623-5612.

## Minnesota Historical Society

### State Review Board Regular Meeting

A meeting of the State Review Board to consider nominations to the National Register of Historic Places will be held on September 10, 1987, at 7:00 p.m. in the Auditorium, Fort Snelling History Center, Fort Snelling, Minnesota.

## Minnesota Housing Finance Agency

### Applications Accepted for the Federal Low Income Housing Tax Credit Program

#### Introduction

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting applications for reservation and allocation of the Low Income Housing Tax Credits (LIHC), authorized by the Federal Tax Reform Act of 1986. The LIHC offers a ten year reduction in tax liability to owners and investors in eligible low-income, new construction, rehabilitation or existing rental housing.

The tax credit program is a three year program that began January 1, 1987, and expires December 31, 1989. The total amount of the LIHC available for Minnesota will be \$5,241,250, based on \$1.25 per capita. Ten percent of the total, or approximately \$524,125, is reserved for qualified non-profit organizations.

#### Credit Formula

The 1987 Minnesota Legislature designated the MHFA as the primary apportionment agency for low income housing tax credits for the state in Chapter 350 of *Laws of Minnesota*, and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the following formula.

The MHFA shall reserve to each eligible city and county an amount equal to the greater of (1) the product obtained by multiplying \$1.6875 by the population of the city or county, of (2) 90 percent of the total state ceiling for low-income housing credits, multiplied by a fraction that has as its numerator the number of rental units located within the city or county and that has as its denominator the total number of rental units located within the state.

#### Local Administration of Tax Credit

The following eligible cities and counties have accepted the local administration of the LIHC:

<u>City/County</u>	<u>Amount of Tax Credit for 1987</u>
St. Cloud	\$ 73,730
Bloomington	141,581
Dakota County	372,652
Duluth	144,520
Minneapolis	946,839
St. Paul	541,452
Rochester	104,892
Washington County	211,807
Subtotal	\$ 2,537,473
Administered by MHFA	\$ 2,179,652
Nonprofit Set-Aside	\$ 524,125
Total Available for State	\$ 5,241,250

## Official Notices

Applicants with eligible buildings located within the jurisdiction of the above local governments must apply to the local administrators for allocation of the low income housing tax credit. Any sub-allocation to local governments that is not committed by October 1, 1987, must be returned to the MHFA for statewide allocation. The MHFA will not make an allocation for projects located within the jurisdiction of the cities or counties that have elected to administer the credits, until the amounts reserved have been allocated or returned to the MHFA for allocation.

### State Ceiling, State Demographer Population and Rental Unit Estimates for Tax Credits in 1987

The ceiling for the State of Minnesota for the calendar year 1987 is \$5,241,250—Minnesota's population estimate of 4,193,000 times \$1.25. Total rental units for the state is 409,533.

Minnesota population estimate of 4,193,000 is based on the Annual Estimates of population of states: from Census publication "Current Population Reports, Series P-25: Population Estimates and Projections, Estimates of Population of States" published 12/1986.

<u>Allocating Agency</u>	<u>Population</u>	<u>Rental Units</u>
St. Cloud	43,692	5,756
Bloomington	83,900	7,771
Brooklyn Park	50,510	6,227
Dakota County	220,831	16,440
Duluth	85,037	12,547
Minneapolis	362,090	82,203
St. Paul	267,810	47,008
Rochester	62,158	8,229
Washington County	125,515	5,756

Population estimates by State Demographer published August, 1986. Rental units estimates by State Demographer based on 1980 Census.

### MHFA Administration of Tax Credits

Applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators may apply to the MHFA for an allocation of low income housing tax credits.

In addition, the MHFA has been designated as the credit agency to provide low income housing credits for projects involving qualified 501(c)(3) and 501(c)(4) nonprofit organizations **statewide**. Ten percent of the state ceiling has been set aside for qualified nonprofits as required by Section 42 of the *Internal Revenue Code of 1986*. Qualified nonprofits can apply to the MHFA for the low income housing tax credit set-aside, regardless of the geographic location of the proposed low income housing building.

For additional information or an application packet for buildings located in the MHFA jurisdictions, please write to MHFA at:

Minnesota Housing Finance Agency  
Multi-Family Underwriting  
Low Income Housing Tax Credit Program  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
or call (612) 297-3294

## Department of Human Services

### Comments and Requests for Hearings on Proposed Permanent Rules Relating to Veterans Home Discharge Provisions and Fees

Pursuant to State of Minnesota, Department of Administration, Reorganization Order No. 149 signed by Governor Perpich and the Department of Administration Commissioner Hale on July 31, 1987, rulemaking authority and duties for the Minnesota Veterans Homes at Minneapolis and Hastings are transferred from the Department of Veterans Affairs to the Department of Human Services.

In accordance with Reorganization Order No. 149, public comments or written requests for a public hearing on proposed permanent rules relating to Veterans Home Discharge provisions and fees published in the *State Register* on August 3, 1987, pages 191-201 (CITE 12 SR 191) are to be submitted to: Robert Hamper, Director, Rules Division, Department of Human Services, 4th Floor, Centennial Office Building, St. Paul, MN 55155.

All comments and requests for a public hearing will be accepted by the Department of Human Services until 4:30 p.m. on September 2, 1987. Any comments or requests for public hearing submitted according to the instructions in the August 3 *State*



Register to the Minnesota Department of Veterans Affairs by 4:30 p.m. on September 2 will also be accepted by the Department of Human Services.

## **Metropolitan Council of the Twin Cities Area**

### **Notice of Preliminary Review Schedule for Revision to the Water Resources Management, Part 1, Policy Plan of the Metropolitan Development Guide**

The Metropolitan Council is revising its plan for regional sewer service and treatment. Revisions are necessitated by the need to address service and treatment requirements to meet the demand from forecasted growth in households and employment through the year 2000 and 2010, and concerns over water quality management. Additionally, the legislature has provided new direction regarding the responsibilities of the Council and the Metropolitan Waste Control Commission (MWCC). In accordance with Council procedures for revising regional system plans, the following tentative schedule is proposed:

Oct. 27, 1987	Metropolitan Systems Committee adopts the draft document.
Nov. 12, 1987	Metropolitan Council adopts draft document for transmittal to the Metropolitan Waste Control Commission for a 90-day review.
Feb. 23, 1988	Metropolitan Systems Committee adopts draft document for public hearing purposes.
March 10, 1988	Metropolitan Council adopts draft document for public hearing purposes and sets public hearing date.
April 12, 1988	Public hearing.
May 17, 1988	Metropolitan Systems Committee considers the revised policy plan for adoption.
May 26, 1988	Council adopts the plan.

A "notice of public hearing" will be published. If you have questions regarding the schedule or the draft sewer policy plan, call Carl Schenk of the Council's Natural Resources Program at 291-6410.

## **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 promulgate emergency and permanent rules governing state and federal grant and loan programs for the construction of municipal wastewater treatment facilities.

*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 the following grant and loan programs:

1. Grants to assist municipalities seeking privatization of their municipal wastewater treatment facilities. See *Minnesota Laws 1987*, Chapter 277, Section 1.
2. Grants to reimburse owners of individual on-site wastewater treatment systems for a part of the costs of upgrading or replacing the systems. See *Minnesota Laws 1987*, Chapter 277, Section 2.
3. Grants to assist municipalities in taking corrective action to upgrade or correct wastewater treatment facilities, funded under the federal or state grants programs, that have failed to meet performance standards. See *Minnesota Laws 1987*, Chapter 277, Section 3.
4. Loans for the construction of wastewater treatment facilities, as authorized by Congress in Public Law 100-4. See *Minnesota Laws 1987*, Chapter 386, Art. 3, Section 24, Subdivision 11.

