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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, contract awards, 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. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
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35	Monday 13 February	Friday 17 February	Monday 27 February
36	Friday 17 February	Monday 27 February	Monday 6 March
37	Monday 27 February	Monday 6 March	Monday 13 March

\*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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# 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. 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*.

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*.

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 1-26; 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 Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

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## Proposed Rules

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

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

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

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

## Board of Assessors

### Proposed Permanent Rules Relating to Assessor's Licensure, Education, and Conduct

#### Notice of Intent to Repeal Existing Rules and Adopt New Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Assessors proposes to repeal *Minnesota Rules* 1950.0100 to 1950.0200 entitled "Board of Assessors Licenses". These rules are outdated and incomplete. They will be replaced by a new rule which is much more comprehensive in nature.

Therefore, acting under authority given by the Minnesota Legislature in Laws of 1988, Chapter 719, Article 9, Section 2, and *Minnesota Statutes* 270.47 the Board of Assessors proposes to adopt permanent rules governing the Licensure, Education and Conduct of Assessors which will replace the repealed rule. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* 14.21 to 14.28 (1984).

This notice of intent to adopt rules will be mailed to all interested parties registered with the Board and a certified copy of the mailing list together with an affidavit of mailing will be submitted to the Attorney General for his review prior to adoption of the rule. Additionally, the notice of intent to repeal existing rules and adopt proposed rules together with the rule itself is being published in the *State Register*.

Persons interested in these rules shall have thirty (30) days to submit comments on the proposed rules. These comments may be in support of, or in opposition to the proposed rules or any part or subpart of the rules. 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 data and views submitted to the agency and do not result in a substantial change in the proposed language. In addition, any person may make a written request for a public hearing on the rule within the thirty (30) day comment period.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the thirty (30) day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of *Minnesota Statutes* section 14.14 to 14.20.

Persons requesting a public hearing should state his or her name and address, and are encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Gerald D. Garski  
Minnesota Department of Revenue  
Board of Assessors  
Mail Station 3340  
St. Paul, Minnesota 55146-3340  
(612) 296-0209

A copy of this proposed rule is enclosed with this notice.

A "Statement of Need and Reasonableness" that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Gerald Garski at the above mentioned address, upon request.

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## Proposed Rules

If no hearing is required, upon adoption of the rule; the rule 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 adopted rule, must submit the written request to Gerald Garski at the address shown above.

Dated: 10 January 1989

Gerald D. Garski  
Secretary-Treasurer, Board of Assessors

### Rules as Proposed (all new material)

#### 1950.1000 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **AIREA.** "AIREA" means the American institute of real estate appraisers.

Subp. 3. **Board.** "Board" means the board of assessors.

Subp. 4. **Board education units.** "Board education units" means alternative educational units approved by the board.

Subp. 5. **City assessor.** "City assessor" means a person employed as an assessor by a statutory city or municipality under *Minnesota Statutes*, section 270.49, 270.493, or 270.494, and the assessor of a city of the first class.

Subp. 6. **Continuing education units.** "Continuing education units" means educational units approved by the University of Minnesota and the board.

Subp. 7. **County assessor.** "County assessor" means a person employed as an assessor by a county under *Minnesota Statutes*, section 273.061.

Subp. 8. **Form appraisal.** "Form appraisal" means a written appraisal of a particular property that briefly describes the property, and the appraiser's estimate of the property's market value using accepted appraisal methods and techniques.

Subp. 9. **IAAO.** "IAAO" means the International Association of Assessing Officers.

Subp. 10. **Local assessor.** "Local assessor" means a person employed as an assessor by townships or cities not of the first class under *Minnesota Statutes*, section 270.49, 270.493, or 270.494.

Subp. 11. **Narrative appraisal.** "Narrative appraisal" means a written appraisal of a particular property that describes the property in great detail and demonstrates the appraiser's knowledge of the appraisal process by requiring the appraiser to analyze facts regarding the property in order to reach conclusions concerning the property's value using accepted appraisal methods and techniques.

Subp. 12. **Revoke.** "Revoke" means to take away an assessor's license and all educational credits.

Subp. 13. **Short course.** "Short course" means the annual Property Valuation Short Course for Minnesota Assessors sponsored by the University of Minnesota, Institute of Agriculture, Office of Special Projects.

Subp. 14. **SREA.** "SREA" means the Society of Real Estate Appraisers.

Subp. 15. **Suspend.** "Suspend" means to take away an assessor's license for a specified length of time.

Subp. 16. **Township assessor.** "Township assessor" means a person employed as an assessor by one or more townships under *Minnesota Statutes*, section 270.49, 270.493, or 270.494.

#### 1950.1010 PURPOSE AND APPLICATION.

This chapter is intended to clarify and implement *Minnesota Statutes*, sections 270.41 to 270.53, so the provisions of these laws may be best effectuated and the public interest most effectively served.

This chapter applies to persons holding an assessor's license in Minnesota under *Minnesota Statutes*, sections 270.41 to 270.53, and to persons applying to the board for an assessor's license.

**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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### 1950.1020 LICENSURE.

Subpart 1. **Basic requirement for licensure.** No assessor may be employed by a taxing authority without being licensed as qualified by the board. A person employed by a licensed assessor to assist in making assessment decisions must become licensed within three years from the date of employment. A local, city, or county assessor must be licensed as provided for in this part upon employment.

Subp. 2. **Term of license.** Assessors' licenses are issued on a fiscal year basis beginning July 1 of each year and expiring June 30 of the succeeding year.

Subp. 3. **Criteria for licensing levels.** There are four established levels of licensure for Minnesota assessors. In establishing the four levels of licensure, and requiring a specified level of licensure for designated assessing positions, the board shall consider the following criteria:

- A. total market value of the taxing jurisdiction;
- B. population of the taxing jurisdiction;
- C. number, value, and type of commercial and industrial properties within the taxing jurisdiction; and
- D. recommendation of the appropriate county assessor.

A complete listing of the specific level of licensure needed for each city and township in Minnesota has been prepared. This listing, entitled "List of Assessor License Levels for Minnesota Taxing Jurisdictions," 1989 edition, Minnesota Board of Assessors, is incorporated by reference into this rule. The list is available at no cost from the board. The list is also available at the State Law Library.

Subp. 4. **New hires; deadline for upgrading license.** A taxing jurisdiction requiring an assessor with a designation greater than certified Minnesota assessor may hire a person with a designation one level lower than the required designation. This person has one year from the date of hire to attain the required level. An assessor who fails to obtain the required designation must be dismissed.

### 1950.1030 CERTIFIED MINNESOTA ASSESSOR (CMA).

A person assisting the assessor of a taxing jurisdiction in making assessment decisions must obtain the designation of certified Minnesota assessor within three years of employment. A local assessor employed by a township or city not requiring a higher level of licensure as shown in the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" must be certified before employment. Requirements for certified Minnesota assessor are given in items A to F

- A. A passing grade in course A, assessment laws, history, and procedures.
- B. A passing grade in course B, residential appraisal or one of these alternate courses:
  - (1) IAAO 1, fundamentals of real property appraisal;
  - (2) SREA 101, introduction to appraising real property;
  - (3) AIREA, basic valuation procedures; or
  - (4) AIREA, residential valuation.
- C. A passing grade in one elective course. A listing of approved elective courses is shown in the educational bulletin available from the board.
- D. One year's apprenticeship experience under a licensed assessor.
- E. Application to the board, and the appropriate fee.
- F. Successful completion of course A and four self-directed programmed instruction courses, or correspondence courses, offered by the IAAO.

### 1950.1040 CERTIFIED MINNESOTA ASSESSOR SPECIALIST (CMAS).

A local assessor employed by a township or city shown on the "List of License Levels for Minnesota Taxing Jurisdictions" under the heading "Certified Specialist" must have the designation of certified Minnesota assessor specialist. A township or city requiring this level of assessor may hire a certified Minnesota assessor if the assessor obtains the required designation within one year of hire. An assessor who fails to obtain the required designation must be dismissed. Requirements for certified Minnesota assessor specialist are given in items A to E.

- A. The designation of or meeting of all requirements for certified Minnesota assessor.
- B. A passing grade on two elective courses. The list of approved elective courses is available from the board at no cost. These courses must not have been used to meet the educational requirements of the certified Minnesota assessor designation. Four days of

seminars may also be substituted for one elective course if the seminars receive prior approval of the board. The seminars may only be approved if the content is appropriate to the enhancement of the assessor's professional skills.

- C. A passing grade on one form appraisal.
- D. Two years of assessment experience.
- E. Application to the board, and the appropriate fee.

**1950.1050 ACCREDITED MINNESOTA ASSESSOR (AMA).**

An assessor employed by a township or city shown on the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" under the heading "Accredited" must obtain the accredited Minnesota assessor designation. A jurisdiction requiring this level of assessor may hire a certified Minnesota assessor specialist if the assessor obtains the required designation within one year of hire. An assessor who fails to obtain the required designation must be dismissed. Requirements for accredited Minnesota assessor are given in items A to F

- A. A passing grade on the following courses:
  - (1) course A, assessment laws, history, and procedures;
  - (2) course B, residential appraisal or alternatives as shown in part 1950.1030;
  - (3) course H, mass appraisal of IAAO 301, mass appraisal of residential properties, or IAAO 302, mass appraisal of income producing properties;
  - (4) IAAO 4, assessment administration; and
  - (5) one elective from the list of approved elective courses shown in the educational bulletin available from the board.
- B. Satisfactory attendance at five days of approved seminars. A list of approved seminars is available from the board at no cost. An alternate seminar may be substituted if they receive prior approval of the board. The seminar will only be approved if the content is appropriate to the enhancement of the assessor's professional skills.
- C. A passing grade on one demonstration narrative appraisal. In lieu of this narrative appraisal, the applicant may substitute obtaining the designation of senior residential appraiser from the Society of Real Estate Appraisers, residential evaluation specialist from the International Association of Assessing Officers, or residential member from the American Institute of Real Estate Appraisers.
- D. A satisfactory interview by the board.
- E. Three years of assessment experience.
- F. Application to the board, and the appropriate fee.

**1950.1060 SENIOR ACCREDITED MINNESOTA ASSESSOR (SAMA).**

**Subpart 1. Basic requirement.** A county assessor or a city assessor employed by a city shown on the "List of Assessors License Levels for Minnesota Taxing Jurisdictions" under the heading "Senior Accredited" must obtain the designation of senior accredited Minnesota assessor. A county or city requiring this level of assessor may hire an accredited Minnesota assessor if the assessor obtains the required designation within one year of hire. An assessor who fails to obtain the required designation must be dismissed.

**Subp. 2. Specific requirements for SAMA.** Requirements for senior accredited Minnesota assessor are given in items A to D.

- A. The designation of accredited Minnesota assessor or meeting of all requirements for accredited Minnesota assessor.
- B. A passing grade on a demonstration narrative appraisal. This narrative appraisal is in addition to the one that must be written to fulfill the requirements for the accredited Minnesota assessor designation. At least one of these narratives must be of an income-producing property. In lieu of this narrative appraisal, the applicant may substitute obtaining one of the following designations:
  - (1) member, appraisal institute from the American Institute of Real Estate Appraisers;
  - (2) certified assessment evaluator from the International Association of Assessing Officers;
  - (3) senior real estate analyst from the Society of Real Estate Appraisers; or
  - (4) senior real property appraiser from the Society of Real Estate Appraisers.

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## Proposed Rules

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C. Five years of assessment experience.

D. Application to the board, and the appropriate fee.

Subp. 3. **Contract method for filling SAMA requirements.** In addition to the requirements in subpart 2, item A for obtaining the designation of senior accredited Minnesota assessor, the board has also approved an alternate or contract method. The contract consists of obtaining at least 34.6 points. Points are earned according to the schedule shown in subpart 4. Earning 34.6 points is used in lieu of the requirements in subpart 2, item B. All other requirements, including holding or meeting the requirements of the designation of accredited Minnesota assessor, having five years of assessor experience, and making application to the board, apply.

Subp. 4. **Contract points.** Contract points are earned as follows:

A. Assessment experience, 0.7 point per year with a maximum of 5.0 points.

B. Assessment/appraisal specialized education, approximately 0.1 point per hour of instruction with a maximum of 19.8 points. Education consists of formal courses, seminars, and workshops. All courses must be taken and the examination passed or the examination challenged and passed. At least two of these courses must be income courses. All seminars and workshops must be attended in their entirety. The complete listing of approved courses, seminars, and workshops and the contract points earned for each is shown in the educational bulletin available from the board.

C. At least one narrative appraisal must be written to meet the requirements of the contract method. All appraisals must receive a passing grade in order to earn points.

(1) residential narrative appraisal, 7 points; and

(2) narrative appraisal on an income producing property such as commercial, industrial, or apartment property, 7 points.

D. Projects.

(1) Course development. All courses and seminars must be approved by the board and its education committee. Partial credit may be given for team development or instruction.

(a) development of a one-week course, 4.5 points;

(b) revision of a one-week course, 2.0 points;

(c) development of a two-day seminar, 2.0 points;

(d) revision of a two-day seminar, 1.0 point;

(e) development of a one-day seminar, 1.0 point; and

(f) revision of a one-day seminar, 0.5 point.

