

82 March 8

# STATE REGISTER

STATE OF MINNESOTA



**VOLUME 6, NUMBER 36**

**March 8, 1982**

**Pages 1549-1568**



---

---

### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 6			
37	Monday March 1	Monday March 8	Monday March 15
38	Monday March 8	Monday March 15	Monday March 22
39	Monday March 15	Monday March 22	Monday March 29
40	Monday March 22	Monday March 29	Monday April 5

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

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

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

---

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.00 per copy.

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

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

---

Albert H. Quie  
**Governor**

Carol Anderson Porter  
**Editor**

David Zunker  
**Information Officer**

James J. Hiniker, Jr.  
**Commissioner**  
**Department of Administration**

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg  
**Editorial Staff**

Stephen A. Ordahl  
**Director**  
**State Register and**  
**Public Documents Division**

Debbie Kobold  
**Circulation Manager**

Margaret Connelly  
**State Register Index Editor**

# CONTENTS

## MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 27-36. . . . . 1552

## PROPOSED RULES

### Administration Department

#### Board of Electricity

Inspection Fees and Handling Fee for Request for Inspection Form [addition to notice of intent to adopt rules without a public hearing] . . . . . 1554

### Administration Department

#### Real Estate Management Division

Leasing of State Property [notice of intent to adopt rules without a public hearing] . . . . . 1554

## ADOPTED RULES

### Agriculture Department

#### Shade Tree Program

Rules Governing the Shade Tree Program . . . . . 1558

### Small Business Finance Agency

Making of Business Loans . . . . . 1558

## TAX COURT

Carl H. Kopplow, Appellant, v. Commissioner of Revenue, Appellee. In the Matter of the Appeal from the Commissioner's Order, dated January 30, 1981, relating to Minnesota gift tax. Order dated February 19, 1982. Docket No. 3277 . . . . . 1559

## SUPREME COURT

### Decisions Filed Friday, February 26, 1982

81-517/Sp. Seymour R. Schonwetter, et al., Relators, v. The Commissioner of Revenue. Tax Court. . . . . 1561  
51924 Edmund A. Vikse, et al., v. Gerald Flaby, et al., Defendants, Joe S. Agers, et al., Appellants. Fillmore County. . . . . 1561  
81-170/Sp. Paul D. Anderson, Relator, v. Moberg Rodlund Sheet Metal Company, Commissioner of Economic Security. Department of Economic Security . . . . . 1561

## STATE CONTRACTS

### Energy, Planning and Development Department Energy Division

Office of Conservation and Alternatives  
Technical Evaluation of Energy Conservation  
Measure Grant Applications . . . . . 1561

### Minnesota Pollution Control Agency

Solid and Hazardous Waste Division  
Notice of Request for Credentials for an Investigation of Water Treatment for the Removal of Polynuclear Aromatic Hydrocarbons and other Coal Tar Derivatives from Contaminated Ground Water. . . . . 1562

### Transportation Department

Technical Services Division  
Contract Available for Preliminary Engineering—  
Design . . . . . 1562

## OFFICIAL NOTICES

### Energy, Planning and Development Energy Policy Development Council

Notice of Council Meeting . . . . . 1563

### Office of the Governor

Notice of Appointment of Commissioner of Veterans Affairs . . . . . 1563

### Metropolitan Health Board

Meeting Notice . . . . . 1563

### Minnesota Teachers Retirement Association

Meeting Notice . . . . . 1563

### Transportation Department

Outside Opinion Sought Regarding Rules Governing Individual Eligibility for Special Transportation Service in the Metropolitan Area. . . . . 1564

### Water Planning Board

Meeting Notice . . . . . 1564

### Water Resources Board

Notice of Hearing on the Adopted Overall Plan of the "Carnelian-Marine Watershed District" . . . . . 1564

## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

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

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

The listings are arranged in the same order as the table of contents of the MCAR.

# MCAR AMENDMENTS AND ADDITIONS

## TITLE 2 ADMINISTRATION

### Part 1 Administration Department

2 MCAR § 1.5301 (proposed repeal) .....	1554
2 MCAR §§ 1.5302-1.5327 (proposed) .....	1554

## TITLE 3 AGRICULTURE

### Part 1 Agriculture Department

3 MCAR §§ 1.0109, 1.0111-1.0112 (adopted) .....	1558
Agr 434-457 (repealed) .....	1398

## TITLE 4 COMMERCE

### Part 1 Commerce Department

4 MCAR §§ 1.9120(Temp)-1.9135(Temp) (proposed) .....	1337
4 MCAR §§ 1.9350-1.9352 (adopted) .....	1438
4 MCAR §§ 1.9255-1.9270 (proposed) .....	1229
Ins 32, 34 (proposed repeal) .....	1229

### Part 3 Public Utilities Commission

PSC 120 (adopted) .....	1398
4 MCAR § 3.0146 (adopted) .....	1313

### Part 4 Cable Communications Board

4 MCAR § 4.100 E. (repealed) .....	1344
------------------------------------	------

### Part 8 Barber Examiners

4 MCAR § 8.079 (adopted) .....	1529
--------------------------------	------

### Part 11 Electricity Board

4 MCAR § 11.004 (proposed) .....	1414
----------------------------------	------

### Part 13 Peace Officer Standards and Training Board

4 MCAR §§ 13.001-13.020 (repealed) .....	1495
4 MCAR §§ 13.021-13.039 (adopted) .....	1495

### Part 14 Small Business Finance Agency

4 MCAR § 14.021 (adopted) .....	1558
---------------------------------	------

## TITLE 5 EDUCATION

### Part 1 Education Department

5 MCAR § 1.0430 (proposed) .....	1342
EDU 380-382, 385-386 (proposed) .....	1464

### Part 3 Board of Teaching

5 MCAR § 3.002 (adopted) .....	1346
--------------------------------	------

## TITLE 6 ENVIRONMENT

### Part 2 Energy Agency

6 MCAR §§ 2.0201-2.0214 (adopted) .....	1299
6 MCAR §§ 2.4011-2.4017 (proposed) .....	1468
6 MCAR §§ 2.4021(Temp)-2.4034(Temp) (proposed) .....	1466
6 MCAR §§ 2.2501(Temp)-2.2510(Temp) (adopted) .....	1493