*Minnesota Laws 1987*, Chapter 386, Art. 3, Section 3 provides that cities with populations of less than 1500 that are funded under the independent state grants program may be exempted from federal 20-year planning requirements contained in 33 USC 1251 et. seq. (Clean Water Act). *Minnesota Rules* Chapter 7075 will be revised to include guidelines governing such exemptions.

In addition, revisions to existing rules are proposed. These include changes in the deadline dates for submittal of technical doc-

## Official Notices

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uments prior to listing a municipality on the Municipal Project List, and changes to the procedures for drafting the Municipal Project List. See *Minnesota Rules* Part 7075.0409.

Promulgation of permanent rules is authorized by the above cited Minnesota Laws and by *Minnesota Statutes*, section 116.16, subdivision 5. Promulgation of emergency rules for the corrective action grants program (Number 3 above) is authorized by *Minnesota Laws 1987*, Chapter 277, Section 3.

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  
520 Lafayette Road  
St. Paul, Minnesota 55155

Oral statements of information and comment will be received over the telephone at (612) 296-8744 between the hours of 9:00 a.m. and 4:00 p.m.

All statements of information and comments regarding emergency rules relating to corrective action grants should be submitted by September 22, 1987. All statements of information and comments regarding permanent rules should be submitted by November 30, 1987. All written material received by the Minnesota Pollution Control Agency before the above deadlines will become a part of any rule file that is established in the event that the rules are proposed for adoption.

## Department of Public Safety

### Meeting Notice for a Pipeline Safety—Statewide Notification Center

In compliance with the Minnesota Pipeline Safety Act, *Minnesota Laws 1987*, Chapter 353, Section 9, the Commissioner of the Minnesota Department of Public Safety hereby notifies all operators, excavators and other persons eligible to participate of the first organizational meeting to establish a statewide notification center operated by a non-profit corporation to provide information regarding pipeline locations.

The meeting will be held on August 19, 1987 at 9:00 a.m. in the Minnegasco Auditorium, Minnegasco Headquarters Building, 201 South Seventh Street, Minneapolis, Minnesota.

Paul J. Tschida, Commissioner  
Minnesota Department of Public Safety

## Minnesota State Retirement System

### Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System will be held on Friday, August 21, 1987 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

## Department of Transportation

### Petition of the County of Nicollet for a Variance from State Aid Standards for Roadway Design Criteria

Notice is hereby given that the County Board of the County of Nicollet has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards for a construction (regrading) project on CSAH 4 from CSAH 5 to CSAH 1 (6.5 Miles).

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit an interim 32' wide roadway with a gravel surface instead of the required surfacing and width necessary to provide a 7 ton ultimate 9 ton roadway.

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.

Dated: 5 August 1987

Leonard W. Levine  
Commissioner of Transportation

## Minnesota Public Utilities Commission

### Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Telephone and Utility Customer Service, Docket Nos. P-999/R-86-327, G, E-999/R-86-322

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the adoption and amendment of rules governing the following:

1. *Minnesota Rules*, part 7810.1400 CUSTOMER BILLING. Amend to require telephone company to bring the lowest price service option to the attention of a customer when explaining bill and services.
2. *Minnesota Rules*, part 7820.0250 APPLICATION FOR NEW SERVICE. Adopt rule governing the application information required when a customer requests new utility service.
3. *Minnesota Rules*, part 7820.0700 DEFINITION. Amend definition of customer to exclude persons who do not have a contract with the utility to supply service in return for payment.
4. *Minnesota Rules*, part 7820.1400 LANDLORD-TENANT RULE. Amend to prevent an occupant who subscribes for service in their own name from being liable for bills incurred by the landlord.
5. *Minnesota Rules*, part 7820.1800 DISCONNECTION RESTRICTION FOR OCCUPIED RESIDENTIAL UNITS. Amend to require customers to contact the utility and declare inability to pay, apply for fuel assistance, document income, and make a minimum payment and agree to a payment schedule.
6. *Minnesota Rules*, part 7820.3300 METER READING AND BILLING PERIODS. Amend to require utility to read meters twice a year, to include once during the second quarter and once during the fourth quarter of every year.
7. *Minnesota Rules*, part 7820.4500 PERMISSIBLE MEANS OF GUARANTEEING PAYMENT. Amend deposit requirement to not exceed  $\frac{2}{12}$  of annual utility charges for a premises.

Persons or groups interested in examining a working draft of the above rules may call Donna Carolus at 296-0621 for one free copy. A copy of this notice and the working drafts has been sent to everyone on the Commission's rulemaking list.

The adoption and amendment of the rules is authorized by *Minnesota Statutes* §§ 216B.07, 216B.08, 216B.09, and 237.10 (1986), which allows the Commission to promulgate rules and fix just and reasonable standards of service.

The Commission requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Betty Ware  
Minnesota Public Utilities Commission  
780 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101  
Telephone: (612) 296-7126

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until Friday, September 18, 1987. Any written materials received by the Commission shall become part of the rulemaking record in the event that the rules are adopted and amended.

Mary Ellen Hennen  
Executive Secretary

# State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any 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 \$15,000 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

## Department of Administration: Procurement Division

### Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Lease purchase of copier (JPK)	August 17	State University	St. Cloud	26 073 20192
Computer equipment (PA)	August 17	Public Safety	St. Paul	07 500 39696
PC/AT compatibles-rebid (PA)	August 17	State University	Mankato	26 071 17225
Electric chain hoist (DM)	August 18	Transportation	St. Paul	79 000 74617
Sperry equipment (PA)	August 18	State University	Mankato	29 071 17489
Urine specimen collection kits (DK)	August 18	Public Safety	St. Paul	Price Contract
Janitorial service (JS)	August 18	Transportation	Roseville	Price Contract
Steel, common use items (DRT)	August 19	Various	Various	Price Contract
Brief cases, business cases, etc. (JD)	August 20	Various	Various	Price Contract
Signs (BV)	August 20	Various	Various	29 000 46592
Meat & meat product for Sept. 1987 (JD)	August 20	Various	Various	Various
Lease/automobiles (DM)	August 21	Public Safety	St. Paul	07 300 44379
Lease/automobiles (DM)	August 21	Public Safety	St. Paul	07 300 44377
Lease/automobiles (DM)	August 21	Public Safety	St. Paul	07 300 44384
IBM equipment (PA)	August 24	State University	Winona	26 074 11335
Tape cassette (JD)	August 24	Jobs & Training	St. Paul	21 200 16111
Printing equipment (JD)	August 25	State University	Bemidji	26 070 13301
Repair of chiller (DM)	August 25	State University	St. Cloud	26 073 20172

## Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
City College News	August 18	Minneapolis Community College	Minneapolis	477
ROOTS newsletter	August 18	Natural Resources	Cambridge	556
Explore Minnesota Fall Poster	August 19	Tourism Office	St. Paul	992

