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STATE REGISTER

STATE OF MINNESOTA

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VOLUME 6, NUMBER 44

May 3, 1982

Pages 1805-1836



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			
45	Monday April 26	Monday May 3	Monday May 10
46	Monday May 3	Monday May 10	Monday May 17
47	Monday May 10	Monday May 17	Monday May 24
48	Monday May 17	Monday May 24	Monday May 31

*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. § 15.051. 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*.

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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
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EXECUTIVE ORDERS**Executive Order No. 82-6****Amending Executive Order No. 82-4 Providing for the Establishment of a Governor's Council on County Financial Accounting and Reporting Standards (COFARS)**

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, including but not limited to Minnesota Statutes, Sections 4.035 and 15.0593 (1981), do hereby issue this Executive Order:

WHEREAS, Executive Order No. 82-4 was issued on February 26, 1982, establishing a Governor's Council on County Financial Accounting and Reporting Standards (COFARS) for the purpose of providing intergovernmental cooperation in the implementation of COFARS; and

WHEREAS, it is necessary and desirable to amend Executive Order No. 82-4 to add two additional members to the Task Force for the purpose of assuring the fullest cooperation of the involved state and county governmental agencies;

NOW, THEREFORE, I Order:

Paragraph 2 of Executive Order No. 82-4 is hereby amended to read as follows:

2. The Task Force shall be composed of thirteen (13) members appointed by the Governor and shall consist of:

a. One representative from each of the following state agencies and offices: Office of the State Auditor, Revenue Department, Health Department, Department of Public Welfare, Department of Corrections, and the Department of Transportation.

b. One member representing the following offices of county government from the counties of Minnesota: county auditor, department of social services, county health department, department of community corrections, county engineer, and a county financial officer.

c. One member representing the Minnesota Association of Counties who must be a county commissioner.

Representatives of county government shall be selected to maximize the representation of different counties and different regions of the State. The Chairman of the Council shall be the State Auditor.

EXECUTIVE ORDERS

Pursuant to Minnesota Statutes, Section 4.035 (1981), this Order shall be effective fifteen (15) days after filing with the Secretary of State and publication in the *State Register* and shall remain in effect until it is rescinded by proper authority or expires in accordance with Minnesota Statutes, Section 4.035 (1981), subdivision 3.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 14th day of April, 1982.

Albert H. Jurek

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 Public Safety Safety Administration Division

Proposed Rules Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above-entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. § 169.974. 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 Department of Public Safety 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 request to the above address.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subd. 11 defines a lobbyist 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 (b) who spends 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. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7.

John P. Sopsic
Commissioner of Public Safety

Rules as Proposed

~~SafAd 46~~ 11 MCAR § 1.0046 Purpose and ~~scope~~ statutory authority.

(a) ~~Purpose.~~ The purpose of this regulation 11 MCAR §§ 1.0046-1.0048 is to establish minimum standards for design and construction of protective headgear to be worn by operators and passengers of motorcycles as required by ~~the provisions of Minnesota Statutes (1971) Minn. Stat. § 169.974, subdivision~~ subds. 2, clause (d) and 4.

(b) ~~Scope.~~ The scope of this regulation is intended to be consistent with the powers of the Commissioner of Public Safety provided by Minnesota Statutes (1971) 169.974, subdivision 4.

~~SafAd 47~~ 11 MCAR § 1.0047 Minimum standards for design and construction. Protective headgear required to be worn by operators or passengers of motorcycles shall be designated and constructed ~~in compliance with so as to equal or exceed the specifications contained in Standard Z90.1 No. 218 of the American National Standards Institute, 1430 Broadway, New York, New York, 10018, Federal Motor Vehicle Safety Standards as published January 1, 1972 in Code of Federal Regulations, title 49, section 571.218 (1980). Protective headgear meeting this standard is deemed approved by the Commissioner of Public Safety.~~

~~SafAd 48~~ 11 MCAR § 1.0048 Markings and identification.

(a) ~~Helmet A.~~ Markings required. The manufacturer shall ~~include~~ mark helmets with the standard to which the helmet has been tested; the trade mark or manufacturer's name or initials; and the model designation.