### Part 3 Environmental Quality Board

6 MCAR §§ 3.072, 3.074, 3.083 (adopted) .....	1370
---	------

### Part 4 Pollution Control Agency

6 MCAR § 4.6085 (proposed) .....	1471
6 MCAR §§ 4.6088 (proposed) .....	1523
6 MCAR § 4.8024 (adopted) .....	1344

### Part 6 Waste Management Board

6 MCAR §§ 8.101-8.107 (adopted) .....	1344
---------------------------------------	------

## TITLE 7 HEALTH

### Part 1 Health Department

MHD 326 (proposed) .....	1297
--------------------------	------

# MCAR AMENDMENTS AND ADDITIONS

7 MCAR §§ 1.201-1.210 (repealed) .....	1256
7 MCAR §§ 1.661-1.665 (adopted) .....	1256

**Part 5 Board of Nursing**

7 MCAR §§ 5.0002, 5.1004, 5.1011, 5.1021, 5.1031, 5.1035-5.1036, 5.2002-5.2003, 5.2011, 5.2021, 5.2030, 5.2031, 5.2035-5.2036 (adopted) .....	1529
7 MCAR §§ 5.1030-5.1031, 5.1033, 5.1036, 5.2030-5.2031, 5.2033, 5.2036 (adopted) .....	1281
7 MCAR §§ 5.1032, 5.2032 (repealed) .....	1281

**Part 10 Psychology Board**

7 MCAR §§ 10.001-10.009 (proposed) .....	1480
Psych 2, 5, 8, 10-13 (proposed repeal) .....	1480

**TITLE 8 LABOR**

**Part 1 Labor and Industry Department**

RS 1 (adopted) .....	1398
8 MCAR § 1.7001 (proposed) .....	1365
8 MCAR §§ 1.7230-1.7232, 1.7240-1.7247, 1.7292, 1.7295, 1.7297, 1.7304 (adopted) .....	1313

**TITLE 9 LAW**

**Part 2 Administrative Hearings Office**

9 MCAR §§ 2.301-2.326 (adopted) .....	1439
---------------------------------------	------

**TITLE 10 PLANNING**

**Part 4 Municipal Board**

10 MCAR § 4.020 (adopted) .....	1439
---------------------------------	------

**TITLE 12 SOCIAL SERVICE**

**Part 2 Public Welfare Department**

12 MCAR § 2.001 (temp) (adopted) .....	1370
12 MCAR § 2.027 (adopted) .....	1497
12 MCAR § 2.036 (adopted) .....	1371
12 MCAR §§ 2.045-2.046, 2.059 (repealed) .....	1440

**Part 3 Housing Finance Agency**

12 MCAR § 3.002 0. (Temp) (adopted) .....	1439
12 MCAR § 3.002 (adopted) .....	1438
12 MCAR §§ 3.053-3.054 (adopted) .....	1439
12 MCAR § 3.133 (adopted) .....	1439
12 MCAR § 3.134 (adopted) .....	1439

**TITLE 13 TAXATION**

**Part 1 Revenue Department**

13 MCAR § 1.6101 (adopted) .....	1399
IncTax 2052(4) (repealed) .....	1399
13 MCAR § 1.6102 (adopted) .....	1314
IncTax 2003 (2); 2003 (3); 2004; 2005 (1); 2005 (2); 2005 (3); 2005 (4); 2006 (1); 2006 (2); 2006 (2) (a); 2006 (3); 2006 (4); 2006 (5); 2006 (8); 2007 (5)-1; 2007 (5)-2; 2007 (5)-3; 2007 (5)-4; 2007 (5)-5; 2007 (5)-6; 2007 (5)-7; 2007 (5)-8; 2007 (5)-9; 2007.2; 2007.6; 2008 (3)-1; 2008 (3)-2; 2008 (3)-3; 2008 (3)-4; 2008 (3)-5; 2008 (4); 2008	