## State Contracts and Advertised Bids

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
Water Well Drilling Machine Decal	August 19	Health	Minneapolis	1065
Wage & Tax Statements	August 19	Various	St. Paul	1001-2-3
Business form	August 20	State University	St. Cloud	499
Continuous Form Letterhead (4-ply)	August 20	Commerce	St. Paul	909
1987 Information Return Summary	August 20	Revenue	St. Paul	516-7-8
Rochester Notice of Delinquency	August 20	Revenue	St. Paul	515
Computer Pledge Cards	August 20	State University	Mankato	1061
Renewal I.D. Card Application, Drivers License, Voter Registration	August 20	Public Safety	St. Paul	173-4
Notice of Action	August 20	Human Services	St. Paul	920
8¾" x 11½" kraft envelope	August 20	Revenue	St. Paul	400
White envelopes w/poly window	August 20	State University	St. Cloud	811
County maps	August 20	Transportation	St. Paul	398
Book: 1987 Tax Package XM	August 20	Revenue	St. Paul	549

## Department of Administration

### Notice of Request for Proposals for Rental of Office Space

The Department of Administration desires proposals for the rental of approximately 16,250 usable square feet of office space for Mankato State University in the City of Mankato. Adjacency to the University Campus is required. For specifications, contact:

Department of Administration  
Real Estate Management Division  
50 Sherburne Avenue, Room G-22  
St. Paul, Minnesota 55155  
Telephone: (612) 296-6674

Proposals must be submitted by 4:30 p.m., on Friday, September 18, 1987.

## State Designer Selection Board

### Request for Proposal for Three Projects

#### TO REGISTERED PROFESSIONALS IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for Three Projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., September 8, 1987, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

## State Contracts and Advertised Bids

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### The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" x 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.

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

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

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

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

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

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

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

#### 5. Statutory Proposal Requirements:

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

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; **or**

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

**or**

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

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

6. In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

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

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

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

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

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

**8a) PROJECT — 26-87**

Connecting Links  
University of Minnesota  
Crookston, Minnesota  
Approximate Project Cost \$750,000.00

The University of Minnesota plans to construct connections between various buildings on the University of Minnesota/Crookston campus to increase accessibility. The project consists of new construction of approximately 5,900 gsf with an estimated construction cost of approximately \$560,000.00. The major components of the project are:

- A one-story link between Hill Hall, Owen Hall, and Bede Hall.
- A connection on three levels between Hill Hall and Selvig Hall.
- The addition of a second level link between Bede Hall and the Food Service Building.

It is essential that the design of the new linkages integrate aesthetically and functionally with the existing buildings and campus framework. All linkages are to be handicap accessible. Limited remodeling modifications may be needed to the existing buildings to tie into the new linkages. Careful field investigation and cost estimating services will be required.

**8b) Project — 27-87**

Upgrading General Purpose Classrooms  
University of Minnesota  
Minneapolis, Minnesota  
Approximate Project Cost \$2,825,000.00

The University of Minnesota plans to renovate a number of individual classrooms in eight or nine buildings located on the Minneapolis campus, East Bank. The project consists of the remodeling of approximately 37,000 gsf in two phases, summer of 1988 and summer of 1989. The estimated construction cost is approximately \$2,200,000.00. The major components of the project consist of:

Classrooms identified for renovation are large auditorium style lecture facilities with serious physical deficiencies. Work will include upgrading of ventilation systems and lighting levels, acoustical improvements, seat replacement and installation of state-of-the-art audio-visual equipment.

Scheduling of construction is a critical element of the project. Construction must be started and completed during the two summers. Academic priorities will control which classrooms are included in each phase.

The general purpose classrooms are the most intensively used teaching facilities on the Twin Cities campus. Because all colleges use these facilities, rehabilitation and refurbishment of these instructional rooms benefit undergraduate students of virtually all academic disciplines.

Questions concerning these projects may be referred to Clint Hewitt at (612) 625-7355.

**8c) PROJECT — 28-87**

Remodel Cottage No. 5  
Cambridge Regional Treatment Center  
Cambridge, Minnesota

**Appropriation:** \$750,000.00 for the completion of the refurbishing project; including refined schematic design, design development, construction documents, bidding and construction.

**PROGRAM SUMMARY**

**Cottage No. 5:** Attach elevator alongside the building for handicapped access. Rearrange floor plan of three floors to suit Isanti County needs for office and meeting space. This includes salvaging existing structures, materials and systems as much as possible and updating plumbing and electrical work. Central air conditioning is also planned. In addition, an adjacent parking lot is planned for the facility.

**Purpose of the Project:** To enable the Cambridge Regional Center to effectively lease its surplus building space over a twenty year period of time and permit Isanti County to utilize adequate office space for its employees.

**BUILDING CONSTRUCTION**

The project shall utilize existing space within the 18,000 square foot structure found in Cottage No. 5 located at the south end of the Regional Center campus. Built in 1932 of brick and concrete, the building is presently rated as being in excellent condition by the Department of Human Services. Remodeling the building to meet Isanti County specifications includes the redesign of the front

## State Contracts and Advertised Bids

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entry (including the installation of an elevator), removing a front interior stairway to the second floor, removal of certain walls and creation of others, the enclosing of two open air verandas, updated fire escapes on main floor, preservation of terrazzo floors, and a design for central cooling. Plumbing and electrical work performed as needed to facilitate needs of County Specifications. Basement should reveal design for future development of a heating system to replace present district heating system. Schematic design available in office of Isanti County Coordinator.

### **BUILDING WALK THROUGH**

A walk through of the Cottage No. 5 facility is scheduled for Friday, August 21, 1987, at 10:00 A.M. Prospective architects should meet in the main lobby area of the Cambridge Regional Center's Administrative Building located on T.H. 293, Cambridge, Minnesota 55008. Phone (612) 689-2121.

### **OUTDOOR CONSTRUCTION**

Grading and overlay of parking area south and west of Cottage No. 5, along with concrete walk path to the building are included in the project.

**Architectural Responsibilities:** The architect shall be responsible for but not limited to such tasks as: space programming, refining of preliminary schematics and cost estimates, project design and the preparation of final working drawings and specifications required for bidding, supplemental agreements, review and approval of shop drawings and payment requests, continuous and intensive supervision and oversight of project construction for owner (Department of Human Services) and assistance in final project acceptance.

**Architectural:** Legislative appropriation assured fees at 6% of construction costs.

#### **Isanti County Contact:**

George Rindelaub, County Coordinator  
Isanti County Courthouse  
237 Southwest 2nd Avenue  
Cambridge, Minnesota 55008  
(612) 689-3859

Damon Farber, Chairman  
State Designer Selection Board

## **Governor's Drug-Free Communities Program**

### **Notice of Request for Proposals for Evaluation of Alcohol/Drug Abuse Prevention Programs**

Proposals are being solicited to conduct evaluation of anticipated grants for model community-based alcohol/drug prevention programs and training under the Governor's Drug-Free Communities Program of the federal Anti-Drug Abuse Act of 1986. The evaluation includes development of standardized data collection, provision of technical assistance to, and monitoring of project grants and preparation of a final report.

The anticipated time frame is October 1, 1987 through March 31, 1989. Up to \$20,000 is available for this evaluation through June 30, 1988. Up to an additional \$20,000 is available from July 1, 1988 through March 31, 1989.

Applicants must have documented education and expertise in evaluation and prevention methodology.