(2) Course/seminar instruction, as follows:

(a) teaching a one-week course, 2.5 points with a maximum of 5 points;

(b) teaching a two-day seminar, 1.0 point;

(c) teaching a one-day seminar, 0.5 point; and

(d) teaching the short course, 0.5 point with a maximum of 2.0 points.

(3) Successfully completing IAAO computer assisted mass appraisal track for the certified assessment evaluation designation, 7 points.

(4) Successfully passing IAAO case studies examination, taken after successfully passing IAAO course 302, 7 points.

(5) An individual may develop a specific program of management courses or a similar project for submission to the board for its consideration, the number of points depending on the nature of the project, with a maximum of 7 points.

(6) Articles published or presentations made, 0.5 point each with a maximum of 2 points:

(a) assessment or appraisal-related articles published in a recognized professional journal;

(b) other nonpublished articles may receive points at the discretion of the board;

(c) presentations of an original paper at a recognized professional conference or convention; and

(d) presentations at short course first day, the IAAO annual conference, or the North Central Region Association of Assessing Officers annual conference.

(7) Points will be given for postsecondary formal education received at a recognized institution in accordance with the table in subpart 5. Submission of certificate, diploma, or course transcript is required.

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## Proposed Rules

(8) The board may also grant contract points to a maximum of 7 points for any project submitted to it by an assessor that enhances the knowledge or professionalism of the assessment community.

### Subp. 5. Contract points for postsecondary courses.

Quarter Credit Hours	Contract Points	Semester Credit Hours
15	0.2	10
30	0.4	20
45	0.6	30
60	0.9	40
75	1.2	50
90	1.5	60
AA	1.7	AA
105	1.9	70
120	2.3	80
135	2.7	90
150	3.2	100
165	3.7	110
180	4.2	120
BA, BS	5.2	BA, BS
195	5.7	130
210	6.2	140
225	6.8	150
MA, PHD	7	MA, PHD

### 1950.1070 FEES.

The board shall charge the following fees:

- A. \$75 for a senior accredited Minnesota assessor license;
- B. \$50 for an accredited Minnesota assessor license;
- C. \$40 for a certified Minnesota assessor specialist license;
- D. \$30 for a certified Minnesota assessor license;
- E. \$15 for a certified Minnesota assessor designation application;
- F. \$25 for a certified Minnesota assessor specialist, accredited Minnesota assessor, and senior accredited Minnesota assessor designation application;
- G. \$40 for a course challenge examination;
- H. \$20 for grading a form appraisal; and
- I. \$50 for grading a narrative appraisal.

Fees are reviewed annually by the board and set in accordance with *Minnesota Statutes*, sections 16A.128 and 214.06, which require boards to be self-sufficient.

### 1950.1080 CONTINUING EDUCATION.

Subpart 1. **Requirement.** To maintain a specific level of licensure, an assessor must take continuing education. A certified Minnesota assessor or certified Minnesota assessor specialist license holder must obtain at least four continuing education units or board education units during a four-year period. An accredited Minnesota assessor or senior accredited Minnesota assessor license holder must obtain at least five continuing education units or board education units. The four-year educational period begins July 1 of every presidential election year and ends June 30 of the succeeding presidential election year. An assessor who upgrades his or her license, for example, by moving from a certified Minnesota assessor to an accredited Minnesota assessor, during this four-year period must only obtain the continuing education units or board education units needed for the license held at the beginning of the educational period.

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## Proposed Rules

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Subp. 2. **Basis of continuing education units.** Continuing education units are given in five general categories.

A. Approved assessor educational courses are eligible for continuing education units. The units given for each course are normally awarded on the basis of approximately 0.1 continuing education unit per instructional hour. A complete listing of these courses and the units given for each course is shown in the education bulletin available from the board.

B. Approved assessor educational seminars are eligible for continuing education units. In addition, the annual property valuation short course sponsored by the University of Minnesota is eligible for continuing education units. One-tenth certified education unit or board education unit is given for each instructional hour. Normally, no seminar is approved for credit unless it is at least three instructional hours in length. A complete listing of these courses and the units given for each course is shown in the education bulletin available from the board.

C. Board education units are given for attendance at approved assessment educational or informational conferences. Examples of conferences are those sponsored by the Minnesota Association of Assessing Officers, the Midwestern States Association of Tax Administrators, the North Central Association of Assessing Officers, the National Association of Tax Administrators, and the International Association of Assessing Officers. Normally, 0.5 board education units are given for attendance at these conferences.

D. In addition to the courses, seminars, and conferences in items A to C, the board shall grant board education units for other educational or informational pursuits that enhance the professionalism of the assessor. For purposes of this item, the following would qualify: courses or seminars in management, office practices, employee development, affirmative action, prevention of sexual harassment, computer use, programming, finance, or economics as well as courses or seminars relating directly to the assessment or appraisal field. The sponsor of such courses or seminars may apply directly to the board for board education units approval, or the recipient of the training may apply either before or after the training is received. The board shall examine each course or seminar on its own merits and decide how many board education units are to be awarded. The number of board education units given is based on such factors as length, content, and applicability to the assessment field.

E. At the discretion of the board, board education units may be given for such activities as writing, developing or revising a course or seminar, teaching or assisting in the presentation of a course or seminar, and attendance or involvement in specialized meetings or committees. Board education units may be granted in these instances after the board has reviewed such factors as time, content, professional level, and appropriateness of the activity.

Subp. 3. **Repetition of courses, seminars, and conferences.** Educational credit is not given for any course or seminar that is repeated more than once. An exception to this rule is the property valuation short course. Assessors licensed as certified Minnesota assessors or certified Minnesota assessor specialists may attend this course each year and receive continued education units. Assessors licensed as accredited Minnesota assessors or senior accredited Minnesota assessors may only receive credit for attending two property valuation short courses within a four-year educational period. Approved conferences may also be attended for credit more than twice within an educational period.

Subp. 4. **Licensing at a lower level.** An accredited Minnesota assessor or senior accredited Minnesota assessor who does not obtain the necessary five continuing education units or board education units within an educational period may be licensed at the level of certified Minnesota assessor specialist if he or she has obtained at least four continuing education units or board education units. If the assessor has not obtained at least four continued education units or board education units, no license will be issued. The issuance of a certified Minnesota assessor specialist license to an assessor does not entitle the assessor to work in a taxing jurisdiction that requires an accredited Minnesota assessor or senior accredited Minnesota assessor designation.

Subp. 5. **Assessor responsibility.** The assessor is responsible for providing documentation for courses or seminars completed, conferences attended, or other continued education units or board education units earned. The board may require the assessor to submit proof of attendance, certificates of completion, educational transcripts, or other documentation it considers necessary to substantiate the fact that an assessor has completed the necessary educational requirements.

### 1950.1090 CONDUCT AND DISCIPLINE.

Subpart 1. **Board's authority.** The board may refuse to grant, suspend, or revoke an assessor's license if the assessor fails to meet the requirements of subparts 2 to 4, fails to perform statutory duties, or commits acts detrimental to the assessment profession.

Subp. 2. **Refusal to grant license.** The board may refuse to grant or issue an assessor's license for the following causes:

- A. failure to obtain the necessary education or experience levels required in part 1950.1010 for first issuance of a specific level of license;
- B. failure to obtain the necessary continuing education required in part 1950.1040 for maintenance of a specific level of license;
- C. falsifying educational requirements or making false statements on an application;
- D. failure to file or pay Minnesota income taxes;

- E. failure to pay the required license or application fee; and
- F conviction of a felony.

Subp. 3. **Suspension of license.** The board may suspend an assessor's license for the following offenses:

- A. cheating on a test given in conjunction with an assessment education course;
- B. plagiarism of an appraisal narrative of any kind submitted to the board under the license requirements in part 1950.1020;
- C. preparing or writing an appraisal narrative for another person's signature, or contracting with another person to prepare or write a narrative appraisal that will be submitted to the board under the license requirements in part 1950.1020; and
- D. inefficiency of office or neglect of the statutory duties of assessors in *Minnesota Statutes*, chapters 272, 273, and 274, the result of which is an adverse or injurious impact on the taxpayers of the assessor's jurisdiction.

The length of suspension is at the discretion of the board. In determining the length of time an assessor's license may be suspended, the board shall consider such factors as the assessor's previous record, the severity and impact of the offense on the assessment community, and the consequence of the assessor's action on the taxpayers of the assessment jurisdiction. Upon completion of the suspension, the assessor's license may be reinstated at the same level held before suspension if the assessor pays the necessary fees and has completed the required continuing education.

Subp. 4. **Revocation of license.** The board may revoke an assessor's license for the following offenses:

- A. conviction of a felony while holding a current assessor's license;
- B. giving preferential treatment to a taxpayer by knowingly and intentionally listing property on the tax list at substantially less than its market value, or misclassifying property to gain favor or benefit from the taxpayer; and
- C. unprofessional conduct caused by knowingly and willingly failing to comply with the duties of assessors in *Minnesota Statutes*, chapters 272, 273, and 274, the result of which is an adverse or injurious impact on the taxpayer of the assessor's jurisdiction.

The board may specify that the revocation is permanent, or it may specify a period of time after which the assessor may reapply for a license. If an assessor's license has been revoked, all assessor education credits and designations authorized by the board are also revoked and the assessor must meet all educational requirements of the level of license being applied for anew. The board shall consider the same factors in license revocation proceedings as are considered in matters of license suspension.

Subp. 5. **Investigations and proceedings.** An action of the board taken in conjunction with the suspension or revocation of an assessor's license must be conducted in accordance with *Minnesota Statutes*, sections 214.04 and 214.10. An action of the board taken in conjunction with refusal to grant, renew, suspend, or revoke an assessor's license is subject to review under *Minnesota Statutes*, chapter 14. A contested case concerning a board action with regard to the issuance, suspension, or revocation of an assessor's license is subject to the provisions of *Minnesota Statutes*, chapter 14.

**REPEALER.** *Minnesota Rules*, parts 1950.0100 and 1950.0200, are repealed.

## Department of Labor and Industry

### Proposed Permanent Rules Relating to Workers' Compensation; Qualified Rehabilitation Consultant Registration Fees

#### Notice of Intent to Adopt Rules Without Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28 (1986). The Department's authority to adopt the rule amendments is set forth in *Minnesota Statute* 176.102, subd. 144 and *Minnesota Statute* 16A.128.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**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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Any person may make a written request for a public hearing on the rules within the 30 day comment period. If 25 or more persons submit 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20 (1986).

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

Debra Caswell  
Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55101  
(612) 296-6889

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

A copy of the proposed rule amendments is attached to this notice. A free copy of the rules is available upon request from Debra Caswell at the above address or by calling (612) 296-6889.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared, and is available from Debra Caswell at the above address or by calling (612) 296-6889.

The QRC registration fee applies to individuals rather than business entities and thus the proposed increase should not have a direct impact on small business in most instances. The QRC firm and vendor registration fee will have an impact on small business, however, the impact will be minimal as the proposed increase does not exceed \$100.00 per firm and administration procedures are already in place for the submission of a fee. Distinguishing between variably sized QRC firms and/or vendors would not be cost-effective and would possibly inhibit the development of a comprehensive rehabilitation service.

If no hearing is required, upon adoption of the rule, the rule 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 adopted rule, must submit a written request to Ms. Caswell.

Dated: 31 January 1989

Ken Peterson  
Commissioner

### Rules as Proposed

#### 5220.1500 PROCEDURE FOR QUALIFYING AS REHABILITATION CONSULTANT.

Subpart 1. **Application.** An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

A. to F [Unchanged.]

G. the annual registration fee of ~~\$50~~ \$100 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

The commissioner shall issue a notice of acceptance or rejection to the applicant within 60 days of receipt of the completed application. Acceptance will be provisional until the completion of an introductory training session.

Subp. 2. to 5. [Unchanged.]

#### 5220.1600 PROCEDURE FOR APPROVAL AS A FIRM.

Subpart 1. [Unchanged.]

Subp. 2. **Application.** A private or public entity desiring to be approved as a firm shall submit to the commissioner a complete application consisting of the following:

A. to C. [Unchanged.]

D. the annual registration fee of ~~\$400~~ \$200 per firm.

Subp. 3. to 5. [Unchanged.]

**5220.1700 PROCEDURE FOR APPROVAL AS REGISTERED REHABILITATION VENDOR.**

Subpart 1. **Application.** A private or public entity desiring to be approved as a registered rehabilitation vendor shall submit to the commissioner a complete application consisting of all of the following:

A. to C. [Unchanged.]

D. The annual registration fee of ~~\$100~~ \$200 for each registered vendor.

Subp. 2. to 4. [Unchanged.]

## Board of Psychology

### Proposed Amendments to Proposed Permanent Rules Relating to Licensing and Fees

#### Notice of Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Psychology (hereinafter "Board") will hold a public hearing in the above-captioned matter pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986), in the ground floor conference room of the Minnesota Board of Medical Examiners, 2700 University Avenue West, St. Paul, Minnesota 55114, on March 29, 1989, commencing at 9:00 A.M. This public hearing is being held pursuant to the Report of the Administrative Law Judge in the above-captioned matter, dated December 29, 1988, which concluded that the Board has failed to comply with the small business considerations in rulemaking statute, *Minnesota Statutes* § 14.115, in its initial proposed adoption of these rule amendments.