(5); 2008 (6); 2008 (11); 2008 (16); 2008 (20)-1; 2008 (20)-2; 2008 (20)-3; 2008 (20)-4; 2009 (3)-2; 2009 (3)-3; 2009 (5)-3; 2009 (5)-6; 2009 (12)-1; 2009 (12)-2; 2009 (12)-3; 2009 (12)-4; 2009 (14); 2009 (15); 2009 (18)-1; 2009 (18)-2; 2009 (18)-3; 2009 (18)-4; 2009 (19); 2009 (21)-1; 2009 (21)-2; 2009 (21)-3; 2009 (21)-4; 2009 (21)-5; 2009 (21)-6; 2009.5 (7)-6; 2010 (8); 2012 (1); 2012 (3); 2013 (4); 2013.1 (2)-1; 2013.1 (2)-2; 2013.1 (2)-3; 2013.1 (2)-4; 2013.1 (3); 2013.1 (4); 2013.1 (5); 2013.1 (6)-1; 2013.1 (6)-2; 2013.1 (6)-3; 2013.1 (7); 2013.2 (1); 2013.2 (2)-1; 2013.2 (2)-2; 2013.2 (2)-3; 2013.2 (2)-4; 2013.2 (2)-5; 2013.2 (2)-10; 2013.2 (2)-11; 2013.2 (2)-12; 2013.3 (2); 2013.3 (3)-1; 2013.3 (3)-2; 2013.3 (3)-3; 2013.3 (3)-4; 2013.4 (1); 2013.4 (2)-1; 2013.4 (2)-2; 2013.4 (2)-3; 2013.4 (2)-4; 2013.4 (2)-5; 2013.4 (2)-6; 2013.4 (2)-7; 2013.4 (3)-1; 2013.4 (3)-2; 2013.4 (3)-3; 2013.4 (3)-4; 2013.4 (3)-5; 2013.4 (4)-1; 2013.4 (4)-2; 2013.5 (1); 2013.5 (2)-1; 2013.5 (2)-2; 2013.5 (2)-3; 2013.5 (2)-4; 2013.5 (2)-5; 2013.5 (3)-1; 2013.5 (3)-2; 2013.5 (3)-3; 2013.5 (3)-4; 2013.5 (3)-5; 2013.5 (4)-1; 2013.5 (4)-2; 2013.5 (4)-3; 2013.6 (1)-1; 2013.6 (1)-2; 2013.6 (1)-3; 2013.6 (2); 2013.6 (3)-1; 2013.6 (3)-2; 2013.6 (3)-3; 2013.6 (3)-4; 2013.6 (3)-5; 2013.6 (4)-1; 2013.6 (4)-2; 2013.6 (4)-3; 2013.6 (4)-4; 2013.6 (5)-1; 2013.6 (5)-2; 2013.6 (6)-1; 2013.6 (6)-2; 2013.6 (6)-3; 2013.6 (6)-4; 2013.6 (7); 2013.6 (8)-1; 2013.6 (9)-1; 2013.6 (9)-2; 2013.6 (9)-3; 2013.7 (1)-1; 2013.7 (1)-2; 2013.7 (2); 2013.7 (3)-1; 2013.7 (3)-2; 2014 (7); 2016 (6); 2016 (7)-1; 2016 (7)-2; 2016 (7)-3; 2016 (7)-4; 2016 (12); 2016 (13)-1; 2017 (5); 2018 (2); 2021 (1); 2022; 2023 (2)-1; 2023 (2)-2; 2023 (2)-3; 2023 (5)-1; 2023 (5)-2; 2023 (5)-3; 2023 (5)-4; 2023 (5)-5; 2023 (5)-6; 2023 (5)-7; 2023 (5)-8; 2023 (6)-1; 2023 (6)-2; 2023 (6)-3; 2023 (6)-4; 2023 (6)-5; 2023 (7)-1; 2023 (7)-2; 2023 (7)-3; 2023 (7)-4; 2023 (7)-5; 2023 (7)-6; 2023 (7)-7; 2023 (7)-8; 2023 (8)-1; 2023 (8)-2; 2023 (8)-3; 2023 (8)-4; 2023 (9)-1; 2023 (9)-2; 2023 (9)-3; 2023 (9)-4; 2023 (9)-5; 2023 (9)-6; 2023 (9)-7; 2023 (9)-8; 2023 (9)-9; 2023 (10)-1; 2023 (10)-2; 2023 (10)-3; 2023 (10)-4; 2023 (10)-5; 2023 (10)-6; 2023 (10)-7; 2023 (10)-8; 2023 (11)-1; 2023 (11)-2; 2023 (11)-3; 2023 (11)-4; 2023 (11)-5; 2023 (11)-6; 2023 (11)-7; 2023 (11)-8; 2023 (12)-1; 2023 (12)-2; 2023 (12)-3; 2023 (13); 2023 (14)-1; 2023 (14)-2; 2023 (14)-3; 2023 (14)-4; 2023 (14)-5; 2024; 2025 (1)-1; 2025 (1)-2; 2025 (1)-3; 2025 (1)-4; 2025 (2)-1; 2025 (2)-2; 2025 (2)-3; 2025 (3)-1; 2025 (3)-2; 2025 (3)-3; 2025 (3)-4; 2025 (4)-1; 2025 (4)-2; 2025 (4)-3; 2025 (4)-4; 2025 (4)-5; 2025 (5); 2027-1; 2027-2; 2028 (1)-1; 2028 (1)-2; 2028 (2)-1; 2028 (2)-2; 2028 (2)-3; 2028 (2)-4; 2031 (28); 2036.1 (1); 2037 (1); 2037 (2); 2038 (2); 2040 (4); 2042 (5); 2044; 2045 (3); 2050 (2); 2050 (4); 2053 (3); 2053 (4); 2061; 2065 (1); 2065 (6); 2065 (7); 2092 (1)-1; 2092 (1)-5; 2092 (7)-3; 2092 (11); 2093.1-1-1; 2093.1-2; 2093.1-4; 2093.2-1; 2093.2-2; 2093.2-3; 2093.2-5; 2093.3-3; 2093.4-4; 2093.4-5; 2093.4-6; 2097.1 (1); 2097.1 (2); 2097.1 (3); 2097.2 (1); 2097.2 (2); 2097.2 (3); 2097.2 (5); and 2097.2 (6) (repealed) .....	1314
13 MCAR § 1.6501 (withdrawn) .....	1397

# PROPOSED RULES

---

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, 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 seven 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 modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

---

## Department of Administration Board of Electricity

### Proposed Amendment of Rules Governing Inspection Fees and Handling Fee for Request for Inspection Form

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

The Notice of Intent to Adopt Rules without a Public Hearing and the above referenced matter published at *State Register*, Volume 6, Number 33, pp. 1414-1417, February 15, 1982 (6 S.R. 1414) omitted the following statement:

Persons who wish to be advised of the submission of this material to the Attorney General should contact:

John Quinn  
Executive Secretary  
State Board of Electricity  
Room N-191, Griggs Midway Building  
1821 University Avenue  
Saint Paul, Minnesota 55104  
Telephone: (612) 297-2111

## Department of Administration Real Estate Management Division

### Proposed Rules Governing Leasing of State Property

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

Notice is hereby given that the State of Minnesota proposes to adopt the above entitled rules without a public hearing. The Commissioner of Administration 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, § 15.0412, subd. 4h (1980).

Persons interested in these rules shall have thirty (30) days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven (7) or more persons submit written requests for a public hearing on the proposed rules within the thirty 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, § 15.0412, subds. 4-4f.

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

Howard W. Eicher  
Real Estate Management Division  
Room G-22 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155  
Telephone: (612) 296-1897

Authority for the adoption of these rules is contained in Minnesota Statutes § 16.02, subd. 14. Additionally a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Real Estate Management Division of the Department of Administration upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Howard W. Eicher, at the above address.

A copy of the proposed rules is attached to this notice. Copies of this notice and the proposed rules are available and may be obtained by contacting Howard W. Eicher at the above address.

James J. Hiniker, Jr.  
Commissioner of Administration

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

**2 MCAR § 1.5302 Authority.** Rules 2 MCAR §§ 1.5302-1.5327 are authorized by Minn. Stat. § 16.02, subd. 14.

**2 MCAR § 1.5303 Purpose.** Rules 2 MCAR §§ 1.5302-1.5327 are promulgated to govern the leasing of state-owned real property which is temporarily not needed for public use and the leasing of which is not otherwise provided for or prohibited by law.

**2 MCAR § 1.5304 Definitions.**

A. Applicability. For the purposes of 2 MCAR §§ 1.5302-1.5327, the following terms have the meanings given them.

B. Commissioner. "Commissioner" means the Commissioner of the Department of Administration.

C. Department. "Department" means the Department of Administration.

D. Real estate management division. "Real estate management division" means the Real Estate Management Division of the Department of Administration.

**2 MCAR § 1.5305 Commissioner's duties.** The commissioner shall establish and enforce the conditions in a lease entered into under 2 MCAR §§ 1.5302-1.5327.