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

(b) Helmets shall be marked with trade mark or name (initials acceptable) of the manufacturer and model designation, permanently molded, stamped, branded, engraved, or etched on B. Marking methods. The manufacturer shall mark the helmet shell or on a component part permanently attached to part of the helmet by permanent molding, stamping, branding, engraving, or etching.

Repealer. Rules of the Department of Public Safety, Safety Administration Division, SafAd 49 and 50 are 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 Health Environmental Health Division

Adopted Rules Relating to Public Water Supplies

The rules proposed and published at *State Register*, Volume 6, Number 11, pages 434-445, September 14, 1981 (6 S.R. 434) are now adopted with the following modifications:

Rules as Adopted

7 MCAR § 1.145 General information and definitions.

B. Definitions. The following definitions apply to 7 MCAR §§ 1.145-1.149, unless the context indicates otherwise.

22. Turbidity unit. "Turbidity unit" means an amount of turbidity equivalent to that in a solution composed of .000125 percent hydrazine sulfate and .00125 percent hexamethylenetetramine in distilled and filtered (100 ~~m~~ μ pore size membrane) water, as measured by a nephelometric turbidimeter.

7 MCAR § 1.146 Maximum contaminant levels. The following levels shall be the enforceable maximum contaminant levels for all public water supplies in the state.

C. Inorganics.

1. The following are the maximum contaminant levels for inorganic chemicals applicable to community water supplies:

Contaminant	Level, milligrams per liter
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Fluoride	2.2
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.95 <u>0.05</u>

7 MCAR § 1.147 Monitoring and analytical requirements.**A. In general.**

2. The following terms, which are used in B.-L., shall have the meanings given them. The department will make available to the public any analytical method referenced in this rule if the method is not available for lending from a public library.

B. Microbiological contaminant sampling and analytical requirements.

3. The supplier of water for a non-community water supply shall sample for coliform bacteria at least once in each calendar quarter during which the supply provides water to the public. Such sampling shall begin before June 24, 1979. If the commissioner determines, on the basis of a sanitary survey which includes a determination of compliance with the Minnesota Water Well Construction Code, 7 MCAR §§ 1.210-~~1.255~~ 1.224, that it is more appropriate for the supply to sample on a frequency other than quarterly, the commissioner shall impose a special sampling frequency. Such special frequency shall then be the frequency required under these rules and shall be confirmed or changed on the basis of subsequent surveys.

C. Turbidity sampling and analytical requirements.

1. d. Sampling by community water supplies ~~that~~ shall begin before the effective date of these rules. Sampling by non-community water supplies shall begin before June 24, 1979.

E. Organic chemical contaminant sampling and analytical requirements.

2. Analytical requirements for compliance with 7 MCAR § 1.146 D.1. and 7 MCAR § 1.146 D.2. shall be described in a. and b.

b. Analyses made to determine compliance with 7 MCAR § 1.146 D.2. shall be conducted in accordance with EPA Organochlorine Methods; or Standard Methods, Method 509-B; or ASTM, Method D-3478-79; or USGS ~~1979~~ 1972, "Gas Chromatographic Methods for Analysis of Organic Substances in Water." Chapter A-3. See 7 MCAR § 1.147 A.2. for complete title of reference sources.

5. Total trihalomethanes sampling, analytical and other requirements shall be as described in a.-i.

a. Community water supplies which serve a population of 10,000 or more individuals and which ~~did~~ add a disinfectant (oxidant) to the water in any part of the drinking water treatment process shall analyze for total trihalomethanes in accordance with this section. For systems serving 75,000 or more individuals, sampling and analyses shall begin not later than ~~January 1, 1982~~ the effective date of this rule. For systems serving 10,000 to 74,999 individuals, sampling and analyses shall begin not later than January 1, 1983. For the purpose of this section, the minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer are considered one treatment plant for determining the minimum number of samples. All samples taken within an established frequency shall be collected within a 24-hour period.

K. Special monitoring for sodium.

2. The supplier of water shall report the results of the analyses for sodium within the first ten days of the month following the month in which the sample results were received or within the first ten days following the end of the required monitoring period as stipulated by the commissioner whichever of these is first. If more than annual sampling is required, the supplier shall report the average sodium concentration within ten days of the month following the month in which the analytical results of the last sample used for the annual average ~~was~~ were received.