Copies of the complete Request for Proposals may be obtained by contacting Kathy Haubrich at 612/296-4854 of the State Planning Agency, Human Services Division, 200 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

Proposals must be submitted by **September 11, 1987.**

## **Office of Tourism**

### **Request for Graphic Design Services**

The Minnesota Southern Regional Office of Tourism is seeking proposals for provision of layout, composition, and keyline services for the Southern Minnesota Travel Directory and the Southern Minnesota Historic Sites Brochure commencing September 15, 1987.

Art direction is for the Southern Minnesota Travel Guide. The publication will be 8¼" x 10¾", 96 to 144 pages; four-color; and include camera-ready advertising. Designer will also be responsible for re-work on the 10¾" x 8¼" Southern Minnesota Historic Sites Brochure. All transparencies and illustrations will be supplied by the Office of Tourism. Color separations, printing, and delivery are under separate contracts.



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## Non-State Public Contracts

Applicants must have at least five years experience with four-color brochure production or similar. Art director will be responsible for all layouts, including keylines, as well as creation of the overall design, format, and grid. Typesetting and all production expenses should be included in bid.

Those interested should submit a bid, resume of work, and a portfolio for consideration to: Bob Kennebeck, Executive Director, Southern Minnesota Office of Tourism, P.O. Box 999, 120 South Front Street, Mankato, MN 56001. Samples of existing brochures available at same address or by calling (507) 389-6258. Cost of the project is roughly estimated between \$15,000-\$20,000, but this estimate does not commit the office to spend this entire amount, or restrict it from spending more if need be.

Proposals will be accepted at that address until 5 pm, September 1, 1987. Portfolios may be picked up beginning September 8, 1987, or by prior arrangement.

### Office of Tourism

#### Request for Art Direction and Design Services for Rotogravure Magazine Insert

The Minnesota Office of Tourism is seeking proposals for provision of art direction and design services for a one-year period commencing October 15, 1987, with an option to renew for each of two consecutive years. The annual contract for professional services, including expenses, is estimated to be \$20,000-35,000, subject to Office of Tourism approval.

Art direction is for the MINNESOTA EXPLORER newspaper's new rotogravure magazine insert. It will be published three times a year, commencing in 1988. The publication will be 10" x 12<sup>3</sup>/<sub>4</sub>", 24-48 pages; four-color; and include camera-ready advertising. Designer will also be responsible for development and design of all collateral material for this new publication, including media kit and rate card for advertising sales. All composition, transparencies and illustrations will be supplied by the Office of Tourism. Color separations, printing and delivery are under separate contracts.

Applicants must have at least five years experience with four-color magazine production or similar. Art director will be responsible for all layouts, including keylines, as well as creation of the overall design format and grid.

Those interested should submit a resume of work and a portfolio for consideration to: Bonnie Richter, Communications Manager, Minnesota Office of Tourism, 375 Jackson St., 250 Skyway Level, St. Paul, MN 55101-1810.

Proposals will be accepted at that address until 5 pm, August 28, 1987. Portfolios may be picked up beginning September 3, 1987, or by prior arrangement.

### State Board of Vocational Technical Education

#### Instructional and Student Support Services Office

#### Withdrawal of Request for Proposal for Sex Equity Programs—\$37,000

The request for proposal published at 12 S.R. 118 on July 13, 1987, has been withdrawn. The Carl D. Perkins Vocational Education Act funds will be distributed to the Minnesota Vocational Technical Institute sex equity programs.

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## 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.

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### Dakota County

#### Request for Proposals to Carry Out a Community-Wide Sectoral Planning Process

##### Summary:

The Dakota County Division of Human Services is issuing a Request For Proposals to identify contractor(s) able to carryout community wide sectoral planning for two service areas:

## Non-State Public Contracts

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- **Area #1:** Services to persons with mental retardation and related conditions.
- **Area #2:** Services targeted to the early intervention/prevention of handicapping conditions in children.

**Scope of Proposals:** Individuals or organizations may submit proposals on one or both planning areas.

**Approximate Time Period for the Contract:** September through December (1987).

**Eligibility:** Individuals, or organizations with demonstrated experience in community wide planning and understanding of the area bidding.

**Funding:** Total of \$30,000 for both areas.

**Proposal Submission Date:** On or before 12:00 PM. September 4, 1987

**Contact:**

Copies of the Request For Proposals are available on request by writing or calling:

Joseph Schur, Planning Director  
Division of Human Services  
33 East Wentworth  
West St. Paul, MN 55118  
(612) 450-2811

Dakota County does not discriminate on the basis of race, color, national origin, sex, religion, age, or handicapped status.

## Supreme Court Calendar

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Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

### Compiled by Mary D. Flynn, (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate courts, Room 230 State Capitol, St. Paul, MN 55155 (612) 296-2581.

#### Tuesday 8 September 1987 9:00 AM

**C2-86-837** ARNOLD MERVIN, Respondent (Attorney: Howard L. Kaplan of Goff, Kaplan & Wolf, P.A.) vs. MAGNEY CONSTRUCTION COMPANY, et al, petitioners, Appellants (Attorney: James T. Martin of Gislason, Martin & Varpness, P.A.) Opinion Court of Appeals

Did the trial court err by instructing the jury that an unexcused violation of the Army Corps of Engineer Safety Manual is negligence per se?

Did the trial court err in not applying the Simple-Tool Doctrine?

Were the damages awarded excessive as a matter of law?

**C4-86-1598** RUSSELL W. ANDERSON, Respondent (Attorneys: Eric J. Magnuson and Louise A. Dovre of Rider, Bennett, Egan & Arundel) vs. POLICE CIVIL SERVICE COMMISSION of the CITY of WILLMAR, et al, petitioners, Appellants (Attorney: Richard L. Ronning, Willmar City Attorney). Opinion Court of Appeals

Is there an unlawful delegation of authority when a municipal decision making body bases its decision on the recommendation of an independent fact finder?

#### Wednesday 9 September 1987 9:00 AM

**C1-87-547** GLENN D. MATTSON, et al, Appellants (Attorneys: Peter W. Riley and William Kvas of DeParcq, Hunegs, Stone, Koenig & Reid) vs. UNDERWRITERS at LLOYDS of LONDON, et al, Respondents (Attorneys: Keith J. Halleland and Brian W. Ohm of Popham, Haik, Schnobrich, Kaufman & Doty). Order Hennepin County

Did the trial court properly hold that it lacked jurisdiction to rule upon a motion for summary judgement in light of a prior holding of the Court of Appeals on issues involving the same parties?

**C3-86-1172 RICHARD J. GOODKIND, D.M.D., M.S., Respondent (Attorneys: Stephen M. Goldfarb and George W. Roberts) vs. The UNIVERSITY OF MINNESOTA and the BOARD of REGENTS, et al., petitioners, Appellants (Attorney: William P. Donohue).** Opinion Court of Appeals

Does a tenured professors' employment agreement with the University incorporate the Constitution of the Dental School and the Dental School Administrative Policy No. 15?

Has the employment agreement been breached by a failure to follow Administrative Policy No. 15?

**Thursday 10 September 1987 9:00 AM**

**C1-86-1185 ESTHER D. EUSTICE, as Trustee for the Next of Kin of Donald D. Eustice, Decedent, Respondent (Attorney: Kay Nord Hunt of Lommen, Nelson, Cole & Stageberg) vs. EVELYN JEWISON, defendant, DAVID JEWISON, et al, petitioner, Appellants (Attorney: Robert M. Greising of Greising Law Offices).** Opinion Court of Appeals

Did Defendant's decedent lose his homestead exemption under *Minnesota Statutes* 510.07, while under commitment to a State Mental Institution?