**2 MCAR § 1.5306 Responsibility for leasing.** The commissioner shall determine whether a state-owned property will be leased. The commissioner shall make the determination after a comprehensive evaluation of the circumstances surrounding the proposed lease.

**2 MCAR § 1.5307 The property may be leased only if the evaluation referred to in 2 MCAR § 1.5306 discloses the following:**

A. That the property is available for lease;

B. That the applicant for the lease is willing and able to pay rent which, at a minimum, equals the state's direct and indirect costs in providing the property being leased;

C. That the proposed use of the property by the applicant for the lease is compatible with existing or contemplated state operations and programs that might be affected by the lease;

D. That the proposed use of the property by the applicant for the lease is in compliance with all state and local ordinances and codes;

E. That the applicant is duly licensed to use the property as proposed in the application for the lease; and

F. That the proposed use of the property by the applicant for the lease will not adversely affect the neighborhood or community in which the property is located.

**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

---

The compatibility required by C. shall be established by the heads of the agencies operating the affected existing or contemplated state programs. The commissioner shall not lease state property without a written statement from affected agency heads that the proposed use of the property by the lessee is not incompatible with existing or contemplated state operations and programs.

**2 MCAR § 1.5308. Effect of lease on community; final jurisdiction.** The commissioner has final jurisdiction in establishing whether the effect of the lease of the state-owned property on the neighborhood or community in which the property is located is adverse to the extent that the property should not be leased.

**2 MCAR § 1.5309 Adverse effect of lease; public hearing.** Notwithstanding 2 MCAR [ 1.5308, when the commissioner has information that a serious adverse effect on the neighborhood or community may be created by the leasing of the property, or when the commissioner has information that the leasing of the property is objectionable to a substantial number of citizens in the neighborhood or community, the commissioner may direct that a public hearing be convened.

**2 MCAR § 1.5310 Public hearing procedure.**

A. Informal process; opportunity for hearing. The hearing referred to in 2 MCAR § 1.5309 shall be informal. It shall provide an opportunity to all interested persons to publicly object to or support, orally or in writing, the lease being considered.

B. Advertisement. The hearing must be advertised in a newspaper having general circulation in the area in which the property is located. The advertisement must appear at least one week before the date of the hearing. In addition to announcing the time and the place of the hearing and the subject to be discussed, the advertisement shall invite written testimony by all persons unable or unwilling to appear.

C. Written testimony. Persons wishing to testify in writing as authorized in A. will be invited to do so by writing to: Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

D. Findings of fact; decision. Within ten working days following the hearing the commissioner shall make findings of fact based on testimony at the hearing and shall decide to lease or not to lease the property.

E. Published notice of decision. The commissioner shall, by publication in the *State Register* and by conspicuous posting in the real estate management division, give notice of the decision and the reasons for the decision.

F. Mailed notice of decision. Each party who has expressed an interest in leasing the property shall be notified by mail of the commissioner's decision and the reasons for the decision.

**2 MCAR § 1.5311 Drafting of lease.** The real estate management division shall draft all real property leases. Each lease shall be in accord with its policy and procedures and shall be in a form approved by the attorney general.

**2 MCAR § 1.5312 Advertising expenses and other pre-lease costs.** Advertising expenses and other pre-lease costs incurred by the real estate management division in leasing the property shall be borne by the agency which had custodial control of the property when it was declared temporarily unneeded.

**2 MCAR § 1.5313 Notice to interested parties.**

A. Request for notice. All parties wishing to be notified of the availability for lease of temporarily unneeded state property may request notification by written request sent to: Director of the Real Estate Management Division, G-22 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

B. List of requesters. A list of parties who request notification or whose interest in leasing such property is otherwise known to the real estate management division shall be maintained by the real estate management division. The list shall indicate the particular areas in which the interested party has expressed an interest.

C. Retention of names on list. Each interested party's name shall remain on the list for one year. Then the name shall be removed unless a new expression of interest is made known to the real estate management division.

D. Mailing of notice. The notice that a property is available for lease shall be mailed to all appropriate parties on the list when state-owned property becomes available for lease. The notice shall be mailed at least 15 calendar days before the bid return deadline.

**2 MCAR § 1.5314 Advertisement of property in *State Register*.** In addition to mailing of the notice described in 2 MCAR § 1.5313 D., the real estate management division shall, except as provided in 2 MCAR § 1.5315, advertise the property for lease in the *State Register*.

**2 MCAR § 1.5315 Advertisement of property in newspaper.**

A. Requirement. When the commissioner has information that more than two parties are interested in leasing the property, he shall advertise the property for lease in a newspaper having general circulation in the area in which the property is located.

B. Time. The newspaper advertisement shall appear on the same day of the week for two successive weeks. The final advertisement shall appear at least seven days before opening of bids.

**2 MCAR § 1.5316 Notice that property will not be leased.** If a decision is made not to lease property for which application to lease has been received, public notice of the decision and reasons for the decision shall be published in the *State Register* and posted in the real estate management division.

**2 MCAR § 1.5317 Posting of notification that property has been leased.** When a property has been leased, notification shall be posted conspicuously in the real estate management division for a period of 30 days from the date of execution of the lease.

**2 MCAR § 1.5318 Awarding of lease.**

A. Open competition. Except as provided in 2 MCAR §§ 1.5319-1.5320, the lessee shall be selected on the basis of free and open competition.

B. Award standards. The property shall be leased to the highest responsible bidder, consistent with the state's intended use and management of the property, if the bid fulfills the minimum rent required in 2 MCAR § 1.5307 B.

C. Rejection and waiver. The department expressly reserves the right to reject any or all bids or to waive informalities in them.

**2 MCAR § 1.5319 Waiver of competitive bidding process.** Open competitive bidding for leasing state-owned property may be waived when the commissioner determines that one or more of the following circumstances exist:

A. There is only one interested party that can feasibly use the property;

B. The contemplated rental term is 90 days or less;

C. The party wishing to lease the property is a not-for-profit organization, and the proposed lessee's occupancy is clearly a public benefit as determined by the commissioner; or

D. Factors other than bid price, such as maintenance of the property, are paramount.

**2 MCAR § 1.5320 Order of priority in awarding leases.** Except to the extent that the state reserves the right to advertise unneeded property to protect the integrity of the competitive bidding process, the state shall refrain from engaging in the real estate market. Unused state real estate shall be made available to entities in the following order of priority:

A. State departments and agencies;

B. University of Minnesota;

C. Other governmental subdivisions;

D. Public or not-for-profit organizations with particular priority given to those organizations which operate to provide a social or community service;

E. Private enterprises established for profit, with particular priority given to those organizations which operate to provide a social or community service.