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 hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 5th Floor Flour Exchange Building, 310 Fourth Avenue S., Minneapolis, Minnesota 55415, telephone (612) 341-7601. 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 to any new information submitted within three business days after the submission period ends. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Rules* §§ 14.131 to 14.20 (1986) and by *Minnesota Statutes* pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule amendments would amend the requirements for licensure, including education and renewal requirements, amend the rules of conduct, and otherwise simplify and clarify the existing rules. The proposed rule amendments were initially published in the *State Register* on October 3, 1988. All modifications proposed by the Board to the rule amendments as initially published are attached hereto and will be published in the *State Register* on February 21, 1989. Additional free copies of the proposed rule amendments may be obtained from the Board by writing or telephoning Lois E. Mizuno, Executive Director, Minnesota Board of Psychology, Suite 101, 2700 University Avenue West, St. Paul, Minnesota 55114, telephone: (612) 642-0587.

The statutory authority of the Board to adopt the proposed amendments is contained in *Minnesota Statutes* §§ 148.90, subd. 2(4), 148.98, and 214.06, subd. 2 (1986).

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 rule amendments are therefore advised to participate in the process.

*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 his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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## Proposed Rules

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(b) Who spends more than \$250, not including 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 St., St. Paul, Minnesota 55101, telephone: (612) 296-5615.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence 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 or 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.

Promulgation of the proposed rule amendments will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1986).

It remains the position of the Board that these rules are not subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking. The basis for this position is addressed in the Board's statement of need and reasonableness. However, pursuant to the findings and conclusions of Judge Beck in the Report of the Administrative Law Judge dated December 29, 1989, the Board has evaluated the applicability of the suggested methods for reducing the impact of the proposed rule amendments on small businesses. The results of the Board's consideration of the five suggested methods set forth in *Minnesota Statutes* § 14.115, subd. 2, are addressed in its statement of need and reasonableness.

Dated: 6 February 1989

STATE OF MINNESOTA  
BOARD OF PSYCHOLOGY  
Lois E. Mizuno  
Executive Director

### Rules as Amended

#### 7200.0100 DEFINITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 4. [Unchanged.]

Subp. 5. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 5a. **Dual relationship.** "Dual relationship" means a relationship between a psychologist and a client that is both professional and one or more of the following: cohabitational, ~~emotional~~, familial, or supervisory, or that includes significant personal involvement or financial or social involvement other than legitimate payment for psychological services rendered.

Subp. 5b. to 6. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 7. [Unchanged.]

Subp. 8. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 9. [Unchanged.]

Subp. 10. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 11. to 13. [Unchanged.]

#### 7200.0400 ADMISSION TO EXAMINATION.

Before July 1, ~~1990~~ 1991, an applicant who has met the requirements of parts 7200.0300, 7200.1300, subparts 1 to 3, 7200.1500, and 7200.1600 shall be admitted to the first regularly scheduled national standardized test specified in part 7200.3000, subpart 1, item A, occurring 40 days or more after the applicant has demonstrated that the requirements have been met. After June 30, ~~1990~~

1991, an applicant who has met the requirements of parts 7200.0300, 7200.1300, subparts 1, 2, and 4, and 7200.1410 to 7200.1600, shall be admitted to the first regularly scheduled national standardized test occurring 60 days or more after the applicant has demonstrated that the requirements have been met.

7200.0500 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.0600 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.0800 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.0900 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.1000 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.1100 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.1200 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.1300 EDUCATIONAL REQUIREMENT FOR LICENSURE.

Subpart 1. and 2. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 3. **Degrees earned before July 1, ~~1990~~ 1991**. For both types of licensure based on degrees earned before July 1, ~~1990~~ 1991, the major must be:

A. to C. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 4. **Degrees earned after June 30, ~~1990~~ 1991**. For both types of licensure based on degrees earned after June 30, ~~1990~~ 1991, the major must meet the following requirements:

A. [See *State Register*, Volume 13, Number 14, pages 876-887.]

B. The transcript of the applicant must indicate:

(1) A minimum of three graduate semester or four quarter credits or their equivalent of course work earned in each of the core areas listed in units (a) to (g), or demonstrated equivalency as provided in part 7200.1410:

- (a) scientific methods;
- (b) theories of measurement;
- (c) biological bases of behavior;
- (d) cognitive-affective bases of behavior;
- (e) social bases of behavior;
- (f) personality theory and human development; and
- (g) professional ethics, standards of conduct, and issues of professional practice.

(2) A minimum of six additional graduate semester or eight quarter credits or their equivalent of course work earned in the application of psychological principles to problem identification. The course work must be in the areas of assessment, evaluation, or data collection, or any combination of these areas.

(3) A minimum of six additional graduate semester or eight quarter credits or their equivalent of course work in the application of psychological principles to problem solution. The course work must be in the areas of psychological intervention or data analysis or a combination of the two areas.

(4) [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.1410 [See *State Register*, Volume 13, Number 14, pages 876-887.]

#### **7200.1450 POST-DEGREE PROGRAM COMPLETION.**

An applicant with a doctoral or master's degree earned after June 30, ~~1990~~ 1991, may correct deficiencies in the graduate program by completing no more than two core area courses and all or part of the practical field or laboratory experience, provided the deficiencies are corrected within one year after the date upon which the application for admission to examination is submitted.

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## Proposed Rules

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7200.1600 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.1700 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.1800 [See *State Register*, Volume 13, Number 14, pages 876-887.]

### 7200.2000 PROFESSIONAL EMPLOYMENT REQUIREMENTS.

To meet the requirements for professional employment, the employment of the applicant, which may include voluntary service, must:

A. [Unchanged.]

B. [See *State Register*, Volume 13, Number 14, pages 876-887.]

C. Include at least two hours of regularly scheduled, formal face to face supervision a week for each week at work, one hour of which must be with the supervisor as defined in part 7200.0100, subpart 10. The remaining hour may be with other mental health professionals designated by the supervisor. Hours spent in supervision count as hours of employment for the purposes of part 7200.0600, item C.

D. Be performed competently as judged by the supervisor.

7200.2600 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3000 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3200 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3500 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3510 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3605 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3610 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3620 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.3700 [See *State Register*, Volume 13, Number 14, pages 876-887.]

### 7200.3900 COLLABORATION.

Subpart 1. **Collaborator provided with summary.** An applicant for licensure as a licensed psychologist shall provide the collaborator, whose ~~practice~~ experience must be in the applicant's field of practice, with a brief summary of the training, experience, and stated areas of professional competence of the applicant.

Subp. 2. and 3. [Unchanged.]

Subp. 4. [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.4600 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.4700 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.4810 [See *State Register*, Volume 13, Number 14, pages 876-887.]

### 7200.4900 CLIENT WELFARE.

Subpart 1. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 1a. **Client records.** A client who is the direct recipient of psychological services has the right of access to the records relating to psychological services maintained by the psychologist on that client, as provided in *Minnesota Statutes*, section 144.335, subdivision 2, provided the records are not classified as confidential under Minnesota Statutes, section 13.84. A psychologist must maintain an accurate record for each client. Each record must minimally contain:

A. to D. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 2. **Statement of competence; clients' rights.** A psychologist shall display prominently on the premises of the professional practice or make available as a handout the statement of areas of competence submitted to the board and the bill of rights of clients, including a statement that consumers of psychological services offered by psychologists licensed by the state of Minnesota have the right:

A. and B. [Unchanged.]

C. [See *State Register*, Volume 13, Number 14, pages 876-887.]

D. and E. [Unchanged.]

F and G. [See *State Register*, Volume 13, Number 14, pages 876-887.]

H. to have access to their records as provided in subpart 1a and *Minnesota Statutes*, section 144.335, subdivision 2; and

I. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 3. to 7. [Unchanged.]

Subp. 7a. and 8. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 9. [Unchanged.]

Subp. 10. [See *State Register*, Volume 13, Number 14, pages 876-887.]

Subp. 11. and 12. [Unchanged.]

7200.5000 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.5100 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.5200 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.5300 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.5400 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.5600 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.5700 [See *State Register*, Volume 13, Number 14, pages 876-887.]

7200.6000 [See *State Register*, Volume 13, Number 14, pages 876-887.]

**REPEALER.** [See *State Register*, Volume 13, Number 14, pages 876-887.]

## 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.

## Environmental Quality Board

### Correction to Rules Relating to Environmental Review Program

Correction to Environmental Quality Board rules adopted at *State Register*, Volume 13, Number 25, pages 1437-1438, December 19, 1988 (13 S.R. 1437). On page 1437 the notice of adoption should have stated that the amendments proposed to two specific subparts, parts 4410.4300, subpart 7, and 4410.4400, subpart 24, relating to mandatory Environmental Assessment Worksheet and Environmental Impact Statement requirements for pipeline projects, were not included among the amendments adopted by the Environmental Quality Board. The amendments to parts 4410.4300, subpart 7, and 4410.4400, subpart 24, are adopted with modifications in this issue of the *State Register*.

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

## Adopted Rules

The adoption of the amendments to parts 4410.4300, subpart 7, and 4410.4400, subpart 24, completes all pending revisions to the permanent rules relating to the environmental review program as proposed and published at *State Register*, Volume 13, Number 9, pages 440-462, August 29, 1988 (13 S.R. 440).

## Environmental Quality Board

### Adopted Permanent Rules Relating to Environmental Review Program

The rules proposed and published at *State Register*, Volume 13, Number 9, pages 440-462, August 29, 1988 (13 S.R. 440) are adopted with the following modifications:

#### 4410.4300 MANDATORY EAW CATEGORIES.

Subp. 7. **Pipelines.** Items A and B to D designate the RGU for the type of project listed:

A. For routing of a pipeline, greater than six inches in diameter and having more than 0.75 miles of its length in Minnesota, used for the transportation of coal, crude petroleum fuels, or oil or their derivatives, the EQB shall be the RGU.

B. ~~For routing of a pipeline for transportation of natural or synthetic gas at pressures in excess of 275 pounds per square inch with 0.75 miles or more of its length in Minnesota, the EQB shall be the RGU. For the construction of a pipeline for distribution of natural or synthetic gas under a license, permit, right, or franchise that has been granted by the municipality under authority of Minnesota Statutes, section 216B.36, designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than:~~

~~(1) five miles if the pipeline will occupy streets, highways, and other public property; or~~

~~(2) 0.75 miles if the pipeline will occupy private property;~~

~~the EQB or the municipality is the RGU.~~

C. ~~For construction of a pipeline to transport natural or synthetic gas subject to regulation under the federal Natural Gas Act, United States Code, title 15, section 717, et. seq., designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than:~~

~~(1) five miles if the pipeline will be constructed and operated within an existing right-of-way; or~~

~~(2) 0.75 miles if construction or operation will require new temporary or permanent right-of-way;~~

~~the EQB is the RGU. This item shall not apply to the extent that the application is expressly preempted by federal law, or under specific circumstances when an actual conflict exists with applicable federal law.~~

D. ~~For construction of a pipeline to convey natural or synthetic gas that is not subject to regulation under the federal Natural Gas Act, United States Code, title 15, section 717, et. seq.; or to a license, permit, right, or franchise that has been granted by a municipality under authority of Minnesota Statutes, section 216B.36; designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than 0.75 miles, the EQB is the RGU.~~

Items A and B to D do not apply to repair or replacement of an existing pipeline within an existing right-of-way or to a pipeline located entirely within a refining, storage, or manufacturing facility.

#### 4410.4400 MANDATORY EIS CATEGORIES.

Subp. 24. **Pipelines.** For routing of a pipeline subject to the ~~pipeline routing permit process~~ full route selection procedures under *Minnesota Statutes*, section 116I.015, the EQB is the RGU.

## Environmental Quality Board

### Adopted Permanent Rules Relating to Pipeline Routing

The rules proposed and published at *State Register*, Volume 13, Number 14, pages 802-817, October 3, 1988 (13 S.R. 802) are adopted with the following modifications:

#### Rules as Adopted

#### 4415.0015 AUTHORITY, SCOPE, PURPOSE, AND OBJECTIVES.

Subp. 2. **Scope.** This chapter applies to pipelines defined in *Minnesota Statutes*, section 116I.015, unless ~~preempted by federal law or~~ excluded by statute or this chapter. This chapter does not set safety standards for the design or construction of pipelines. The issuance of a pipeline routing permit under *Minnesota Statutes*, section 116I.015, and this chapter for the subsequent purchase and

use of a right-of-way with the route is the only site approval required to be obtained by the person owning or constructing the pipeline. The pipeline routing permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances adopted by regional, county, local, or special purpose governments, as provided in *Minnesota Statutes*, section 116I.015, subdivision 4. The pipeline routing permit must not contravene applicable state or federal jurisdiction, rules, or regulations that govern safety standards for pipelines nor shall the permit set safety standards for the design or construction of pipelines.

#### **4415.0020 APPLICABILITY OF RULES.**

Subpart 1. **Exclusions.** This chapter does not apply to:

F. associated facilities and pipe designed to transport or store a hazardous liquid within a refining, storage, or manufacturing facility;

H. maintenance activities on existing pipeline rights-of-way; ~~and~~

I. natural gas pipelines occupying streets, highways, or other public property within a municipality under rights granted ~~under pursuant to a license, permit, right, or franchise that has been granted by the municipality under authority of Minnesota Statutes, section 216B.36; and~~

J. any person that proposes to construct or operate an interstate natural gas pipeline under the authority of the federal Natural Gas Act, United States Code, title 15, section 717, et. seq.