L. Special monitoring for corrosivity characteristics.

2. The supplier of ~~wate~~ water shall report the results of the analyses for the corrosivity characteristics ~~within~~ within the first ten days of the month following the month in which the sample results were received. If more frequent sampling is required the supplier can accumulate the data and report each value within ten days of the month following the month in which the analytical results of the last sample were received.

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.

Department of Labor and Industry Occupational Safety and Health Division

Adoption of Occupational Safety and Health Standards Governing Fire Protection

Pursuant to Minn. Stat. § 182.655 (1980) notice was duly published in the *State Register*, Volume 6, Number 13, pages 537-539 (6 S.R. 537) dated September 28, 1981 specifying the establishment and modification of certain Occupational Safety and Health Standards, specifically the proposed adoption of 29 CFR Part 1910 Subpart L "Fire Protection," Subpart E "Means of Egress," and Subpart H "Hazardous Materials." These standards, which were adopted by the Federal OSHA on September 12, 1980 with an effective date of December 11, 1980, apply to all general industry locations. The intent of these standards is to minimize employee exposure to hazardous situations involving unwanted workplace fires and to provide for fire protection equipment and services for the safe evacuation or rescue of employees endangered by workplace fires. Three areas are covered: portable fire protection equipment, fixed fire protection systems, and fire brigades. The Department of Labor and Industry, Occupational Safety and Health Division, proposed the adoption of this standard in order to maintain Minnesota OSHA Standards "at least as effective" as those enforced by Federal OSHA as required by Minn. Stat. § 182.655, subd. 13 (1980). Minnesota OSHA is mandated to provide safety and health coverage for public as well as private industry employees; therefore, all safety and health standards adopted in Minnesota apply to public employees.

Following publication of the September 28, 1981 request for comments, the Department of Labor and Industry received written comments offering objections to the adoption of the Fire Brigade portion (1910.156) of the Fire Protection Standard. Most objections and comments received came from fire departments and communities who were concerned about the standard's applicability and effect upon municipal fire departments. In response to these objections, a public hearing was scheduled for January 26, 1982. Notice was duly published in the *State Register* on November 30, 1981 (6 S.R. 1059) and notices of hearing were mailed to all persons on the department's list of persons interested in OSHA rulemaking and to those persons on the Occupational Safety and Health Division's list of persons who had expressed a specific interest in the Fire Protection Standard.

The public hearing was held on January 26, 1982 before Richard C. Luis, Hearing Examiner with the Office of Administrative Hearings. The hearing record remained open until February 16, 1982 for the receipt of comments and statements.

The primary issue of the public hearing concerned the Fire Brigade portion of this standard and its applicability to and effect upon municipal fire departments, both paid and volunteer. The Minnesota Occupational Safety and Health Act applies to "employers" who have one or more "employees" within the meaning of Minn. Stat. § 182.651, subs. 7 and 9. During the hearing and in comments submitted prior to the close of the record, the Department of Labor and Industry announced its intention to consider as "employees" firefighters who are compensated by salaries, wages, per-run fees, or deferred compensation in the form of a retirement plan. Using this guideline, approximately 17,000 of the 18,000 "volunteer" firefighters in the State of Minnesota are covered by the Fire Brigade Standard.

The Fire Brigade Standard contains requirements in four general areas: pre-planning and organization requirements, firefighter training and education, appropriate protective clothing, and proper respiratory protection. The standard was written as a "performance" rather than a "specification" standard thus allowing employers greater flexibility in complying.