**2 MCAR § 1.5321 Protection of state's interests; legal claims.** The lessee shall, in every instance, be required to indemnify and hold the state harmless for any claim, meritorious or otherwise, and for any causes of action, regardless of their nature, arising directly or indirectly out of lessee's use or occupancy of the property. The state shall not be liable for any damage to property of the lessee or injury to lessee or the lessee's invitees.

**2 MCAR § 1.5322 Liability insurance to be purchased by lessee.**

A. Requirement and amount. If in the judgment of the commissioner the proposed use or occupancy of the property by the applicant for the lease will seriously jeopardize life or property, the lessee shall be required to purchase liability insurance which protects all persons and their property from injury or damage. The amount of liability insurance shall not be less than: \$100,000 minimum coverage per person per occurrence; \$500,000 minimum coverage per occurrence; and \$100,000 minimum additional coverage for damages to or loss of property per occurrence.

B. Contents; copies. The insurance policy shall name the state of Minnesota as an additional insured. A copy of either the policy or a certificate of insurance shall be furnished to the state before occupancy by the lessee. The policy shall include an

**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

---

---

endorsement providing for not less than 15 days prior written notice to the state in the event of material change or cancellation of the insurance.

C. State as sole insured. If in the judgment of the commissioner the proposed use or occupancy of the property by the applicant for the lease will place life or property in severe jeopardy, the commissioner may require that the liability policy required in A. and B. be a policy in which the state of Minnesota is named as the sole insured.

**2 MCAR § 1.5323 Improvements to become property of the state.** All improvements to the property made by a lessee shall become the property of the state except as expressly agreed upon in the lease.

**2 MCAR § 1.5324 Cost of remodeling, upgrading, or landscaping property.** The cost of remodeling, upgrading, or landscaping the property to prepare or maintain it for lessee's use, or the cost of remodeling or retrofitting to bring a property into compliance with the state building code or any local code shall be borne solely by the lessee.

**2 MCAR § 1.5325 Material change in premises; prior approval required.** Remodeling, upgrading, landscaping, retrofitting, or any other action which will materially change the premises shall not be commenced by the lessee without prior approval of the commissioner.

**2 MCAR § 1.5326 Disposition of funds; where deposited.** Except as otherwise provided by law, money received by the commissioner from the leasing of unneeded state property shall be credited to the general fund of the state. However, a portion of the proceeds from the lease equal in amount to the advertising expenses and other pre-lease costs referred to in 2 MCAR § 1.5312 may be remitted to the account from which the expenses and costs were paid. Funds so remitted to the account are appropriated and immediately available for expenditure in the same manner as other money in the account.

**2 MCAR § 1.5327 Status of property upon expiration of lease.** Expiration or termination of a lease returns the property to the ownership status it had when it was declared temporarily unneeded.

**Repealer.** Rule 2 MCAR § 1.5301 is repealed.

## ADOPTED RULES

---

---

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

---

### Department of Agriculture Shade Tree Program

#### Adopted Amendments to Rules Governing the Shade Tree Program

The rules proposed and published at *State Register*, Volume 6, Number 24, pages 1111-1113, December 14, 1981 ( 6 S.R. 1111) are now adopted as proposed.

### Small Business Finance Agency

#### Adopted Amendment Regarding the Making of Business Loans

The rule proposed and published at *State Register*, Volume 6, Number 21, pages 1016-1018, November 23, 1981 (6 S.R. 1016) is now adopted with the following modification:

**4 MCAR § 14.021 Application procedures.**

E. Notification of determination. After approving or disapproving an application, the executive director shall notify the applicant of the determination and the treatment of the application as follows:

3. If the executive director determines that any of the costs described in the application are not eligible for funding, the executive director shall note the deficiencies in the application and shall so notify the owner. The owner shall have 30 days from the date of the executive director's notification to amend the application. In the event the application is amended in a timely fashion to include only eligible costs, it shall be treated in accordance with the agency review provisions established in 4 MCAR § ~~14.021~~ 14.023. If the application is not properly amended within 30 days, the application shall be deemed rejected and not further considered.

---

---

**TAX COURT**

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

---

**State of Minnesota****Tax Court**

Carl H. Kopplow,  
Appellant,

v.

Commissioner of Revenue,  
Appellee.

In the Matter of the Appeal from the Commissioner's Order, dated January 30, 1981, relating to Minnesota gift tax.

Order dated February 19, 1982

Docket No. 3277

The above matter came on for trial on January 12, 1982, before the Minnesota Tax Court at Nobles County Courthouse in Worthington, Minnesota, the Honorable Earl B. Gustafson, Judge presiding.

William T. Hedeem appeared as attorney for Appellant and James W. Neher, Special Assistant Attorney General, appeared for Appellee.

**Syllabus**

Where farm property is sold at less than fair market value, the difference between the "bargain" purchase price and the fair market value may be considered a gift subject to the Minnesota gift tax.

In determining the gift tax the value, rather than the cost, of improvements made by the donee prior to the "bargain" sale should be deducted from the fair market value.

**Findings of Fact**

1. The subject property is a 160-acre farm in Nobles County owned by Henry Kopplow until his death on October 17, 1976.
2. By the terms of Henry Kopplow's last will and testament, the property passed to his son, Carl Kopplow.
3. Carl Kopplow in 1976 after Henry's death verbally agreed to sell the property to his son LeWayne Kopplow for whatever price the farm would eventually be valued at in Henry Kopplow's estate.
4. Henry Kopplow's estate was closed in the fall of 1977 with the farm being valued for probate and inheritance tax purposes at \$124,000.
5. On or about December 31, 1977, Carl Kopplow executed a contract for deed selling the property to LeWayne Kopplow and his wife Marsha Kopplow for \$124,000, as earlier agreed.
6. During 1977, prior to the execution of the contract for deed, LeWayne Kopplow made substantial improvements to the property.
7. The reasonable value of tiling improvements made by LeWayne Kopplow was \$37,000 and the reasonable value of a new silo constructed in 1977 was \$13,000.

8. The fair market value of the property including all improvements, as of December 31, 1977, was \$208,000.

### Conclusions of Law

1. In determining gift tax liability, the commissioner should consider the fair market value, as of December 31, 1977, to be \$208,000 and deduct from this the improvements of \$50,000.