#### **4415.0080 ANALYSIS OF ALTERNATIVES ALTERNATIVE ROUTES.**

~~Subpart 1. **Analysis of alternative routes.** A comparative environmental analysis of all of the pipeline routes accepted for consideration at public hearings shall be prepared by the board staff or by the applicant and reviewed by the board staff. The This comparative environmental analysis must be submitted as prefiled testimony as required by part 1405.1900.~~

~~Subp. 2. **Other alternatives.** If the proposed pipeline does not meet the certificate of need requirement of *Minnesota Statutes*, section 216B.243, the discussion of other alternatives may include design and sizing options, energy alternatives, or alternative means by which the purpose of the project could be met. Alternatives that were considered but eliminated must be discussed briefly and the reasons for their elimination must be stated.~~

#### **4415.0105 PROCEDURAL REQUIREMENTS.**

Subp. 6. **Application distribution.** The applicant shall provide copies of the application accepted by the board to other state agencies who are not board members, but have regulatory responsibilities for the proposed pipeline. The applicant shall send a copy of the accepted application to the Minnesota Historical Society, to the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district, auditor of each county, and to the clerk of each township and city, crossed by the proposed pipeline. Each county auditor, city clerk, or township clerk shall retain and file the application in a manner making it accessible to the public. The applicant shall also provide one copy of the application to any person upon written request made on or before the tenth day after the first day of the public hearing held in accordance with part 4415.0090. The applicant shall maintain a list of the persons to whom copies are sent.

#### **4415.0120 DESCRIPTION OF PROPOSED PIPELINE AND ASSOCIATED FACILITIES.**

Subpart 1. **Pipeline design specifications.** The specifications for pipeline design and construction ~~must comply~~ are assumed to be in compliance with all applicable state and federal rules or regulations unless determined otherwise by the state or federal agency having jurisdiction over the enforcement of such rules or regulations. For public information purposes, the anticipated pipeline design specifications must include but are not limited to:

#### **4415.0160 OPERATION AND MAINTENANCE.**

~~Pipeline operation operations and maintenance must comply~~ are assumed to be in compliance with all applicable state and federal rules or regulations, unless determined otherwise by the state or federal agency having jurisdiction over the enforcement of such rules or regulations. For public information purposes, the applicant must provide a general description of the anticipated operation and maintenance practices planned for the proposed pipeline.

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## Adopted Rules

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### 4415.0195 PERMIT CONDITIONS FOR RIGHT-OF-WAY PREPARATION, CONSTRUCTION, CLEANUP, AND RESTORATION.

The following conditions apply to pipeline right-of-way preparation, construction, cleanup, and restoration.

C. Stream banks disturbed by pipeline construction must be stabilized with vegetation by the permittee using native plant species indigenous to the area or by other ~~equivalent~~ methods required by applicable state or federal permits or laws.

M. ~~The permittee shall compensate the owner of all crops and property damaged or lost as a result of pipeline construction, unless otherwise negotiated with the affected landowner.~~

~~N.~~ Shelterbelts and trees must be protected by the permittee whenever possible to the extent possible in a manner compatible with the safe operation, maintenance, and inspection of the pipeline.

~~O. N.~~ The permittee shall, to the extent possible, restore the area affected by the pipeline to the natural conditions that existed immediately before construction of the pipeline. Restoration must be compatible with the safe operation, maintenance, and inspection of the pipeline.

### 4415.0200 REPORT OF COMPLAINTS.

The permittee must report to the board any substantial complaint received ~~about right-of-way preparation, construction, cleanup, and restoration concerning part 4415.0195~~ that is not resolved within ~~ten~~ 30 days of the complaint.

### 4415.0205 PERMIT MODIFICATION OR SUSPENSION.

Subp. 2. **Board action.** The board may decline to act upon any complaint that is a dispute between a landowner or other injured party and the permittee, and for which the party has initiated or may initiate arbitration or court action for redress of the claim. Nothing in parts 4415.0010 to 4415.0215 is intended to expand the right of any party claiming damage or injury as a result of pipeline construction nor do parts 4415.0010 to 4415.0215 expand the liabilities at law of any permittee, contractor, or other person for injury or damage resulting from pipeline construction. The board shall make a determination as to whether action to suspend or modify a permit is appropriate based on parts 4415.0175, subpart 1, and 4415.0195.

If the board determines that substantial evidence supports a finding that a violation of the terms or conditions of a pipeline routing permit has occurred or is likely to occur, it may take action to modify or suspend the permit. The board may, at any time, consider suspension of that action to modify or suspend the permit if the permittee has undertaken effective corrective or ameliorative measures to correct the violations.

### 4415.0207 TERMINATION OF BOARD JURISDICTION OVER PIPELINE ROUTING PERMIT.

Permittees shall file with the board a written certification that the permitted pipeline construction has been completed in compliance with all permit conditions. The certification shall be considered by the board within 60 days of its filing. The board shall accept or reject the certification of completion and make a final determination regarding cost or reimbursements due. If the board rejects the certification, it shall inform the permittee in writing which deficiencies, if corrected, will allow the certification to be accepted. When corrections to the deficiencies are completed, the permittee shall notify the board, and the board shall reconsider the certification at its next regularly scheduled meeting, provided the notification is received at least 20 days before the meeting. After acceptance of the certification by the board, the board's jurisdiction over the permittee's pipeline routing permit shall be terminated.

### 4415.0215 GENERAL RESPONSIBILITIES.

The board shall monitor the effectiveness of this chapter and shall take appropriate measures to modify and improve ~~their~~ the effectiveness of this chapter. The board shall assist governmental units and interested persons in understanding the rules.

# 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 Human Services

### Health Care Management Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Administration of the Medical Assistance Prepaid Demonstration Project

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency governing amendments to the Medical Assistance Prepaid Demonstration Project, *Minnesota Rules*, parts 9500.1450 to 9500.1464 authorized by *Minnesota Statutes*, section 256B.69 and waivers approved by the Health Care Financing Administration, United States Department of Health and Human Services.

The Medical Assistance Prepaid Demonstration Project is a three county demonstration project established to determine whether contracting with prepaid health plans allows the state and participating counties to contain medical costs while still providing quality health care services to Medical Assistance consumers. Amendments to the rules are necessary to comply with legislative changes and to provide more efficient administration of the program. Proposed amendments include changes to definitions, excluded eligibility groups, consumer education, enrollment capacity, third party liability, covered services, quality assurance requirements, capitation policies, and grievance procedures.

The State Department of Human Services 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: Rick Chiat, Department of Human Services, Health Care Management Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3854. Oral statements will be received during regular business hours over the telephone at (612) 296-1481 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services 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 February 1989

Jim Schmidt  
Department of Human Services  
Rulemaker

## State Board of Investment

### Notice of Meeting of State Board of Investment's Investment Advisory Council

The State Board of Investment will meet on Wednesday, March 1, 1989 at 9:00 a.m. in Room 118, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, February 28, 1989 at 2:00 p.m. in Conference Room "A", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

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

## Official Notices

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### Department of Labor and Industry

#### Notice of Informal Conference Concerning Prevailing Wage Truck Rental Rate Determinations

An informal conference will be held to review data used to determine truck rental rates for state highway projects under *Minnesota Rule*, part 5200.1105. Interested parties may at that time provide further input prior to certification.

The conference will be held Friday, March 3, 1989 at 10:00 a.m., room 440, Labor and Industry Building, 443 Lafayette Road, St. Paul, Minnesota.

Ken Peterson, Commissioner  
Department of Labor and Industry

### Department of Revenue

#### Local Government Services Division

#### Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to Rules Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies)

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

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

Ronald Cook  
Local Government Services Division  
Minnesota Department of Revenue  
Mail Station 3340  
St. Paul, Minnesota 55146-3340

Oral statements will be received during regular business hours over the telephone at (612) 296-0392 and in person at:

Revenue Building  
Seventh Floor  
10 River Park Plaza  
St. Paul, Minnesota 55107

All statements of information and comment shall be accepted until March 27, 1989. Any written material received by the State Department of Revenue shall become part of the record in the event that the rules are promulgated.

Michael P. Wandmacher, Director  
Local Government Services Division

### Office of the Secretary of State

#### Notice of Vacancies in Multi-Member State Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is March 14, 1989.

**MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE****2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591***Minnesota Statutes 148.01-148.106.*

APPOINTING AUTHORITY: Executive director, chiropractic board. COMPENSATION: \$50 per day.

VACANCY: 1 member — chiropractor.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. Seven members consist of five chiropractors and two consumer members. Terms are varied.

**INFORMATION POLICY ADVISORY TASK FORCE****204 Administration Bldg., 50 Sherburne Ave., St. Paul 55155. 612-296-5320***Minnesota Statutes 16B.42.*

APPOINTING AUTHORITY: Commissioner of Administration. COMPENSATION: Reimbursed for expenses.

VACANCY: 3 members — representation is sought from local government, private industry, users of government information.

The task force advises the commissioner on the progress, needs, and recommended direction of information management for the state. Fifteen members of which two are members of the house from different political parties, appointed by the speaker of the house, and two are members of the senate, from different political parties, appointed by the senate committee on committees. The remaining eleven members are to be representatives of the supreme court, the executive branch, the higher education system, librarians, and private industry. Quarterly meetings.

**ADVISORY COUNCIL ON WORKERS' COMPENSATION****Dept. of Labor and Industry, Office of Public Affairs.****444 Lafayette Rd., St. Paul 55101. 612-296-6889***Minnesota Statutes 175.007.*

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

VACANCY: 1 public member.

The council studies workers compensation law and its administration and recommends changes where appropriate. Members include five representatives of employers, five representatives of employees, five non-voting public members and two recipients of workers' compensation benefits under Chapter 176 and the chairs of the rehabilitation review panel and the medical services review board. Monthly meetings. The council is not subject to section 15.059; subdivision 5.

**APPRENTICESHIP ADVISORY COUNCIL****Dept. of Labor and Industry, Division of Apprenticeship.****443 Lafayette Rd., St. Paul 55101. 612-296-2371***Minnesota Statutes 178.02.*

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

VACANCY: 1 public member.

The council proposes occupational classifications and minimum standards for apprenticeship programs and agreements, and advises the commissioner. The council includes three representatives of employer organizations, three representatives of employee organizations, and two public members. A designee of the state board for vocational education in charge of trade and industrial education, is an ex-officio member. Quarterly meetings.

**STATE ADVISORY COUNCIL ON MENTAL HEALTH****444 Lafayette Rd., St. Paul 55155-3828. 612-296-2710***Minnesota Statutes 245.697.*

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

VACANCY: 1 member — official representative of the MN Nurses Association. Should have experience in psychiatric nursing.

The council advises the governor, the legislature, and state agency heads about policy, programs, and services affecting people with mental illness. Twenty-five members include one member from each of the four core mental health professional discipline (psychiatry, psychology, social work, nursing); one representative from each of the advocacy groups (mental health association of MN, MN alliance for the mentally ill, MN mental health law projects); providers of mental health services, consumers of mental health services, family members of persons with mental illnesses, legislators, social service agency directors, county commissioners, and other members reflecting a broad range of community interest.

## Department of Transportation

### Order of Debarment of F.M. Asphalt, Inc.

WHEREAS, *Laws 1984*, Chapter 654, Article 2, Section 8, *Minnesota Rule* 1230.3400, and *Minnesota Statutes* Section 161.315 provide the Commissioner of Transportation jurisdiction and authority to debar any person convicted of a contract crime; and

WHEREAS, F.M. Asphalt, Inc. on December 21, 1987 was convicted of a contract crime — a violation of Section 1 of the Sherman Act, 15 U.S.C., Section 1; and

WHEREAS, Notice of Proposed Debarment and Notice of Opportunity for Hearing was served on F.M. Asphalt, Inc. by certified mail on January 6, 1989; and

WHEREAS, F.M. Asphalt, Inc. has failed to request a hearing on its proposed debarment and by virtue of its failure to respond has admitted the allegations against it.

NOW, THEREFORE, IT IS ORDERED that, based on its December 21, 1987 conviction, F.M. Asphalt, Inc. is debarred for a period from January 6, 1989, the date it was suspended, to August 1, 1989. Neither F.M. Asphalt, Inc. nor any business or entity owned by, or associated with F.M. Asphalt, Inc. may enter into a contract with the Minnesota Department of Transportation (MnDOT) or serve as a subcontractor or supplier of materials or services under a MnDOT contract.

*Minnesota Rule* 1230.3100, Subpart 9, states:

MnDOT contract. "MnDOT contract" means a written instrument:

A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under *Minnesota Statutes*, section 161.36, subdivisions 2 and 3, 360.016, subdivision 2 and 3, or 360.039, subdivisions 2 and 3;

B. for which competitive bids are required or taken; and

C. which is subject to the approval of the commissioner.

This order takes effect on the date shown below.

Dated: 9 February 1989

Douglas H. Differt  
Deputy Commissioner

## Department of Transportation

### Prohibition of Hazardous Materials Transportation By Certain Motor Vehicles Within the Lake Place, East and West Tunnels, City of Duluth; Controlled Access Highway Use Order No. 74627

WHEREAS, under *Minnesota Statutes*, Section 169.305, the Commissioner of Transportation has been given the authority to prohibit or regulate the use of any controlled access highway by any class of traffic found to be incompatible with the normal and safe flow of traffic.