Is Respondent's judgment lien prior to and superior to the interests of the petitioners?

**C6-86-212 In Re Petition for Disciplinary Action against RICHARD A. JOHNSON, Attorney at Law of the State of Minnesota (Attorneys: Richard A. Johnson for respondent Attorney).** Petition for Disciplinary Action

Does attorney's failure to file personal income tax and employee withholding tax while on probation warrant revoking an attorney's probation and placing him on suspension?

**Friday 11 September 1987 9:00 AM**

**C6-86-792 RICKEY V. and PAMELA J. MATTSON, Respondents (Attorney: William P. Luther of Luther, Ballenthin & Carruthers) vs. ROCHESTER SILO, INC., petitioner, Appellant (Attorney: Bruce D. Elliott of Cousineau, McGuire, Shaughnessy & Anderson).** Opinion Court of Appeals

Was the Appellant's motion for judgment notwithstanding the verdict timely within Rules 6.01 and 6.05.

Does the evidence support the jury verdict that there was a breach of warranty and negligence, causing consequential and incidental damages where the contract between the parties disclaimed those damages.

Does the evidence support the damage verdict found by the jury where the contract beta?

Was it error to recharacterize unsupported jury findings of incidental damages as consequential damages?

**C8-85-2307 In Re Petition for Disciplinary Action against JAMES MALCOLM WILLIAMS, Attorney at Law of the State of Minnesota (Attorney: James Malcolm Williams).** Petition for Disciplinary Action

Does the record substantiate the referee's findings of fact and conclusions of law?

Was respondent denied any protection afforded him by the United States and Minnesota Constitutions?

What discipline is appropriate for trial misconduct involving improper questions and statements?

**Monday 14 September 1987 9:00 AM**

**C9-86-1578 MICHAEL GUETTER, Respondent (Attorney: J. Brian O'Leary for O'Leary & Moritz) vs. BROWN COUNTY FAMILY SERVICES, petitioner, Appellant (Attorney: Clark A. Tuttle III, Assistant County Attorney).** Opinion Court of Appeals

Whether the identity of the individual reporting possible abuse of children should be disclosed to the alleged perpetrator absent a showing by the perpetrator that the report was made in bad faith?

**C9-79-50664 In Re Petition for Disciplinary Action against JOHN R. WAREHAM, an Attorney at Law of the State of Minnesota (Attorney: Robert M. Frisbee of Frisbee, Holahan, Day & Patera for Respondent Attorney).** Petition for Disciplinary Action

What discipline is appropriate for respondent's misappropriation of funds from an estate and failure to disclose his misappropriation or make voluntary restitution?

**Tuesday 15 September 1987 9:00 AM**

**C2-86-1048 DONALD BERGESON, et al., petitioners, Appellants (Attorney: Joseph T. Herbulock for Abrams & Spector,**

## Supreme Court Calendar

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**P.A.) vs. UNITED STATES FIDELITY and GUARANTY COMPANY, Respondent (Attorney: Steven J. Cahill for Cahill & Maring, P.A.).**

AND

**CX-87-658 DONALD BERGESON, Respondent (Attorney: Joseph T. Herbulock for Abrams & Spector, P.A.) vs. DANNY'S CONSTRUCTION COMPANY and U.S. FIDELITY & GUARANTY COMPANY, Relators (Attorney: Steven J. Cahill for Cahill & Maring, P.A.)** Opinion Court of Appeals (C2-86-1048) Orders Workers' Compensation Court of Appeals (CX-87-658)

Does *Minnesota Statutes* 176.82 apply to insurance carriers?

Does a cause of action lie against an insurance carrier for tortious conduct in the form of intentional harassment by delay or termination of payment or treatment?

Assuming a civil action can be brought under *Minnesota Statutes* 176.82 or in tort against an insurance carrier, was the insurance carrier's conduct in this case sufficiently egregious so as to enable petitioners to reach the jury with their claim?

Is a quadriplegic individual whose injury was caused by severance of the spinal cord entitled to recover permanent partial disability benefits?

Does the evidence support an award of penalties?

Does the workers' compensation court of appeals have authority to remand a matter back to the workers' compensation judge for additional testimony where issue was not pleaded and no evidence was presented on the question below?

**C5-86-332 In the Matter of the Application of ALLARD CHRISTENSON for a Permit to Drain wetland 47-219 in sections 6 and 7, Township 121 North, Range 32 West, Meeker County and Sections 1 and 12, Township 121 North, Range 33 West, Kandiyohi County, Minnesota (Attorney: Gregory A. Fontaine of Dorsey & Whitney for the Petitioner).**

AND

**C1-86-893 In the Matter of the Alteration of the Cross-Section of Unnamed Wetland #70-148W by EUGENE BERENS without a Permit from the Commissioner of Natural Resources (Attorneys: J. Patrick Leavitt and Michael W. McDonald for the Relator).**

Did DNR's designation of petitioner's land as a protected wetland violate due process requirements?

Is published notice pursuant to *Minnesota Statutes* 105.391 constitutionally sufficient notice of a procedure to inventory and map wetlands and public waters?

Does the reservation of "existing rights" in *Minnesota Statutes* 105.38(1) give Petitioner a right to enlarge or rebuild drainage facilities to drain a wetland?

### Thursday 17 September 1987 9:00 AM

**C1-87-113 DONALD ERICKSON, et al, Respondents (Attorney: Randall D. B. Tigue) vs. DOUGLAS M MACARTHUR, et al, Appellants (Attorney: Louis P. Smith for Popham, Haik, Schnobrich, Kaufman & Doty, Ltd.).** Order Court of Appeals

Is there a privilege for files of internal affairs investigations?

Is an in camera inspection required prior to disclosure of internal affairs investigation files?

**C2-86-1468 In Re Petition for Disciplinary Action against GEOFFREY PETERS, an Attorney at Law of the State of Minnesota. (Attorney: Keith E. Roberts, Sr. of Donovan and Roberts, P.C. for Respondent).** Petition for Disciplinary Action

Is a public reprimand warranted where a superior has engaged in repeated acts of unwelcome sexual contact with subordinates?

## Supreme Court Decisions

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### Decisions Filed Friday, 14 August 1987

**C5-87-79 State of Minnesota v. Ronald T. Coe, Appellant. Court of Appeals.**

Court of appeals correctly held that trial court erred in imposing 90-month sentence for offense when statutory maximum sentence for offense was 60-months; however, instead of simply reducing the sentence to 60 months, the court of appeals also should have remanded in order to give the trial court a chance to depart from the presumptive sentence for one of the other offenses of conviction.

Remanded for resentencing. Amdahl, C.J.

**CX-87-210 State of Minnesota v. Mark Lamont Hatton, Appellant. Court of Appeals.**

Trial court originally imposed sentence of 130 months, an upward durational departure from the presumptive sentence obtained after determining that defendant's criminal history score was two; on resentencing defendant after learning that his correct criminal history score was one, trial court was free to reimpose 130-month sentence since it was within the permissible range of departure from the presumptive sentence.

Reversed and amended sentence reinstated. Amdahl, C.J.