2. The value of the gifted property would therefore be \$158,000 less the purchase price of \$124,000, or \$34,000.

3. The Commissioner of Revenue's Order, dated January 30, 1981, should be amended consistent with this decision.

LET JUDGMENT BE ENTERED ACCORDINGLY.

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

### Memorandum

The question to be determined in this case is the reasonable market value, for gift tax purposes, of a 160-acre farm in Nobles County which was sold under contract for deed dated December 31, 1977, by Carl H. Kopplow to his son and daughter-in-law, LeWayne and Marsha Kopplow, for a purchase price of \$124,000. The commissioner originally claimed that the fair market value of the property on that date was \$228,000 and that a gift tax must be computed and paid on the difference of \$104,000.

At the trial held in Worthington on January 12, 1982, it became evident that the purchaser, LeWayne Kopplow, had made improvements that increased the value of the farm. The commissioner now concedes that the out-of-pocket costs of these improvements, totaling \$25,013, should be deducted from the commissioner's value of \$228,000. This would mean that the gift tax should be computed, according to the commissioner, on the difference between \$202,987 and the contract for deed price of \$124,000, or \$78,987.

After reviewing and analyzing the evidence, the Court is of the opinion that the fair market value of the property on December 31, 1977, was \$1,300 per acre or \$208,000. The Court is also of the opinion that there should be a deduction of \$50,000 from this figure for the reasonable market value of improvements made by LeWayne Kopplow. This means that in computing any gift tax the commissioner should use the figure \$158,000.

Shortly before LeWayne Kopplow bought this farm on contract for deed from his father, Carl, the property passed through the estate of his grandfather, Henry Kopplow. Henry died on October 17, 1976, leaving the farm to Carl. LeWayne and his wife were already living on the farm and immediately after Henry's death they entered into a verbal agreement with Carl to buy the property at the appraised value in Henry's estate. The farm was valued for probate and inheritance tax purposes at \$124,000 and this figure was accepted by the Inheritance and Gift Tax Division of the Commissioner of Revenue. Because some time passed before the estate was settled, the actual written contract for deed was not executed until December 31, 1977. In the meantime, LeWayne started to make substantial improvements on the land including the construction of a silo and constructing a tiling system that drained substantial portions of the lowland and resulted in bringing 37 additional acres into cultivation. These improvements were made before December 31, 1977, and, therefore, the market value of the property on that date reflected an increase in value that was to some extent attributable to the improvements or "contributions" made by the donee, LeWayne Kopplow. The commissioner concedes that there should be some deduction from the fair market value for LeWayne's "contributions." There is, however, a question as to how these "contributions" should be valued. The evidence indicates that the cost of installing the tiling, which was paid by the donee, LeWayne Kopplow, was \$12,013 and that he paid \$13,000 for the silo. This does not, however, include any figure for the reasonable value of his labor.

Mr. Bruce Johnson, appraiser for the state, testified that if he were to appraise the farm without the silo, he would subtract \$5,600 from the value he placed on the structures. In other words, in his opinion, the silo contributed \$5,600 to the value of the farm or \$7,400 less than LeWayne Kopplow's cost of building this structure. This \$5,600 figure for the value of the silo appears somewhat low to the Court, but we accept the proposition that cost does not automatically translate into market value. This is borne out when we look at the tiling. Although the actual construction cost of the tiling was \$12,013, this, in the opinion of the Court, added substantially more than this figure to the market value of the property. It is undisputed that it directly resulted in making 37 acres of very rich farmland available for tillage. It is our finding that these 37 acres were increased in value from \$300 per acre to \$1,300 per acre, thus increasing the market value of the farm by \$37,000. We find the value of the new silo to be \$13,000 and, therefore, the total value of the contributions made by the donee, LeWayne Kopplow, is \$50,000. When this \$50,000 is deducted from the market value of \$208,000, the proper figure to use in computing the gift tax is \$158,000 less the contract price of \$124,000, bringing the value of the gift to \$34,000.

E.B.G.

# SUPREME COURT

---

---

## Decisions Filed Friday, February 26, 1982

Compiled by John McCarthy, Clerk

81-517/Sp. Seymour B. Schonwetter, *et al.*, Relators, v. The Commissioner of Revenue. Tax Court.

Income from electing small business corporations is not taxable under Minn. Stat. § 290.17 (1) (1976) as income from businesses consisting principally of the performance of personal or professional services where taxpayers did not personally render such services for the corporations.

Reversed. Amdahl, C. J. Took no part, Kelley, J.

51924 Edmund A. Vikse, *et al.*, v. Gerald Flaby, *et al.*, Defendants, Joe S. Agers, *et al.*, Appellants. Fillmore County.

The assertion of personal jurisdiction over one of the appellants was permissible under the Minnesota long-arm statute and did not violate due process.

Despite never having directly dealt with them, appellants may nevertheless have been properly found to have committed fraud against the respondents.

Appellants waived their right to a separate submission on punitive damages.

A new trial will not be granted on the basis of newly discovered evidence where the new evidence was not discovered because of a lack of due diligence.

Appellants' claims of judicial error at trial are either meritless, not prejudicial, or both.

Affirmed. Scott, J. Took no part, Kelley, J.

81-170/Sp. Paul D. Anderson, Relator, v. Moberg Rodlund Sheet Metal Company, Commissioner of Economic Security. Department of Economic Security.

Employee-relator did not receive proper and adequate notice of the grounds for appeal from the Department of Economic Security when the commissioner's representative remanded the case to the appeal tribunal without sending him a copy of the letter which constituted the employer's "notice of appeal."

Reversed and remanded. Wahl, J. Took no part, Kelley, J.

# STATE CONTRACTS

---

---

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

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

---

## Department of Energy, Planning and Development Energy Division Office of Conservation and Alternatives

### Notice of Request for Proposals for Technical Evaluation of Energy Conservation Measure Grant Applications

The Financial Services Activity of the Energy Division is seeking an engineering and/or architectural firm to perform technical review of grant applications received for the Federal Institutional Buildings Grants Program. This firm will be responsible for evaluating eligibility of grant requests and verifying technical information contained in the grant applications. The firm will also assist the Energy Division in ranking applications and notifying institutions of the results of technical review. These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested from and all inquiries should be directed to:

## STATE CONTRACTS

---

Rick Korinek  
Financial Services Activity  
Energy Division  
Department of Energy, Planning and Development  
980 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 296-9326

It is anticipated that this technical review process will examine Energy Conservation Measure grant applications for approximately 500 buildings. Total cost should not exceed \$20,000. The deadline for submission of completed proposals will be the close of the working day on Monday, March 29, 1982. All contractors with the Department of Energy, Planning and Development must apply for a Certificate of Compliance from the Minnesota Department of Human Rights, 240 Bremer Building, St. Paul, Minnesota 55101.