NOW THEREFORE, the Commissioner of Transportation, for reasons of safety, hereby finds it to be in the public interest to prohibit the use of that portion of controlled access highway number I-35 from Mesaba Avenue to 10th Avenue East including that portion which lies beneath State Bridges 69836, 69821 and 69820 commonly referred to as the Lake Place, West and East tunnels within the City of Duluth, by any motor vehicle whose gross or combination weight is in excess of 9000 pounds which is transporting hazardous materials, as the same is defined in the provisions of the *Code of Federal Regulations*, Title 49, Chapter 1, Section 171.8, whether such material is being transported for hire or for the use of the owner of such vehicle.

Dated this 13th day of February, 1989 at Saint Paul, Minnesota.

Leonard W. Levine  
Commissioner of Transportation

# 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: Materials Management Division

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** ASAP Computer system  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 23  
**Agency:** Community College,  
Normandale  
**Deliver to:** Bloomington  
**Requisition #:** 27156 10450

**Commodity:** Subsystem  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 23  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074 123438

**Commodity:** Computers—data general  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 23  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074 123435

**Commodity:** Men's underwear  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** February 23  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Printers—Epson  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 21  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20915

**Commodity:** Toshiba variable frequency  
drive unit  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** February 22  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 18466

**Commodity:** Modems  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 23  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79000 93990

**Commodity:** Computers & supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 24  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20875

**Commodity:** Apple equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 24  
**Agency:** Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 67220 10361

**Commodity:** Rear mounted disc mower  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** February 24  
**Agency:** Transportation  
**Deliver to:** Various  
**Requisition #:** 79382 01589

**Commodity:** Ice resurfer Aambone  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** February 24  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20918

**Commodity:** Snowmobile, mid-size  
trac-type all terrain  
**Contact:** Mary Jo Bruski 612-296-9071  
**Bid due date at 2pm:** February 24  
**Agency:** Natural Resources  
**Deliver to:** Rochester  
**Requisition #:** 29000 51495

**Commodity:** Apple equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 24  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20915

**Commodity:** New van with  
modification  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** February 24  
**Agency:** Jobs & Training  
**Deliver to:** Hutchinson  
**Requisition #:** 21605 54078

**Commodity:** Photographic supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 27  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20901

## State Contracts and Advertised Bids

**Commodity:** Metal doors  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** February 27  
**Agency:** Military Affairs  
**Deliver to:** Camp Ripley, Little Falls  
**Requisition #:** 01000 05709

**Commodity:** Tools, pipe  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** February 28  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Apple equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 28  
**Agency:** Employee Relations Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 24000 95629

**Commodity:** Aerial photography  
**Contact:** Doug Thompson 612-296-3775  
**Bid due date at 2pm:** March 1  
**Agency:** North Service Center—DNR  
**Deliver to:** Grand Rapids  
**Requisition #:** 29002 17399

**Commodity:** Aids and devices for the blind  
**Contact:** Bernadette Vogel 612-296-2546  
**Bid due date at 2pm:** February 28  
**Agency:** Jobs & Training  
**Deliver to:** St. Paul  
**Requisition #:** Price contract

**Commodity:** Automatic call sequencing system  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** February 24  
**Agency:** PERA  
**Deliver to:** St. Paul  
**Requisition #:** 63000 91402

### Contract Awards—Materials Management Division

**Item:** Repair to other equipment  
**Req.#:** 26070 14004 01  
**Awarded to:** MDT Corp., Lombard, IL  
**Awarded amount:** \$9,384.00  
**Awarded date:** February 8, 1989  
**Expir/deliv date:** April 15, 1989  
**Shipped to:** Bemidji State University

**Item:** Computer software purchase (non-PC)  
**Req.#:** 27154 50848 01  
**Awarded to:** Miami University of Oxford, OH  
**Awarded amount:** \$15,000.00  
**Awarded date:** February 8, 1989  
**Expir/deliv date:** February 28, 1989  
**Shipped to:** Lakewood Community College

**Item:** Janitorial & refuse disposal service  
**Req.#:** 79000 94047 01  
**Awarded to:** Minnesota Association Rehabilitation, St. Paul, MN  
**Awarded amount:** \$131,040.00  
**Awarded date:** February 8, 1989  
**Shipped to:** Various Locations

**Item:** Road clearing & cleaning equipment  
**Req.#:** 79382 01573 01  
**Awarded to:** Ruffridge Johnson Equipment, Minneapolis, MN  
**Awarded amount:** \$14,170.00  
**Awarded date:** February 8, 1989  
**Expir/deliv date:** April 1, 1989  
**Shipped to:** MnDOT Central Shop

**Item:** Computer equipment  
**Req.#:** 79000-93978-01  
**Awarded to:** Boffin Ltd., Burnsville, MN  
**Awarded amount:** \$6,612.00  
**Awarded date:** February 8, 1989  
**Expir/deliv date:** February 24, 1989  
**Shipped to:** Minnesota Department of Transportation

**Item:** Steering gear linkage & suspension mv  
**Req.#:** 79990 00196 02  
**Awarded to:** Standard Spring Alignment, St. Paul, MN  
**Awarded amount:** \$6,555.00  
**Awarded date:** February 8, 1989  
**Expir/deliv date:** February 21, 1989  
**Shipped to:** MnDOT, Central Shop

**Item:** Hospital furniture, equipment & utensil  
**Req.#:** 02310 16614 03  
**Awarded to:** Artromick Intl., Columbus, OH  
**Awarded amount:** \$5,866.00  
**Awarded date:** February 9, 1989  
**Expir/deliv date:** March 12, 1989  
**Shipped to:** Department of Human Services

**Item:** Asbestos removal  
**Req.#:** 02305 92695 01  
**Awarded to:** Unesco Inc., Minneapolis, MN  
**Awarded amount:** \$14,950.00  
**Awarded date:** February 9, 1989  
**Expir/deliv date:** March 1, 1989  
**Shipped to:** Governors Residence

**Item:** Well drilling  
**Req.#:** 02307 91364 01  
**Awarded to:** Keys Well Drilling, St. Paul, MN  
**Awarded amount:** \$5,750.00  
**Awarded date:** February 9, 1989  
**Shipped to:** State of Minnesota

**Item:** General construction work (new construction)  
**Req.#:** 04131 91259 01  
**Awarded to:** Wagner Construction, Duluth, MN  
**Awarded amount:** \$9,400.00  
**Awarded date:** February 10, 1989  
**Expir/deliv date:** March 1, 1989  
**Shipped to:** Minnesota Department of Agriculture

**Item:** Computer, personal computers  
**Req.#:** 29000 51511 01  
**Awarded to:** Datasource Connecting, Bloomington, MN  
**Awarded amount:** \$6,700.00  
**Awarded date:** February 10, 1989  
**Expir/deliv date:** February 23, 1989  
**Shipped to:** DNR—Division of Forestry

**Item:** Janitorial & refuse disposal service  
**Req.#:** 78630 08415 01  
**Awarded to:** Bellaire Sanitation, Stillwater, MN  
**Awarded amount:** \$5,950.00  
**Awarded date:** February 10, 1989  
**Shipped to:** Minnesota Correctional Facility

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## State Contracts and Advertised Bids

**Item:** Pole standard & hardware metal  
**Req.#:** 79000 93951 01  
**Awarded to:** Northland Electric Supply,  
Minneapolis, MN  
**Awarded amount:** \$6,016.40  
**Awarded date:** February 10, 1989  
**Expir/deliv date:** March 18, 1989  
**Shipped to:** MnDOT, Electrical Services

**Item:** Tensile strength testers  
**Req.#:** 79000 93922 01  
**Awarded to:** Satec Systems Inc., Grove  
City, PA  
**Awarded amount:** \$38,720.00  
**Awarded date:** February 10, 1989  
**Expir/deliv date:** June 17, 1989  
**Shipped to:** Minnesota Department of  
Transportation

**Item:** Milling machine  
**Req.#:** 26073 20818 01  
**Awarded to:** Kistler Instruments Corp.,  
Amhurst, NY  
**Awarded amount:** \$12,350.00  
**Awarded date:** February 13, 1989  
**Expir/deliv date:** April 14, 1989  
**Shipped to:** St. Cloud State University

**Item:** Automobile, medium compact  
**Req.#:** 29000 51447 01  
**Awarded to:** Southdale Ford,  
Bloomington, MN  
**Awarded amount:** \$8,582.00  
**Awarded date:** February 13, 1989  
**Expir/deliv date:** May 26, 1989  
**Shipped to:** DNR—Southern Service  
Center

**Item:** Automobile, medium compact  
**Req.#:** 29000 51466 01  
**Awarded to:** Southdale Ford,  
Bloomington, MN  
**Awarded amount:** \$8,657.00  
**Awarded date:** February 13, 1989  
**Expir/deliv date:** May 26, 1989  
**Shipped to:** DNR—Northern Service  
Center

**Item:** Video equipment & systems  
**Req.#:** 55000 95706 01  
**Awarded to:** Alpha Video & Audio,  
Bloomington, MN  
**Awarded amount:** \$8,272.00  
**Awarded date:** February 13, 1989  
**Shipped to:** Department of Human  
Services

**Item:** Fabrics  
**Req.#:** 26073 20866 01  
**Awarded to:** Final Touch Interiors, West  
St. Paul, MN  
**Awarded amount:** \$5,920.16  
**Awarded date:** February 14, 1989  
**Expir/deliv date:** April 28, 1989  
**Shipped to:** St. Cloud State University

**Item:** Construction & highway  
maintenance equipment  
**Req.#:** 79382 01556 01  
**Awarded to:** Long Lake Ford Tractor,  
Long Lake, MN  
**Awarded amount:** \$39,749.00  
**Awarded date:** February 14, 1989  
**Expir/deliv date:** March 30, 1989  
**Shipped to:** Various Locations

## Department of Administration: Print Communications Division

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

**Commodity:** Food stamp application,  
65M 5-part sets, 8½" × 11" overall, pts  
1&5 1-sided; pts 2-4 2-sided, negs  
furnished  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 21  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 4650

**Commodity:** Engineer license (wallet)  
50M 3½" × 7¼", camera ready +  
negs furnished, 2-sided, must have  
union bug  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 21  
**Agency:** Labor & Industry Department  
**Deliver to:** St. Paul  
**Requisition #:** 4866

**Commodity:** Payroll warrant envelopes,  
5M, 7¾" × 3¾"  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 21  
**Agency:** Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** 4916

**Commodity:** State parks special  
programs tabloid 1989, 50M 4-page  
11¾" × 8¾" from 22¾" × 17½" sheet,  
camera ready, 2-sided, newsprint, 1%  
penalty fee for each day late  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 21  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 4974

**Commodity:** Note card & envelope, 200  
8½" × 5½" sheets, folded to  
5½" × 4¼" type to set and camera  
ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 23  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 4739

**Commodity:** Notice—pesticide  
treatment sign, 3M 9" × 12" outdoor  
cardboard stock, positive furnished, 1-  
sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 23  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 4986

## State Contracts and Advertised Bids

**Commodity:** Odometer statement, 350M 3-part sets, 8½" × 7" overall, type to set, negs furnished, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 23  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 5034

**Commodity:** Employer account abstract, 3,900 3-part sets, 8½" × 3⅝", type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 23  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 4717

**Commodity:** Tabloid plus insert, includes printing, labelling, mailing. Tabloid sheets 22¾" × 17½" quarterfolded to 11⅜" × 8¾", 25M booklets 40pp, four process inks; and 25M 8" × 10½" 2-sided + cover inserts, camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 27  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 5068 & 9

**Commodity:** Miscellaneous receipt, 1000 2-part sets, 6¼" × 8½" overall, negs available, preprinted numbering, 3-hole punch  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 23  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 5035

**Commodity:** Motor vehicle record request, 30M 2-part sets, camera ready + negs, 1-sided, 4¼" × 8½" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 24  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 5065

## Contract Awards—Print Communications Division

**Item:** Transfer brochure  
**Req. #:** 4567  
**Awarded to:** Corporate Graphics, Mankato  
**Amount:** \$2,018.00  
**Date:** February 8  
**Deliver to:** Mankato State University  
**Delivery date:** As requested

**Item:** Recruiting viewbook  
**Req. #:** 4613  
**Awarded to:** Johnson Litho Graphics, Eau Claire, Wisconsin  
**Amount:** \$13,910.00  
**Date:** February 8  
**Deliver to:** Bemidji State University  
**Delivery date:** 20 working days

**Item:** 1989-1990 catalog  
**Req. #:** 4693  
**Awarded to:** Viking Press, Inc., Eden Prairie  
**Amount:** \$28,693.00  
**Date:** February 15  
**Deliver to:** Metropolitan State University, St. Paul  
**Delivery date:** 30 days

**Item:** Contractual services form  
**Req. #:** 4798  
**Awarded to:** Pauly Business Forms, Co., Plymouth  
**Amount:** \$566.20  
**Date:** February 15  
**Deliver to:** Dept. Admin.: Central Stores, St. Paul  
**Delivery date:** 28 days

**Item:** Patient immunization history  
**Req. #:** 4817  
**Awarded to:** Acme Tag Company, Minneapolis  
**Amount:** \$624.75  
**Date:** February 15  
**Deliver to:** Minn. Health Dept., Mpls.  
**Delivery date:** 21 days