**C7-86-1255, C2-86-1356 Production Credit Association of Mankato, petitioner, Appellant v. Lester Buckentin and Marlys Buckentin, and Myron Harberts and Lois Harberts v. Production Credit Association of Worthington and Federal Intermediate Credit Bank of St. Paul, petitioner, Appellants. Court of Appeals.**

A lawyer's prior employment by a governmental agency, in and of itself, is insufficient to sustain a claim that the lawyer be disqualified from representing a private person in a specific dispute with the agency or governmental body.

A lawyer, formerly employed by a governmental agency, is not disqualified from representing citizens having legal disputes with that agency unless it has been established that the lawyer has provided to the governmental body, during the course of the employment, legal advice relative either to the present pending dispute or to matters so closely related thereto as to be substantially and essentially akin to the pending matter.

Affirmed in part; reversed in part. Kelley, J.

**C1-86-1476, C9-86-1483 Roger P. Marose, Relator (C1-86-1476), v. Maislin Transport, Gateway Transportation and Carriers Insurance Company/Minnesota Insurance Guaranty, Relators (C9-86-1483) and Minnesota Department of Public Welfare and Minnesota Department of Economic Security. Workers' Compensation Court of Appeals.**

The Workers' Compensation Court of Appeals had the authority to remand this matter for additional testimony and to direct the compensation judge to enter findings on all issues.

An amendment to the Workers' Compensation Act which expands the limitation period for commencement of proceedings is applicable to all cases where the former statute of limitations had not run before the new limitation statute took effect.

When an employee is disabled because of several compensable injuries, the portion of the disability attributable to each injury must be determined so that the amount of permanent partial disability compensation payable on account of each injury can be calculated properly.

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

Dissenting, Yetka & Scott, JJ.

**CX-86-1573 In Re: Objections and Defenses to Real Property Taxes for the 1985 Assessment: Regency Condominium Association, Petitioner-Relator v. State of Minnesota, County of Ramsey. Tax Court.**

A condominium unit owners association, which holds a lien on each parcel of the condominium, has standing in its own right to bring an action pursuant to Minn. Stat. § 278.01 (1986) to determine the validity of a defense or objection to a tax on land and pursuant to Minn. Stat. § 278.02 (1986) to include in its one petition all parcels on which it has a lien.

Reversed. Coyne, J.

**C8-86-2124 Allstate Insurance Company and Home Insurance Company, Plaintiffs v. Eagle-Picher Industries, Inc., et al., MacArthur Corporation, Nicolet Industries, Inc. United States District Court.**

The cause of action created by Minn. Stat. § 176.061, subd. 10 (1986), which became effective July 1, 1983, does not apply to a claim for indemnity arising out of a work-related injury for which claim was made prior to July 1, 1983.

The cause of action created by Minn. Stat. § 176.061, subd. 10 (1986), which became effective July 1, 1983, does not apply to a claim arising out of work-related injuries alleged to have resulted from exposure to asbestos.

Certified questions answered in the negative. Coyne, 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.

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## Regular Division: Docket No. 4662

### Findings of Fact, Conclusions of Law and Order for Judgment; Dated: July 29, 1987

**Marvin E. Grunzke and Eunice M. Grunzke, Appellants, vs. Commissioner of Revenue, Appellee.**

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on July 6, 1987 at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

Marvin E. and Eunice M. Grunzke, appellants, appeared pro se.

Neil F. Scott, Special Assistant Attorney General, appeared for appellee.

Appellants contest the statutory requirement that all taxable income of a non-resident be considered when taxing a non-resident's income from a Minnesota farm.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

#### FINDINGS OF FACT

1. Appellants are residents of the State of Alabama.
2. Appellants own farm land in Faribault County, Minnesota, which they rent out on an annual basis. During the tax year 1985, they derived \$9,276.00 from this rental property. This amount was their only income derived from a Minnesota source for taxable year 1985.
3. Appellants had other income from non-Minnesota sources in 1985.
4. The Commissioner of Revenue calculated appellant's Minnesota non-resident income tax liability pursuant to *Minnesota Statutes* § 290.06, subd. 2c(c), which factors in a taxpayer's total income to determine Minnesota tax.
5. Appellants claim that *Minnesota Statutes* § 290.06, subd. 2c(c) is unconstitutional as a denial of equal protection of the laws.
6. The attached Memorandum is hereby made a part of these Findings of Fact.

#### CONCLUSIONS OF LAW

1. The Commissioner of Revenue correctly calculated the appellants' Minnesota income tax liability pursuant to *Minnesota Statutes* § 290.06, subd. 2c(c).
2. The Order of the Commissioner of Revenue dated June 27, 1986, assessing additional income tax against appellants for tax year 1985, is hereby affirmed.

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

BY THE COURT,

Earl B. Gustafson, Chief Judge  
Minnesota Tax Court

## Regular Division: Docket No. 4802

### Findings of Fact, Conclusions of Law and Order for Judgment, Dated: August 4, 1987

**Brian J. Matter, Appellant, vs. Commissioner of Revenue, Appellee.**

The above-entitled matter came on for hearing before the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court, on July 14, 1987, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

Brian J. Matter, appellant, appeared pro se.

Thomas M. O'Hern, Jr., Special Assistant Attorney General, appeared for appellee.

The issue presented by this appeal is whether appellant was a resident of Minnesota for the taxable years 1984 and 1985. For 1984 the specific periods in question are from January 1, 1984 through February 2, 1984, and from August, 1984 through December 31, 1984. For 1985 the period involved is January and February, 1985.

Appellant has also filed a companion case for taxable years 1982 and 1983 in the Small Claims Division of the Tax Court (Docket No. 4637-S), and evidence concerning his residency during these years was also presented at the hearing in this matter. He was employed in Antarctica for the periods August 18, 1982 to February 7, 1983 and again from August 19, 1983 to February 2, 1984. It was agreed between the parties that since the facts and the issue were the same in the both cases, that the results reached in the instant case would be dispositive of the issue in the companion case.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

#### **FINDINGS OF FACT**

1. The appellant was born in Minnesota, and his family, including his parents, brother and sister, resides in Minnesota.
2. Appellant was undisputably domiciled in Minnesota until August 18, 1982.
3. Appellant desired to work overseas for five years, to secure funds to become established in life. Pursuant to this desire, forty resumes seeking overseas employment were mailed in 1982 and 130 resumes were mailed in 1984.
4. As a result of his efforts, in August, 1982 appellant executed a 26 week contract with ITT Antarctic Services, Inc., for employment in Antarctica.
5. A new contract for 26 weeks was executed with ITT Antarctic Services, Inc. for each of the following two years. Each contract was terminable at the option of the employer.
6. After the expiration of each contract and after foreign travel in Australia, New Zealand and Fiji, appellant returned to his parents' home and obtained construction employment in Minnesota.
7. Appellant retained his parents' home address as his mailing address for business mail such as insurance and banking, but also had an FPO address for personal mail.
8. Appellant kept his car in Minnesota, as well as other personal property which he did not take with him to Antarctica.
9. Appellant resided in Minnesota at least forty percent of the time each year.
10. Appellant retained his Minnesota driver's license during the period at issue, which did not expire and thus did not require renewal.
11. Appellant renewed his automobile license plate upon his return to Minnesota from Antarctica each year since the plates had expired.
12. Appellant did not vote during the period at issue. He also did not purchase any hunting or fishing licenses.
13. Appellant retained membership in his union which assisted him on at least one occasion in obtaining employment in Minnesota upon his return from Antarctica.
14. Each year appellant applied to Minnesota for unemployment compensation benefits. The cost of these benefits were prorated between his Minnesota employer and ITT Antarctic Services, which is a New Jersey corporation.
15. Appellant filed state income tax returns for each year, 1982 through 1985, as a part-year resident.
16. After expiration of his contract in 1985, appellant returned to Minnesota, married a New Zealander, rented an apartment in St. Paul, and has remained in Minnesota to the present date.
17. Appellant's spouse is unhappy with lifestyles in the United States and prefers to return to New Zealand.
18. Appellant inquired about Canadian citizenship, his mother having been a Canadian citizen.
19. Appellant retained checking accounts at a Twin City bank for convenience because of limited facilities in Antarctica.
20. Appellant was domiciled in Minnesota for taxable years 1982 through 1985.
21. The attached Memorandum is hereby made a part of these Findings of Fact.