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

#### **Notice of Request for Credentials for an Investigation of Water Treatment for the Removal of Polynuclear Aromatic Hydrocarbons and other Coal Tar Derivatives from Contaminated Ground Water**

The Minnesota Pollution Control Agency (MPCA) is issuing a Request for Credentials (RFC) for consulting firms qualified to conduct an investigation to review and assess water treatment alternatives, conduct bench tests of potential water treatment alternatives, conduct pilot plant studies of effective alternative(s), investigate alternative sources of potable water, conduct a cost effectiveness analysis of the water supply and gradient control options proposed in the Hickok report, 1981, and, if an effective method of treatment is demonstrated, outline a scope of work and present cost for plans and specifications for removal of polynuclear aromatic hydrocarbons (PAH) from contaminated water supplies in St. Louis Park. The purpose of the water treatment is to remove PAH present in the ground water to levels measured in low nanograms per liter. However, the presence of other organic chemicals will be investigated. Bench tests will also be conducted on more heavily contaminated ground water to assess the range of effective PAH removal.

The consulting firms most qualified to conduct the investigation will be invited to prepare and submit study proposals. The selection will be based on the submitted statement of credentials. The selected group of firms will attend an informational meeting prior to preparing study proposals. A proposal for the plan of study SHOULD NOT be submitted with the statement of credentials.

The complete text of the RFC and the project description may be obtained from:

Richard R. Ferguson  
Solid and Hazardous Waste Division  
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, Minnesota 55113

The approximate cost for these services is estimated at \$200,000.

The deadline for receipt of the statement of credentials is March 29, 1982, 4:30 p.m.

### **Department of Transportation Technical Services Division**

#### **Notice of Availability of Contract for Preliminary Engineering—Design**

The Minnesota Department of Transportation requires the services of a qualified consultant to perform preliminary engineering services.

The work will consist of the preparation of final design construction plans for the relocated Main Street Bridge over the Minnesota River, the Belgrade Avenue Bridge over Trunk Highway 169 in North Mankato, roadway plans for the revised Belgrade Avenue/Trunk Highway 169 interchange and the Mulberry Street/Trunk Highway 60 interchange in Mankato.

The estimated fee is anticipated to be \$700,000.00.

Firms desiring consideration shall express their interest and submit their current Federal Forms 254 and 255 before March 15, 1982.

This is not a request for proposal. Send your response to:

B. E. McCarthy  
Consultant Services Engineer  
Room 612B  
Transportation Building  
St. Paul, Minnesota 55155

---

---

**OFFICIAL NOTICES**

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

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

---

---

**Department of Energy, Planning & Development  
Energy Policy Development Council****Notice of Council Meeting**

The next meeting of the council is scheduled for March 15, 1982. The meeting will be held from 1:00 to 4:30 and will include presentations on energy conservation financing and rural institutions. Contact Karla Sand, 296-5124, for the meeting location and further details.

**Office of the Governor****Notice of Appointment of Department Head**

In accordance with Minn. Stat. § 15.06, subd. 2, notice is hereby given of the appointment of James H. Main as Commissioner of the Department of Veterans Affairs effective March 2, 1982.

**Metropolitan Health Board****Meeting Notice**

The Metropolitan Health Board of the Twin Cities Area meets regularly on the second and fourth Wednesdays of each month at 4 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101. The subcommittees of the Metropolitan Health Board usually meet at various starting times on these same days prior to the Metropolitan Health Board meetings. The public is cordially invited to attend any of these meetings. For additional information or questions on any of these meetings with regard to time, locations or agendas, please contact the Metropolitan Health Board, 300 Metro Square Building, St. Paul, Minnesota 55101, telephone 291-6352.

Barbara O'Grady, Chairperson  
Metropolitan Health Board

**Minnesota Teachers Retirement Association****Meeting Notice**

The Board of Trustees, Minnesota Teachers Retirement Association, will hold a meeting on Thursday, March 25, 1982, at 9 a.m. in the office of the association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may properly come before the board.

## **Department of Transportation**

### **Notice of Intent to Solicit Outside Opinion Regarding Rules Governing Individual Eligibility for Special Transportation Service in the Metropolitan Area**

Notice is hereby given that the State of Minnesota, Department of Transportation, is seeking information or opinions from sources outside the Department of Transportation in preparing to promulgate new rules governing individual eligibility for special transportation service in the metropolitan area under the Metro Mobility project. The promulgation of these rules is authorized by Minnesota Statutes § 174.31, subd. 3(h), which requires the Department of Transportation to establish criteria to be used in determining such eligibility.

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

Robert M. Works, Director  
Office of Transit Administration  
Minnesota Department of Transportation  
419 Transportation Building  
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2533 or (612) 296-7052 and in person at the above address.

All statements of information and comment shall be accepted until April 12, 1982. Any written material received by the Department of Transportation shall become part of the record in the event that the rules are promulgated.

February 26, 1982

Richard P. Braun  
Commissiner of Transportation

## **Water Planning Board**

### **Notice of Meeting**

Notice is hereby given that the Water Planning Board will hold a meeting on Tuesday, March 16, 1982 in the Department of Natural Resources third floor conference room in the Centennial Office Building, 658 Cedar Street, St. Paul. (9:30 a.m.-2:00 p.m.). An agenda for the meeting may be obtained one week prior to the meeting by contacting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski, Chairman  
Minnesota Water Planning Board

## **Water Resources Board**

### **Notice of Hearing on the Adopted Overall Plan of the "Carnelian-Marine Watershed District"**

A public hearing on the adopted Overall Plan of the "Carnelian-Marine Watershed District" will begin at 1:30 p.m. on Thursday, March 18, 1982, in the Council Chambers of the Municipal Building of the City of Stillwater, 216 North Fourth Street, Stillwater, Minnesota 55082.

A complete Notice of and Order for Hearing will be published in the February 26 and March 5, 1982 editions of the *Stillwater Gazette*. Copies of the complete notice are also available from the Minnesota Water Resources Board's office at 555 Wabasha Street, St. Paul, Minnesota 55102, (612-296-2840).