**Item:** Annuity Receipt Card  
**Req. #:** 4476  
**Awarded to:** Custom Business Forms, Mpls.  
**Amount:** \$340.80  
**Date:** February 15  
**Deliver to:** State Retirement System, St. Paul  
**Delivery date:** 15 days

**Item:** Braille duplicate covers  
**Req. #:** 4493  
**Awarded to:** Midwest Loose Leaf Inc., St. Paul  
**Amount:** \$12,410.00  
**Date:** February 15  
**Deliver to:** Jobs & Training Dept., St. Paul  
**Delivery date:** 45-60 days

**Item:** App. consumption/display  
**Req. #:** 4531  
**Awarded to:** Bann Division Stuart Hooper Co., St. Paul  
**Amount:** \$143.25  
**Date:** February 15  
**Deliver to:** Public Safety/Liquor Control, St. Paul  
**Delivery date:** 12-15 working days

**Item:** Door knob tag  
**Req. #:** 4586  
**Awarded to:** W. A. Fisher Company, Virginia  
**Amount:** \$259.00  
**Date:** February 15  
**Deliver to:** Board of Electricity, St. Paul  
**Delivery date:** 16 days

## State Contracts and Advertised Bids

**Item:** 1989 summer bulletin  
**Req.#:** 4690  
**Awarded to:** House of Print, Madelia  
**Amount:** \$6,347.88  
**Date:** February 15  
**Deliver to:** Winona State University  
**Delivery date:** As requested

**Item:** Letterhead  
**Req.#:** 4860  
**Awarded to:** Custom Business Forms, Mpls.  
**Amount:** \$1,197.25  
**Date:** February 15  
**Deliver to:** St. Cloud State University  
**Delivery date:** 15 days

**Item:** Report of grades  
**Req.#:** 4861  
**Awarded to:** Standard Register, St. Paul  
**Amount:** \$2,695.00  
**Date:** February 15  
**Deliver to:** Southwest State University, Marshall  
**Delivery date:** 35 days

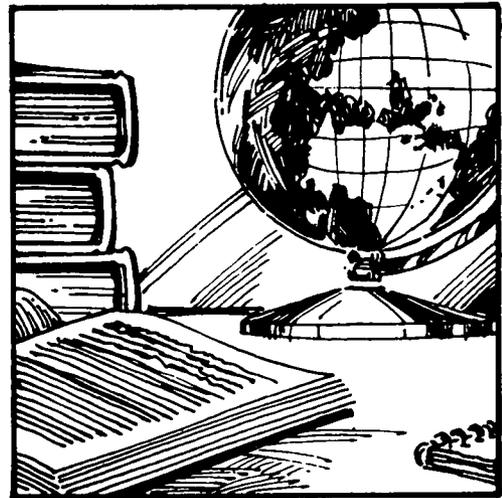
**Item:** Graduate program brochure  
**Req.#:** 4826  
**Awarded to:** Twin City Litho, Roseville  
**Amount:** \$1,980.00  
**Date:** February 15  
**Deliver to:** Metropolitan State University, St. Paul  
**Delivery date:** 30 days

### Get Smart with these Education Resources

**Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700.** Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

**Education Directory 1988-89.** All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code # 1-93, \$7.00 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

<p><b>TO ORDER:</b>                  Complete attached order blank. Include either your VISA/MasterCard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your VISA/MasterCard. Please include a phone number where you can be reached during the day in case we have questions about your order. Please include 6% sales tax and \$1.50 postage and handling. Ask for our catalogs for <i>Publications, Outdoors, or Mailing Lists.</i>  <b>PREPAYMENT REQUIRED</b>                  Merchandise may be returned at \$1.50 restocking charge, if it is in resalable condition.                  NOTE: <i>State Register</i> and other subscriptions do not require sales tax or postage and handling fees. Prices subject to change without notice.                  Please allow 4-6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8:00-4:30 M-F</p>	<b>Code No.</b>	<b>Quantity</b>	<b>Description</b>			<b>Item Price</b>	<b>Total</b>	
<p>Send your order to:  <b>Minnesota's Bookstore</b>                  117 University Ave., St. Paul, MN 55155                  Metro area 612-297-3000                  In Minnesota, toll free 1-800-652-9747</p>	<b>Name or Company</b>					<b>Subtotal</b>		
	<b>Attention</b>					Plus 6% tax MN Residents Only		
	<b>Address</b>							
	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Postage/Handling (per order)</b>		<b>\$1.50</b>		
	<b>VISA/MasterCard No.</b>					<b>TOTAL</b>		
<b>Signature</b>			<b>Expiration Date</b>		<b>Telephone (During Day)</b>			

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## State Contracts and Advertised Bids

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### Office of the Attorney General

#### State Sale of Surplus Property

The Commissioner of Administration is offering for sale, by sealed bid, a surplus building and underlying land located at 449 East Seventh Street, St. Paul, Minnesota. This parcel will be sold on the basis of highest offer received which meets all state bid requirements.

All bids must be submitted by 2:00 p.m. on March 17, 1989, to the Department of Administration, Real Estate Management Division, 50 Sherburne Avenue, Room 309, St. Paul, Minnesota 55155. For bid requirements, information and forms, contact Steve Mackenthun at the above address or at (612) 296-2278.

### Minnesota Community College System

#### Request for Proposals from Financial Institutions for Annuity Contracts or Custodial Accounts

The Minnesota Community College System is requesting proposals from financial institutions to provide annuity contracts or custodial accounts for newly hired teachers under a defined contribution plan.

The specifications for the Plan are available through Touche Ross & Co., 1600 Amhoist Tower, St. Paul, Minnesota 55102-1656 Attn: Stephen R. Ogren or the Office of the Chancellor Attn: Richard Nelson, Benefits Manager. The specifications and related information are directed to any insurance company or financial institution which wishes to participate. Any insurance company or financial institution licensed in Minnesota may make an offer in response to these specifications. It is expected that the Minnesota Community College Board, after considering all offers, at this time, will select no more than two companies whose offer appears to be advantageous to the Community College System and to its eligible employees.

The Board has retained the services of Touche Ross & Co. as consulting actuaries, and they have assisted in the drafting of these specifications and will also assist in the analysis of the offers made in response to this request for proposals. Please address any questions about these specifications or request for clarification of them to Mr. Stephen R. Ogren.

The deadline for the receipt of offers is 4:30 p.m., Monday, March 20, 1989. The proposals should be submitted to:

Richard Nelson, Benefits Manager  
Minnesota Community College System  
203 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

Factors upon which the proposals will be judged include but are not limited to the following:

1. The experience and ability of the vendor to provide retirement benefits suited to the needs of the covered employees.
2. The relationship of the benefits to their costs.
3. The financial strength and stability of the vendor.

Each proposal will be reviewed and analyzed in detail. The right is reserved to contact any, all, or none of the vendors making responses for clarification of their response.

The right is reserved to refuse any and all proposals.

The selected vendor(s) must agree to a hold harmless clause for the State of Minnesota in connection with the vendor's products to be marketed under this plan.

### Department of Corrections

#### Sauk Centre Correctional Facility

#### Notice of Request for Proposals for Qualified Instructor

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Sauk Centre is requesting proposals for a qualified instructor/consultant(s) to assist in the development of an AIDS Prevention and Risk Reduction Program for juvenile residents of the facility. Services required include training staff, developing curriculum, designing pre and post training instruments and reviewing and recommending program materials.

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## State Contracts and Advertised Bids

Potential value of contract is up to \$5,500.00

Desired qualifications: Current knowledge of AIDS epidemiology and AIDS education resources. Previous experience conducting staff training. Background in test instruments and data interpretation.

Proposals for contract must be submitted by 8:00 a.m., March 15, 1989.

Proposals or requests for information should be directed to one of the following persons:

Warren E. Higgin, Program Director  
or  
William C. Klundt, Education Director  
Minnesota Correctional Facility-Sauk Centre,  
Box C, Sauk Centre, MN 56378  
Telephone: 612/352-2296

## Department of Employee Relations

### Notice of Request for Proposals for Administrative and Underwriting Services for the Minnesota State Health Plan

The Department of Employee Relations requests proposals from qualified organizations for administrative and underwriting services for the Minnesota State Health Plan. The Minnesota State Health Plan serves employees of the State of Minnesota and their dependents, retirees from State service, and other organizations that participate in the State Employee Benefits Program, including the University of Minnesota.

The Minnesota State Health Plan includes two separate plans, one for employees and one for Medicare-eligible retirees. The Employee Plan is currently offered on a self-insured basis, and includes approximately 60,000 total covered persons. Approximately 45 percent of all State employees are enrolled in the Minnesota State Health Plan, and 55 percent are enrolled in HMO-based health plans. The Retiree Plan must be offered on a fully-insured basis, and includes approximately 5,000 total covered persons.

A copy of the Request for Proposal is available upon request. Inquiries and requests should be directed to: John Klein, Director of Benefit Contracts and Planning, Employee Benefits Division, Department of Employee Relations, 520 Lafayette Road, 3rd Floor, St. Paul, MN 55155, (612) 296-4349. Proposals must be received at this address no later than 4:30 p.m. on Wednesday, March 22, 1989.

## Department of Health

### Health Resources Division

### Notice of Request for Proposals for Consultant Physicians in Long Term Care Facilities

The Minnesota Department of Health (MDH) is requesting applications from qualified physicians as consultants to the Quality Assurance and Review Section of the Health Resources Division in matters related to the required Inspection of Care provided to patients/residents in Long Term Care Facilities throughout the State of Minnesota. All positions will be held by contract within the State biennium. Length of contract will be determined by application date, not to exceed June 30th of each year.

Consulting services by four to six physicians for medical reviews are needed. Travel by each review physician is generally limited to the region in which they reside.

Interested physicians will submit formal proposals according to the procedures required by the Minnesota Department of Administration. Designated areas of consultation services in the State, maximum contract amounts, and hourly rates will be discussed in the "Request for Proposals" (RFP) issued by the MDH. The deadline for submission of applications is 4:30 p.m., April 1, 1989. To obtain a copy of the RFP for Professional Services Contracts, contact Connie Krmpotich at this address:

Connie Krmpotich, Assistant Section Chief  
Quality Assurance and Review Section  
Minnesota Department of Health  
393 North Dunlap St.  
P.O. Box 64938  
St. Paul, MN 55164-0938

# State Contracts and Advertised Bids

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## Department of Human Services

### Office of Child Support Enforcement

#### Request for Proposals for Administrative and Training Services

##### Scope of Proposal

The Office of Child Support Enforcement is seeking proposals from qualified attorneys experienced in child support enforcement law to implement the expansion of administrative process (*Minnesota Statutes* 518.551, Subd. 10 [1988]) for the establishment, enforcement and modification of child support orders. Responsibilities under this contract will include:

- 1) Developing a proposed implementation schedule with counties operational on or before September 1, 1989.
- 2) Effectuate cooperative agreements in no fewer than 18 Minnesota counties between the Office of Administrative Hearings and each County Board by working cooperatively with the County Attorney, Court Administrator, and Human Services Director.
- 3) Review and modify forms, legal documents, and the procedures manual currently in use in administrative process in Dakota County for use in other counties.
- 4) Coordinate the work of the Office of Administrative Hearings, the Court Administrators, and the county child support offices and their respective county attorneys to determine who performs what roles in the process, how agencies will be billed and will pay for services, so that responsibilities of parties are defined.
- 5) Develop and maintain statistical information on timeframes, hearings completed, and caseload and collections data in administrative process counties.
- 6) Develop and conduct classroom training on procedures and case presentation for child support personnel presenting cases to the court in the administrative process forum.
- 7) Prepare media releases and notices to the private bar in administrative process counties so affected parties are advised of this new forum.
- 8) Provide written reports to the Director, Office of Child Support Enforcement on the status of implementation.
- 9) Costs incurred for training materials, forms, legal documents, and procedures manuals are the responsibility of the responder.

Estimated cost: \$50,000

##### Proposal Contents

The following will be considered minimum contents of a proposal:

- 1) Narrative project proposal identifying and describing the services and products to be provided.
- 2) Resumes outlining the responder's capabilities and experience.
- 3) Identify the personnel who will supervise and conduct this project and detail their training and work experience. No change in personnel will be permitted without approval of the Office of Child Support Enforcement.
- 4) Cost breakdown, work plan, and project schedule that identifies major tasks to be accomplished. Breakdown by deliverable on costs to be billed (Items 1-9 listed in Scope of Proposal) should be provided by responder.

##### Submission of Proposals

Authority for the implementation of administration process is contingent upon enactments to *Minnesota Statutes* in the 1989 legislative session. This Request for Proposals does not obligate the Office of Child Support Enforcement to complete the project. The Office of Child Support Enforcement reserves the right to accept or reject any or all proposals. A formal contract will be executed prior to initiation of the project.

Additional information on project requirements may be obtained by contacting Bonnie L. Becker (612) 296-2499.

Qualified firms or individuals with experience in family law will be considered for this project. Responder experience and qualifications, quality of proposal, and cost will be considered in awarding the contract. Upon completion of evaluation and selection, results will be sent by mail to all responders.

Submit two copies of the proposal in an 8½ × 11 format. Price and terms must be valid for the length of the project, and shall be presented on a fixed price basis.

All proposals must be sent to: Bonnie L. Becker, Director, Office of Child Support Enforcement, 444 Lafayette Road, 4th Floor, St. Paul, Minnesota 55155, (612) 296-2499. All proposals must be received no later than the close of the business day (4:30 p.m.) Monday, March 20, 1989. Late proposals will not be accepted.