#### **CONCLUSIONS OF LAW**

1. Appellant remained domiciled in Minnesota for all of 1984 and 1985.
2. The Orders of the Commissioner of Revenue dated November 28, 1986, assessing additional income tax for taxable years 1984 and 1985, are hereby affirmed.

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

BY THE COURT,  
Arthur C. Roemer, Judge  
Minnesota Tax Court

**Regular Division: Docket No. 4846****Findings of Fact, Conclusions of Law and Order for Judgment; Dated: July 22, 1987****Daniel Alan Walesch, Appellant, vs. Commissioner of Revenue, Appellee.**

The above-entitled matter came on for hearing before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on July 16, 1987, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

Thomas K. Overton and David T. Schultz, Special Assistant Attorneys General, appeared on behalf of the appellee.

No appearance was made by or on behalf of the appellant.

Prior to the commencement of the hearing, the Court contacted the office of the appellant's attorney and was informed by a representative of that office that the appellant did not intend to pursue his appeal by appearing at the hearing. The attorneys for the appellee proceeded to enter their case.

Based on the evidence presented at the hearing, the Court now makes the following:

**FINDINGS OF FACT**

1. The appellant, Daniel Alan Walesch, on January 12, 1987, was in the possession of four ounces of a controlled substance as defined in *Minnesota Statutes* § 297D.01, subd. 2.
2. The appellant was a "dealer" as defined in *Minnesota Statutes* § 297D.04.
3. There was no evidence on the controlled substance, by stamp or other official indicia, of the payment of the tax imposed by *Minnesota Statutes* § 297D.08.

**CONCLUSIONS OF LAW**

1. The controlled substances tax and penalty imposed upon Daniel Alan Walesch by the Commissioner of Revenue's Order dated March 4, 1987, from which this appeal was taken, is correct in all respects and is hereby affirmed.

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

BY THE COURT,

M. Jean Stepan, Judge  
Minnesota Tax Court

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**Announcements**

**Agriculture Department** The Minnesota Department of Agriculture and the University of Minnesota Extension Office are offering a hay marketing service to farmers affected by drought in 14 Minnesota counties. The purpose is to match drought-stricken farmers with Minnesotans willing to sell hay at prices significantly below the going market price. Farmers affected by drought in Morrison, Crow Wing, Stearns, Benton, Wadena, Todd, Mille Lacs, Pine, Kanabec, Aitkin, Chisago, Carlton, Isanti and Sherburne may contact their county extension officer for the lists.

The marketing system will be offered to county officers over the university's Etend-U computer network. The computer hay program was devised this winter by Neal Martin of the University of Minnesota Extension Service. The Minnesota Department of Agriculture will supply the network with sellers received off the Minnesota Hay Hotline, 1-800-652-9747. Two types of donations have been received over the hotline: the free donation and the sale of hay at low prices. Four or five farmers can get together, buy hay and solve the transportation problem between them. People who have made arrangements for the sale of their hay are urged to immediately call the hotline to have their names purged from the list of sellers. The Minnesota Department of Agriculture will continue to coordinate haylifts to help farmers having trouble meeting costs. For information, call 612-297-1551.

**Arts Board** At its annual meeting in Rochester on July 23, the Minnesota State Arts Board elected Karen Gray, Spring Grove, to the position of Board Chair; Jim Nardone, Grand Rapids, Board Vice-Chair; and Mil Sahlstrom, Crookston, Board Secretary. Former Board Chair Leonard Nadasdy was returned to the status of member at large.

The Arts Board is seeking qualified interns for volunteer positions in a variety of program areas. Graduate students or upper level undergraduates, retirees, and individuals returning to the workforce are encouraged to apply. The part-time unpaid internships, for which students can often arrange to receive academic credit, are available quarterly beginning in early September, December, March, and June. Contact Gail Swaim at (612) 297-2603 for a job description and application.



September 8 is the deadline for visual artists to submit applications to the Arts Board's Artists Assistance Fellowship Program for fiscal year 1988. Artists who are residents of Minnesota are eligible to apply for grants in two and three-dimensional visual arts, photography, film and video, and the P.S. 1 residency program. Application forms are now available by calling (612) 297-2603 or toll-free in Minnesota (800) 652-9747 and ask for the Arts Board.

**Environmental Quality Board** Environmental Assessment Worksheets (EAWs) due September 9, and the agencies requesting the information, are: TH 280—University Avenue Redevelopment, City of St. Paul; Izaty's on Lake Mille Lacs, Larry Milton, Zoning Administrator, Milaca; Pheasant Ridge Music Center, City of Blaine; Canterbury Estates, City of Shakopee; CGI Products, Inc. fuel grade ethanol plant in Dawson, MPCA (Minnesota Pollution Control Agency); Glen Knoll Sewer, MPCA; J.V.J. Strip Retail Center, MPCA. A public meeting on the adequacy of the Final Environmental Impact Statement (FEIS) of the Mounds View Business Park will be held Monday, 24 August 1987 at 7 pm Mounds View City Hall, 2401 Highway 10 North, Mounds View, contact Don Pauley for information (612) 784-3055. A public hearing will be held on TH 60—Faribault to Kenyon at the Washington School located at 117 Shumway in Faribault on Tuesday 25 August 1987 between 7 and 9 pm, contact Frank Schloegel for information (507) 285-7369.

**Department of Natural Resources** The Department of Natural Resources (DNR) announced this week that the Minnesota bear hunting season will run from Sept. 1-Oct. 18 this year and, while most bear hunting will continue to be held by permit, selected from a computerized drawing, portions of the bear range will also be opened to unlimited hunting in some special "no-quota" zones in the state. LeRoy Rutske, DNR Big Game Supervisor, noted that "since the no-quota area is almost exclusively on private land, it was advisable for hunters to first find a place to hunt before buying a hunting license." No-Quota licensees must be at least 12 years of age before Sept. 1, possess a valid Firearms Safety Certificate if under 16 years of age and not had their hunting privileges suspended under state law. Hunters are urged to closely study the map of the permit areas and the new no-quota area where no license limit is in effect. Hunters are limited to taking one bear. The cost of a bear-hunting license for residents is \$25.75, and the non-resident cost is \$150.75 including the 75 cent issuing fee.