Duane Ekman, Chairman  
Minnesota Water Resources Board

The *Minnesota Guidebook to State Agency Services 1982-83* is now available in a new, revised edition. This 750-page resource book is the key that opens the door to thousands of agency services, licenses, grants, publications, vital information and Minnesota lore. It guides readers through requirements, forms and fees, applications and complaint filing, and tells the length of waiting time for obtaining services.

The *GUIDEBOOK* is more important than ever before due to the shift in programs from the federal level to state and local government, and because of reorganizations in the state government. It is an indispensable resource for providing fast and clear answers to questions about Minnesota and state government. The *GUIDEBOOK* tells how to obtain grants, scholarships, assistance programs, information services, maps, guides and studies. It lists statewide emergency numbers, hot-lines, crisis shelters and information-referral services. The *GUIDEBOOK* gives you direct access to all state agencies and explains what each agency does, how it is organized, who is in charge and why it was established.

The *GUIDEBOOK* has the only complete listing of licenses and permits required in Minnesota, for the professions and occupations as well as recreation and vehicles. The book tells where to obtain them, how much they cost, what applications to fill out, and how to renew them.

A new section on agency rulemaking and administrative law gives a clear explanation of the process that directs agencies to set rules of procedure that have the force and effect of law. Additional information has been included about the University of Minnesota, Community Colleges, State Universities, historic sites, state parks and trails, Indians and reservations, statewide drivers license examining stations, veterans hospitals and service centers, hearings, Voyageurs National Park, health systems agencies and statewide regional arts councils.

The state legislature and courts are also described in detail, listing House and Senate committees, chairpersons, meeting places and times. U.S. Congressmen and Senators from Minnesota and the region are included with their addresses and phone numbers. The book tells how to arrange tours of the Capitol, museums, and historic sites, and when to view the House and Senate from the galleries. It explains the court system and how a bill becomes a law, and when you can sit in on Supreme Court proceedings. Also listed are legislative and judicial commissions, law board admission requirements and professional standards for lawyers and judges.

The Minnesota Profile is crammed with facts about Minnesota's geological formation and historical development, listing names, dates, significant events and vital statistics. It gives anyone with a question about Minnesota colorful and interesting facts about the state, its people, arts, commerce and industry, agriculture, forestry, health, government, climate, education, manufacturing and recreation.

---

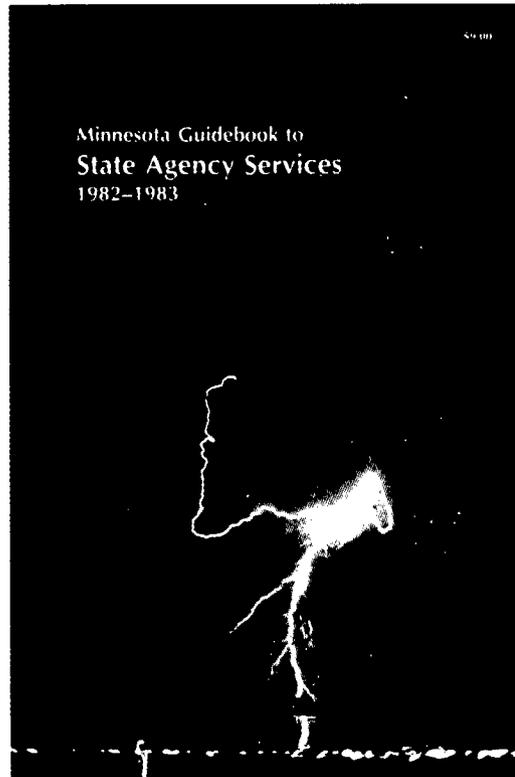
Copies of the *1982-83 Minnesota Guidebook to State Agency Services* are available only through the Minnesota State Documents Center and cost \$9.00 plus 45¢ tax. To avoid tax please list your tax-exempt number. Orders should be returned to the address above.

Please send me \_\_\_\_\_ *GUIDEBOOK(S)* (call for quantity discount prices). Enclosed is a check or money order made out to the Minnesota State Documents Center for the full amount. **All orders must be prepaid**, purchase orders cannot be accepted.

Name: \_\_\_\_\_ Tax exempt #: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



STATE OF MINNESOTA  
DEPARTMENT OF ADMINISTRATION  
STATE REGISTER AND  
PUBLIC DOCUMENTS DIVISION  
117 UNIVERSITY AVENUE  
ST. PAUL, MINNESOTA 55155  
(612) 297-3000  
TOLL-FREE 1-800-652-9747

STATE OF MINNESOTA  
State Register and Public Documents Division  
117 University Avenue  
St. Paul, Minnesota 55155

## ORDER FORM

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

\_\_\_\_\_ Annual subscription \$130.00  
\_\_\_\_\_ Single copies \$3.00 each

**Minnesota Guidebook to State Agency Services 1982-83** A 750-page reference guide to services provided by Minnesota agencies.

\_\_\_\_\_ Single copy \$9.00 + \$.45 sales tax = \$9.45 each

**Session Laws of Minnesota—1981.** Two volumes. Laws enacted during the 1981 legislative session. Inquire about back volumes. \$25 + \$1.25 (sales tax) = \$26.25.

**State Register Binder.** Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

\_\_\_\_\_ *State Register Binder* \$6.00 + \$.30 (sales tax) = \$6.30\* each

**State Register Index.** Contains cumulative findings aids to Volume 5 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

\_\_\_\_\_ Single copy \$5.00

**Minnesota Statutes Supplement—1981.** One volume. \$25 + \$1.25 (sales tax) = \$26.25.

**Worker's Compensation Decisions.** Volume 34. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service.

\_\_\_\_\_ Annual subscription \$50.00

**Documents Center Catalog—1981-82.** Complete listing of all items available through the Documents Center. Agency rules, brochures, studies, catalogs, maps, prints, commemorative items and much more.

\_\_\_\_\_ FREE COPY

\*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue.

Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

Name \_\_\_\_\_

Attention of: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

## FOR LEGISLATIVE NEWS

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

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

**Perspectives**—Publication about the Senate. Contact Senate Information Office.

**Weekly Wrap-Up**—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

**This Week**—weekly interim bulletin of the House. Contact House Information Office.

---

Legislative Reference Library  
Room 111 Capitol

Interoffice