## **Minnesota Racing Commission**

### **Applications Requested for Positions As Commission Veterinarians**

The Minnesota Racing Commission is accepting applications for the following contracted positions:

1. One assistant commission veterinarian for Minnesota racing program, late April to mid-October. Primary duties include supervision of test barn staff, collection of blood samples, examination of horses, and documentation of activities. Per diem compensation commensurate with experience.

2. One or two substitute assistant commission veterinarians for Minnesota racing program, late April to mid-October. Schedule one evening per week; extra evenings or weekend afternoons occasionally available. Excellent compensation for five hour shift. Light duties involving horses.

All applicants for the above listed contractual positions must be licensed (or eligible for licensure) to practice veterinary medicine in the state of Minnesota.

Applications will be accepted until 4:30 p.m. March 21, 1989.

For further information please contact Dr. Camille McArdle, racing commission veterinary director, Minnesota Racing Commission, 11000 West 78th Street, Suite 201, Eden Prairie, Minnesota 55344 (612-341-7555).

## **Department of Transportation**

### **Office of the Commissioner**

### **Notice of Available Contract for Anti-Litter Advertising and Marketing Program**

#### **Background**

Minnesota spends in excess of \$1.5 million each year to pick up litter, recovering as much as 8,000 tons of trash from its highways. Some of the collected debris consists of auto parts (discarded tires, mufflers, batteries), building supplies, and refuse from commercial haulers and garbage transporters. But, more than 70% of all litter items are from products consumed by individuals; primarily beverage containers, food wrappers, cups, candy wrappers and tobacco products. This trash comes from the occupants of vehicles using Minnesota roads.

The careless attitude of individuals who litter can be influenced by awareness and education. A concerted marketing and public relations program can generate pride in Minnesota; reducing accidental littering through an increased sense of responsibility, and creating pressure on the deliberate offenders to change their behavior.

#### **Objective**

The reduction of litter on Minnesota highways is the overall objective of the proposed marketing plan. The campaign should consist of television and radio commercials, outdoor billboards, public relations materials, direct mail pieces, and volunteer programs, among other techniques. The consultant will be responsible for producing all artwork, purchasing media time and space, and conducting an ongoing evaluation of the project using accepted market research techniques.

The advertising program must strive to:

- Engender a sense of pride in the State of Minnesota.
- Discourage deliberate offenders from littering.

#### **Timing and Funding**

Peak littering time is "shirt sleeve" weather, when car windows are down and people find it easier to throw litter from their vehicle. The anti-litter campaign should be implemented beginning in mid-April, 1989, and should be completed at the end of October, 1989.

Firms desiring consideration must express their interest by letter, submitting therewith a succinct but complete outline of proposed activities to answer the needs expressed in this notice. Interested firms must also submit a statement of experience, establishing their background with similar projects. All letters of interest must reach the Department by four o'clock (4:00) p.m., on March 7, 1989.

The cost of the entire project must not exceed \$200,000.

Proposals should be submitted to:

Francis C. Marshall

## State Contracts and Advertised Bids

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Director of Highway Program Implementation  
Office of the Commissioner  
Minnesota Department of Transportation  
419 Transportation Building  
Saint Paul, Minnesota 55155  
Telephone: (612) 296-3420

## Non-State Public Contracts

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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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## Ramsey County Parks & Recreation Department

### Request for Professional Engineering Services to Prepare Construction Plans and Specifications for Site Development Within Battle Creek Regional Park

The Ramsey County Parks and Recreation Department requires the services of a Professional Engineering Firm to prepare construction plans and specifications for site development within Battle Creek Regional Park. Contact Larry Holmberg, at 777-0393 for a copy of the RFP (Request for Proposal). Deadline for submittals is March 10, 1989.

Dated: 13 February 1989

Larry E. Holmberg  
Supervisor of Planning and Development

## State Grants

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

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

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## Supreme Court

### Lawyers Trust Account Board

### Request for Proposals for Programs on Legal Services for the Poor, Law-Related Education for the Public and Enhancement of the Administration of Justice

The Lawyer Trust Account Board invites proposals for programs in the areas of legal services for the poor, law-related education for the public and the enhancement of the administration of justice which will be funded by interest on lawyers' trust accounts.

The Board has characterized these programs as follows:

(1) **Legal Services for the Poor** establish an attorney client relationship, provide legal advice or representation and accept clients based on financial eligibility criteria.

(2) **Law-related Education Programs** deliver timely, accurate information in various areas of law to members of the public relating to individual situations, legal policy questions or questions about how the legal system functions.

(3) **Programs to Enhance the Administration of Justice** provide administrative, programmatic, and/or training support to multiple legal service, advocacy or alternative dispute resolution programs or are pilot programs in innovative areas to reduce or help solve court related problems and/or improve access to justice.

Inquiries regarding proposal requests should be directed to:

Executive Director  
Lawyer Trust Account Board  
318A State Capitol  
St. Paul, MN 55155  
(612) 296-6822

Application Deadline: March 15, 1989

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**Supreme Court Decisions****Decisions Filed 17 February 1989****CX-88-380 State of Minnesota v. Herbert Alfred Kelly, Appellant. Hennepin County.**

The trial court did not err in refusing to instruct the jury on the lesser included offense of first degree manslaughter where there was no evidence that the defendant was provoked.

The failure of the trial court to admit statements by defendant's character witnesses regarding their reaction to the charges brought against the defendant constituted harmless error.

Statements made by the defendant in a custodial interrogation prior to the receipt of a *Miranda* warning should have been suppressed. However, the use of such statements for impeachment purposes only does not constitute reversible error.

Affirmed. Popovich, C.J.

Took no part, Keith, J.

**C2-88-843 Husby-Thompson Company, petitioner, Relator v. County of Freeborn. Tax Court.**

The Tax Court inappropriately exercised its discretion in not reinstating taxpayer's petition which had been automatically dismissed under *Minnesota Statutes* § 278.03 (1986) for failure to pay the second half of real estate taxes on the due date.

Reversed. Simonett, J.

Took no part, Keith, J.

**C9-88-1536 Matthew Woodwick, Relator v. Shamp's Meat Market and American Mutual Insurance Company. Workers' Compensation Court of Appeals.**

In calculating temporary partial disability benefits for a permanently disabled minor employee, the minor's pre-injury wage at the time of injury is the imputed wage set by *Minnesota Statutes* § 176.101, subd. 6 (1986).

Reversed. Simonett, J.

Took no part, Keith, J.

# Tax Court

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

## Tax Court—Regular Division

**Docket Nos. 4985 and 4986—Dated: 17 January 1989**

**James C. Kirby, Appellant, 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 May 12 through 24, 1988 (9 days of trial) at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

Jay B. Kelly, Attorney at Law, appeared for the appellant.

Thomas M. O'Hern, Jr., Special Assistant Attorney General, appeared on behalf of the appellee.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on October 17, 1988.

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. Appellant James C. Kirby was a cash basis, calendar year taxpayer and sole owner of two Dairy Queen ("DQ") stores in Bemidji, Minnesota during the years 1983 and 1984. At all relevant times appellant was legally responsible for the payment of the income, sales and withholding taxes associated with the stores' business.

2. Appellant timely filed 1983 and 1984 individual income tax returns, both of which showed no tax due inasmuch as he claimed negative Minnesota taxable income of \$17,717 and \$43,103 for 1983 and 1984, respectively. On Schedule C of Form 1040, appellant reported gross sales from his two stores as being \$193,005 and \$184,828 for 1983 and 1984, respectively.

3. Appellant timely filed all but one sales tax return in 1983 and 1984 on which he reported different sales figures for his two stores; namely, \$176,455 in 1983 and \$180,263 in 1984.

4. Appellant's 1983 and 1984 income tax and sales tax returns were audited by the Minnesota Department of Revenue using a mark-up method. Under that method, the auditor estimated gross taxable sales from the gallons of Dairy Queen ("DQ") mix purchased, and compared those annual sales figures with the gross sales figures reported by appellant.

5. Using gallon figures provided by the DQ mix supplier, the auditor determined that appellant's stores purchased 11,640 gallons of mix in 1983 and 11,304 gallons of mix in 1984. The auditor next multiplied the annual gallons of mix by a "yield" factor of \$25 per gallon and estimated the gross sales to be \$291,000 in 1983 and \$282,600 in 1984. This meant that appellant had underreported his sales on his individual income tax returns by \$97,995 and \$97,772 for 1983 and 1984, respectively, and, if this mark-up method were accurate, appellant also underreported his sales on his sales tax returns by \$114,545 and \$102,337 for 1983 and 1984, respectively.

6. The Commissioner of Revenue issued Orders dated September 18, 1987, assessing additional income tax and interest plus a 50% fraud penalty against appellant as follows:

	<u>1983</u>	<u>1984</u>
Add'l Income Tax	\$15,440.70	\$ 8,382.00
Fraud Penalty	7,720.48	4,191.00
Interest (to 9/18/87)	<u>8,466.82</u>	<u>3,140.83</u>
	\$31,628.00	\$15,713.83

7. As part of the audit, the Department of Revenue disallowed certain depreciation expenses in the amount of \$22,805 claimed by appellant on his 1983 individual income tax return. After receiving and reviewing additional information provided, the Department of Revenue agreed at trial to the allowability of such expenses. After allowing the depreciation expenses the revised income tax assessments in dispute are as follows:

	<u>1983</u>	<u>1984</u>
Add'l Income Tax	\$10,627.57	\$ 8,382.00
Fraud Penalty	5,131.79	4,191.00
Interest (to 9/18/87)	<u>5,820.65</u>	<u>3,140.83</u>
	\$21,762.01	\$15,713.83

8. As a result of this revision in appellant's income in 1983, the Commissioner of Revenue issued an Order dated September 18, 1987, disallowing appellant's property tax refund of \$475 which he had received. Interest accrued on the refund is \$173.63 through September 18, 1987, for a total of \$648.63.

9. The Commissioner of Revenue issued an Order dated October 23, 1987, assessing additional sales tax and interest against appellant. A 50% fraud penalty was also specifically noted and assessed, as well as the imposition of a 10% penalty for a late-filed return in 1984.

	<u>1983</u>	<u>1984</u>
Add'l Sales Tax	\$ 5,546.89	\$ 5,534.21
Fraud Penalty	2,773.45	2,767.11
Interest (to 10/23/87)	3,879.31	2,859.06
Late filing penalty	—	<u>54.21</u>
	<u>\$12,199.65</u>	<u>\$11,214.59</u>

10. The Orders dated September 18, 1987 assessing additional income tax and the Order dated October 23, 1987 assessing additional sales tax are both being appealed in this proceeding.

11. During the calendar year 1983, appellant was a resident of Minnesota and the manager of the two stores.

12. In late 1983, after the stores closed for the winter season, appellant moved to Florida to manage a Dairy Queen store he had purchased in Key West.

13. In calendar year 1984, the two Bemidji stores were managed by appellant's daughter, Rene Kirby, except for a two month period in the spring when appellant returned to manage the stores after Rene had a baby.

14. The two Bemidji stores were generally open from the end of February until the first week in October, and closed during the winter.

15. Both stores were the older, window walk-up style with no inside restaurant seating; both were under franchise agreements with International Dairy Queen (hereinafter "IDQ").

16. One store, on Midway Drive across from Lake Bemidji (hereinafter the "South store"), was purchased by appellant in 1974 and did not report sales to IDQ. Its franchise contract provided for a license fee of \$.34 per gallon payable to IDQ on the number of gallons of DQ mix purchased from IDQ's mix dealer. This is called a "product based" store with IDQ receiving its franchise fee on the amount of mix purchased. The sales are irrelevant under this type of contract and therefore are not reported to IDQ.

17. The other store, located on Highway 2 near Bemidji State University (hereinafter the "North store"), was purchased by appellant in 1979 and required the appellant to pay IDQ a license fee of 4% of gross retail sales of DQ soft serve ice cream items and certain meat items, plus a stated sales promotion fee. This arrangement made it a "percent based" store and gross sales necessarily had to be reported to IDQ to determine franchise fees.

18. Appellant's stores were "audited" by IDQ in October, 1984 to determine whether appellant had been paying the correct franchise fees. The audit was inconclusive and no action was taken by IDQ.

19. Appellant sold both stores in February, 1985.

20. The 1983 and 1984 daily sales logs and other records were destroyed by Rene Kirby in 1985 after the IDQ audit and after both stores were sold, but before there was any notice of a pending audit by the Department of Revenue.

21. An informant, Kenneth Stumpf, in the fall of 1984 reported to the Department of Revenue that he had reason to believe that the appellant was not reporting all of his income.

22. The Department of Revenue conducted its audit after relevant store records had been destroyed by Rene Kirby, and using a mark-up method arrived at the orders under appeal in this proceeding.

23. Some of appellant's serving containers were larger and some of his prices were lower than other DQ stores in the region.

24. Appellant successfully rebutted the prima facie validity of the Commissioner's orders assessing additional income and sales taxes.

25. Appellant failed to report all of his sales income in his Minnesota income and sales tax returns.

26. Appellant purchased DQ mix for the South, product based, store and later transferred this mix to the North, percent based, store, which caused the North store to maintain a higher "yield" on IDQ's records and therefore masked unreported sales income.