The Department of Natural Resources (DNR) Section of Fisheries will hold a public information meeting regarding the designation of Cass Lake for a special fisheries management program. The meeting will take place in the Cass Lake High School auditorium in Cass Lake, on Saturday, Aug. 29, beginning at 1:00 p.m. The purpose of the meeting will be to present information and discuss the results of the public hearing on the same issue last year, held Aug. 2 in Cass Lake. Last August the public hearing was conducted to determine whether five area lakes, including Cass Lake, should be included in an experimental fisheries management program. It was proposed that Cass Lake be managed primarily for muskellunge with special regulations to include a ban on spearing. DNR fisheries officials from both St. Paul and the local area will be on hand to present information on the issue that has been gathered since the initial hearing. Further information is available from the St. Paul Fisheries Office (612) 296-3325; the Northwest Regional Fisheries Office in Bemidji (218) 755-3959; and the Bemidji Area Fisheries Office (218) 755-2974. For more information, contact: Bob Strand, Regional Fisheries Supervisor (218) 755-3959.

**Department of Transportation** Drivers of vehicles required to stop at all railroad tracks will no longer have to stop at active crossings when the warning sign bears the word "exempt," said Bob Swanson, Director, Railroad Administration, Minnesota Department of Transportation (Mn/DOT). Mn/DOT is erecting exempt signs at crossings where there are fewer than five trains per year traveling at less than ten miles per hour. Previously, exempt crossings were limited to tracks where rail service had been abandoned. Affected vehicles are those carrying passengers for hire, schoolbuses or any vehicle carrying explosives, flammable liquids or liquid gas under pressure. The 12" x 24" exempt signs will be installed on the post of the advance warning sign and on the crossbuck sign at the crossing.

Some truck owners and operators might have to modify their equipment under the provisions of a proposed truck weight law under study at the Minnesota Department of Transportation (Mn/DOT), according to Dick Stehr, Director of Transportation Data Research and Analysis. Proposed changes would reduce the weight per inch of tire width that trucks of certain axle combinations can carry on Minnesota roads. Currently, vehicles can carry 600 pounds per inch of tire width on any axle or combination of axles. The proposal would keep the steering axle weights at 600 pounds per inch width, but tandem axles would be limited to 450 pounds. Other allowable weights would vary according to the number of axles and whether the road being traveled is a 5, 7 or 10-ton route. According to Stehr, the proposed regulations are necessary because recent changes in tire technology encourage truck configurations that speed up damage to the highways. "The increase in pavement damage means poorer roads or higher taxes for all of us," said Stehr. To meet the proposed limits, some truck owners and operators may have to run at lower weights, buy wider tires or modify vehicles. Mn/DOT want input on the proposal from those who would be affected. Truck owners or operators with questions or comments may call Karl Olmstead at (612)297-3148 during business hours.

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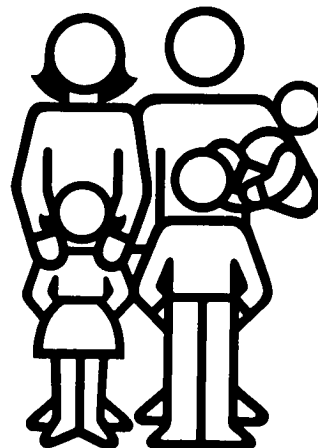
### Human Services Rules as in effect July 7, 1986

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$24.95.

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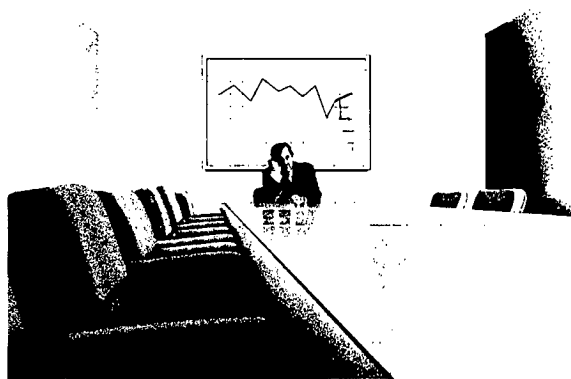
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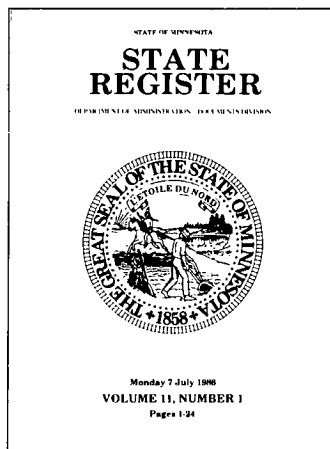
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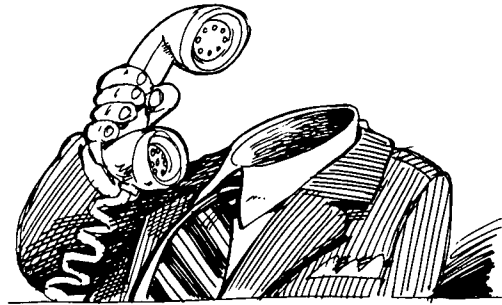
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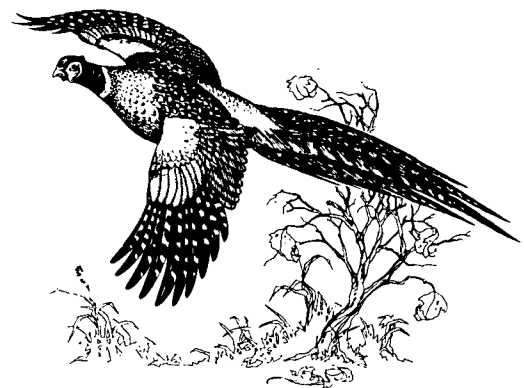
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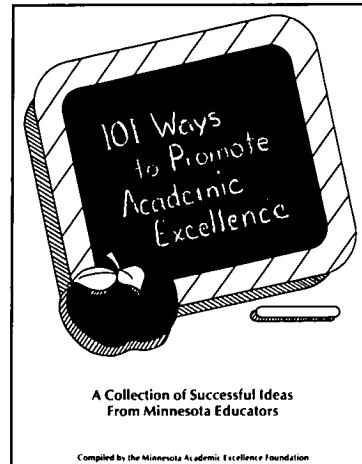
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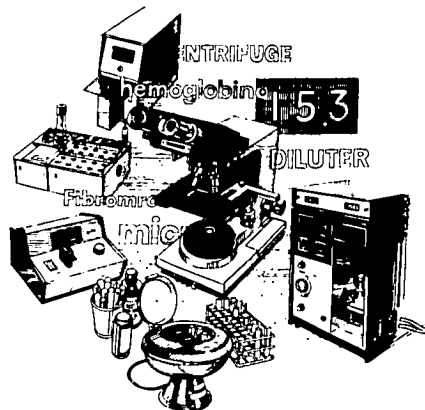
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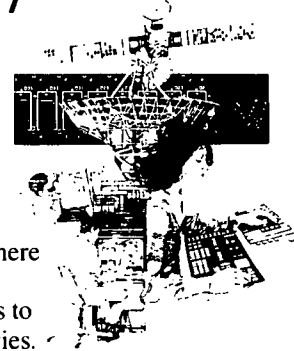
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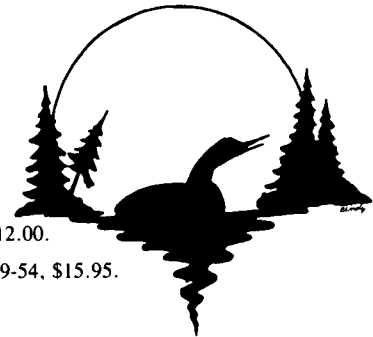
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