27. The Court finds that appellant's gross sales were \$230,000 in 1983 and \$228,000 in 1984.

28. The Court also finds that the appellant deliberately and significantly underreported his sales with intent to evade tax.

29. The attached Memorandum is hereby made a part of these Findings of Fact.

### CONCLUSIONS OF LAW

1. Appellant's income tax and sales tax liabilities should be recomputed for 1983 using \$230,000 as the correct amount of gross sales income.
2. Appellant's income tax and sales tax liabilities should be recomputed for 1984 using \$228,000 as the correct amount of gross sales income.
3. A fraud penalty of 50% should be added for each year.

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

Dated: 17 January 1989

BY THE COURT  
Earl B. Gustafson, Chief Judge  
Minnesota Tax Court

## Tax Court—Regular Division

**Docket No. 5142—Dated: 7 February 1989**

**Lawrence M. Palodichuk (Environ Group, Inc.), 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 December 12, 1988, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota. By mutual agreement, the appeal of *Attilio S. DeMarco v. Commissioner of Revenue*, Minnesota Tax Court Docket No. 5169, was combined with the subject appeal for trial.

Mark Arth, Attorney at Law, represented appellant Lawrence M. Palodichuk.

Steven Hedges, Attorney at Law, represented appellant Attilio S. DeMarco.

Thomas M. O'Hern, Jr., Special Assistant Attorney General, appeared on behalf of the appellee.

The sole issue at trial was whether the appellant herein and Attilio S. DeMarco were personally liable for the unpaid withholding taxes of Environ Group, Inc. Subsequent to the trial the Commissioner cancelled the assessment against Attilio S. DeMarco.

Proposed findings and conclusions were filed by both parties and the matter was submitted to the Court for decision on January 23, 1989.

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. Environ Group, Inc. (hereinafter "Environ") was a Minnesota corporation co-founded by appellant and Al Dodd which was in the business of removing asbestos from buildings.
2. Environ commenced business in October, 1984 with very little financing. Lawrence Palodichuk (hereinafter "appellant") owned 49% of the stock and Mr. Dodd owned 51%.
3. In December, 1984 or January, 1985, appellant purchased the 51% interest of Dodd for \$5,000 and became the sole owner.
4. In January, 1985, appellant invited his brother, Wayne Palodichuk, to join the corporation and promised to transfer to him 50% of the stock and appoint him Vice President.
5. Wayne Palodichuk's duties consisted of the hiring and firing of personnel, supervising fiscal matters, and overall project supervision.
6. In March, 1985, Attilio DeMarco was promised a 25% interest in the corporation and a Vice Presidency to join the corporation. Wayne Palodichuk agreed to transfer to Mr. DeMarco one-half of his 50% stock ownership.
7. Attilio DeMarco's duties were to computerize the bidding and fiscal procedure, to take an active role in the job bidding process, and to assist the corporation in obtaining financing.
8. The only authorized signatures on the checking account of Environ were those of the appellant and Gay Post, a sister of the Palodichuks, who was hired as secretary/bookkeeper and office manager. Both signatories indicated that they often signed blank checks to be processed by Wayne Palodichuk.
9. Attilio DeMarco moved into Environ's office on May 1, 1985; where after few weeks of observation he commenced computerizing the bidding process.

10. No evidence was presented that stock certificates were ever issued to any of the three purported stockholders, or that any stockholders or directors meetings were held in 1985, or that Wayne Palodichuk or Attilio DeMarco were issued stock or elected as officers of the corporation.

11. Attilio DeMarco advanced small sums of money from time to time (aggregating \$3,100) to meet emergency needs of employees. He was reimbursed for some of these advances.

12. Attilio DeMarco never received the salary, stock certificates or appointment as an officer as agreed upon in the employment agreement.

13. During his association with Environ, Attilio DeMarco devoted more than half of his time to other business ventures, including Associated Brokers, which he owned. He also worked on computerizing the bidding process and made contacts to obtain loans from the Small Business Administration ("SBA") and other lending agencies on behalf of Environ.

14. The commitments promised by the appellant not having been met, Attilio DeMarco moved out of Environ's offices near the end of July, 1985.

15. Up until late 1985 Wayne Palodichuk supervised the construction operations of Environ and, along with Gay Post, participated in the day-to-day operations at Environ.

16. During the entire time period at issue in this proceeding, appellant was employed full-time as an engineer at Koch Refining Company. During the period in question appellant frequently met with his brother to discuss the financial status of the company, what bills should be paid, how to get more money and other similar matters. Appellant and his brother were the sole individuals who would decide which bills would be paid and which bills would not be paid. Appellant testified that he knew bills were not being paid.

17. Environ experienced fiscal difficulties during its entire existence, often having checks returned for insufficient funds. Appellant was aware of these problems.

18. At all times during the periods in question, appellant had unrestricted access to all of the corporate books and records, as well as its business records.

19. Environ employed Taylor McCaskill, a Certified Public Accounting firm, to assist in its payroll and accounting and to prepare tax returns for Environ.

20. The tax returns at issue were put into a payables file which included other debts, and payment was made only as priority demanded it. All parties hoped to obtain an SBA loan to pay outstanding indebtedness.

21. Environ failed to timely file Minnesota withholding returns for the periods March, 1985 through December, 1985 and June, 1986 ("periods in question").

22. On or about February 3, 1986, Environ filed its withholding returns for the periods March, 1985 through December, 1985 showing \$14,174.05 in taxes withheld, but without any remittances. Those returns were signed by appellant who designated himself as being President of the company.

23. By Order dated January 20, 1988, appellee assessed appellant as being personally liable for the unpaid withholding taxes under *Minnesota Statutes* § 290.92, subs. 1(4) and (6)7 and *Minnesota Statutes* § 270.10, subd. 4 (1986).

24. Appellant's protest of the Order dated January 20, 1988 was denied by appellee by Order dated June 14, 1988, whereupon appellant subsequently filed his appeal with this Court.

25. For the periods in question, as of December 12, 1988, the liability associated with the unpaid withholding taxes of Environ is \$23,897.14, comprised of \$14,174.00 tax, \$3,962.19 penalty and \$5,760.95 interest. The parties are in agreement as to the amount of liability at issue.

26. On January 17, 1986, a stockholders meeting was purportedly held, followed by a directors meeting at which the appellant was elected President, Wayne Palodichuk was elected Vice President, and Jim Gallagher (the appellant's father-in-law) was elected Secretary and Treasurer.

27. After Environ ceased operation, the last substantial payment received by Environ, an amount approximately \$40,000 for services performed earlier, was endorsed and paid to Jim Gallagher from whom the appellant allegedly borrowed significant amounts of money.

28. Environ filed bankruptcy in 1987.

29. Wayne Palodichuk was dismissed as an employee of Environ by the appellant in late November or December, or early 1986.

30. Appellant and Wayne Palodichuk were both actively involved in the day-to-day operations of the company, jointly hired and fired employees, participated in fiscal decisions, and determined priorities of payments. Appellant was President, and a director during the entire period at issue.

## Tax Court

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31. Appellant was aware of the unpaid withholding taxes but hoped to obtain SBA financing to pay the state and federal taxes. Available financial resources were used to meet payroll.

32. On March 5, 1986, appellant signed an affidavit that there were no unpaid withholding taxes in order to obtain monies owing from government contracts.

33. The attached Memorandum is hereby made a part of these Findings of Fact.

### CONCLUSIONS OF LAW

1. Appellant had the requisite legal control and control, supervision or responsibility to file the withholding tax returns in question and to pay the amount due thereon.

2. Regardless of whether other persons may be liable, appellant is personally liable for the unpaid withholding taxes since such liability is joint and several.

3. The Order of the Commissioner of Revenue dated January 20, 1988 is hereby affirmed.

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

Dated: 7 February 1989

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

## Announcements

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**Tree Inspector Workshops:** Drought stress, field diagnostic and sampling techniques, and tree care research, new products and equipment will be the focus of seven tree inspector workshops. Planned for March and April in conjunction with the Shade Tree Short Course and Pesticide Applicator Training session, the classes are sponsored by the Minnesota Extension Service and the Minnesota Dept. of Agriculture. Classes will be held March 7-8 in St. Paul; March 13-14 in Crookston; March 16 in Duluth; March 21 in Rochester; March 23 in Marshall; March 30 in Alexandria, and April 1 in St. Paul. Full day program cost, including lunch, is \$15 if you register before Feb. 24. A \$5 late fee is charged after Feb. 24. (Two day sessions cost \$30.) Call (612) 296-3343 for more information.

**Employment Outlook Report Available:** The employment outlook to the year 1993 for 63 industries and more than 400 occupations is published and available to the public. Revised for the first time since 1985, the report estimates the number of jobs in Minnesota to grow at an annual rate of 1.6 percent, roughly the same rate of growth as the 1982-86 period and slightly above the projected national figure of 1.3 percent. The services industry group, led by business, health and legal services, is expected to grow the fastest and add the most workers. The report affirms a continued shift in demand for certain types of jobs. Generally, fewer blue-collar workers will be needed as more equipment is generated for the professional, sales and service occupations. Computer systems analyst is one occupation that is both large and growing rapidly. Copies of the report can be obtained by contacting the Research and Statistics Office of the Minnesota Department of Jobs & Training at (612) 296-6545.

**Low Interest Loans in Sustainable Agriculture:** Growers wanting to finance profitable and environmentally-sound farm innovations may now apply for a low-interest loan through a new sustainable agriculture program. Loans will be made to farmers to purchase new or used machinery or equipment and make improvements to reduce input costs while showing profitability and environmental benefits for the farm. The new \$1 million revolving loan fund was established by the Minnesota Legislature last year. Examples of some eligible projects include conservation tillage and planting equipment, energy efficient grain drying systems, equipment to reduce herbicide use, energy production equipment or improvements such as conversion to energy saving devices in dairy farms or irrigating, efficient composting systems and fencing or rotational grazing. Operating expenses are not eligible for the loan program. Loan limits are \$15,000 per individual, or a maximum of \$75,000 to five or more individuals on joint projects. Interest rates are set at 6 percent, and applications must demonstrate ability to repay. Applications will be accepted at any time, and loans will be issued quarterly. A panel comprised of farmers, lenders and agriculture specialists will review applications and make recommendations on the loans to the commissioner of agriculture. To receive an application contact the Sustainable Agriculture Loan Program, Minn. Dept of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107 or call (612) 296-3820.

**Limited Partnerships Must Report Activities By April 15:** A new state law requires all limited partnerships to report any interest in Minnesota farmland to the Minnesota Department of Agriculture before April 15, 1989. Failure to report before April 15 is punishable with a \$500 fine. The 1988 law requires all limited partnerships that own or lease farmland in the state to list their interests to the department. The new law expands on a 1973 statute that requires all corporations and pension or investment funds to annually report activities involving agricultural land. The limited partnership requirement includes all lands used for agricultural crops, livestock and poultry production and fruit and horticultural products. It does not include limited partnerships involved with the timber or forest products industry. General partnerships are also not affected. For the report form and additional information, contact the Minnesota Department of Agriculture, Farm Security Program, 90 West Plato Boulevard, St. Paul, Minn. 55107, or call (612) 296-8435.

**Guidebook Helps Developmentally Disabled Plan Future:** The Metropolitan Council has published a guidebook for people with developmental disabilities, their families and their advocates. People who are developmentally disabled have severe, chronic mental or physical disabilities that require long-term specialized services. "It's Never Too Early, It's Never Too Late" is an introduction to personal futures planning, a process that focuses on people's gifts, talents and abilities rather than their deficiencies. It provides strategies for people with developmental disabilities to develop personal relationships, have positive roles in community life, increase their control of their own lives, and develop skills and abilities to achieve these goals. The guidebook is free and available from the Council's Data Center, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.

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Jane Smith  
NOTARY PUBLIC-MINNESOTA  
RAMSEY COUNTY

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# Human Services Laws and Rules

## Human Services Laws 1988

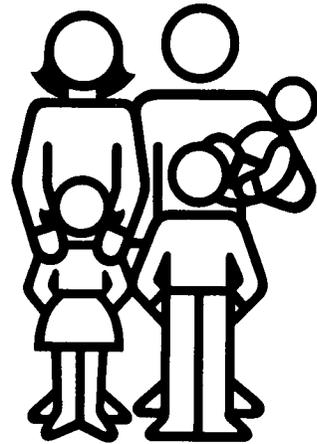
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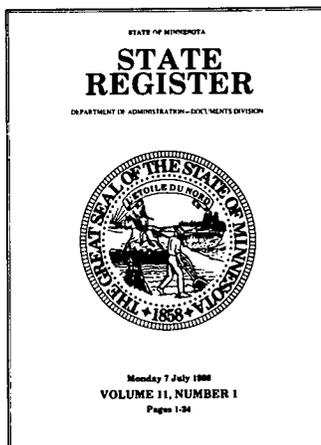
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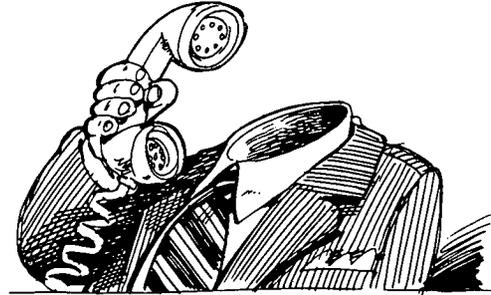
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