The training portion of the Fire Brigade Standard is clearly a performance standard and requires the employer to provide training and education for all fire brigade members (firefighters) commensurate with the duties and functions the firefighter or fire brigade member is expected to perform; training must be provided annually for all firefighters and quarterly for interior structural firefighters. The point of concern, however, is that Section 1910.156(c)(3) lists several out-of-state firefighter training schools. This section of the standard caused considerable misunderstanding. The schools listed are intended as examples of quality training; the Department of Labor and Industry does not intend to require all firefighters to attend these out-of-state schools. In response to the concerns raised by several communities in this regard, the Department of Labor and Industry will include an additional paragraph as part of 1910.156(c)(3) in order to clarify that courses offered by Minnesota schools and organizations meet the intent of this standard. That paragraph will read as follows:

"In addition, training and education courses and seminars presented by the following Minnesota schools and Organizations meet the intent of this standard for quality education; such schools and organizations include, but are not limited to: the University of Minnesota Extension Service, the University of Minnesota FIRE Center, area vocational-technical institutes, Minnesota Department of Education, Minnesota State Fire Marshal, Minnesota State Fire Chiefs Association, Minnesota State Fire Department Association, International and Minnesota Professional Firefighters Associations, and state universities and community colleges."

Some objectors were concerned that the standard required extensive firefighter training which was beyond their capabilities to provide. Because this is a performance standard, the type and amount of training necessary for a particular fire department is

left to the discretion of the fire chief or training officer who must determine the extent of training necessary for firefighters to successfully fight fires that may occur in the community the fire department serves. Many of the objectors who submitted written comments included a description of the training presently provided to firefighters in their communities. In most cases, this training already meets the requirements of this standard.

In response to an appeal from an organization representing Minnesota cities, some communities opposed the standard not because they believed it to be unreasonable but because the standard is mandatory. These commenters suggested that the department would achieve better results if the standard was a guideline rather than a rule having the force and effect of law. The department disagrees and believes that it is not appropriate to delay any further a mandate which will result in increased safety to individual firefighters and better service from those persons who will battle the state's fires in the future. In addition, some objecting communities argued that the cost of proper protective clothing and respiratory protection will delay communities from coming into compliance. The standard already includes delayed effective dates for personal protective clothing and respiratory protection. Personal protective clothing that meets the requirements of this standard must be provided to all interior structural firefighters by July 1, 1985; respiratory protection that meets the requirements of this standard must be provided to interior structural firefighters by July 1, 1983.

One other section of the Fire Protection Standard was commented upon during the public hearing; that section is 1910.157, "Portable Fire Extinguishers." Section 1910.157(e)(2) requires monthly visual inspections of fire extinguishers; this section does not require that the monthly inspection be documented in writing. The commenter believes this visual inspection should be documented in writing. When Federal OSHA first proposed this standard, the requirement for documenting the monthly visual inspection was included in the standard. Following extensive discussion at Federal public hearings and analysis of the comments received, Federal OSHA determined that requiring recording of the monthly inspection date would unnecessarily increase the cost of compliance with the standard without necessarily increasing employee safety. Minnesota OSHA agrees that an additional recordkeeping requirement is contrary to the "performance" intent of this standard since written documentation of the annual inspection is already required under this standard.

The record of hearing was certified to the Commissioner of Labor and Industry by the hearing examiner on March 18, 1982. All portions of the Fire Protection Standard were found to be necessary and reasonable. After taking into consideration all relevant matter presented during the hearing and in written comments submitted prior to the close of the hearing record, the Department of Labor and Industry has determined that these standards shall be adopted as proposed along with the addition to paragraph 1910.156(c)(3) described above. These rules shall become effective on August 1, 1982.

Russell B. Swanson
Commissioner of Labor and Industry

Rules as Adopted

Chapter One: General

8 MCAR § 1.7001 Adoption of federal Occupational Safety and Health Standards by reference. The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the Code of Federal Regulations as follows:

Part 1910—Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions and corrections made up to November 7, 1978; and subsequent changes made prior to December 31, 1981:

—*Federal Register*, Vol. 45, No. 179, dated 9/12/80—

"Fire Protection; Means of Egress; and Hazardous Materials."

In addition, the following paragraph is added to Section 1910.156(c)(3) of the Fire Protection Standard:

"In addition, training and education courses and seminars presented by the following Minnesota schools and organizations meet the intent of this standard for quality education; such schools and organizations include, but are not limited to: the University of Minnesota Extension Service, the University of Minnesota FIRE Center, area vocational-technical institutes, Minnesota Department of Education, Minnesota State Fire Marshal, Minnesota State Fire Chiefs Association, Minnesota State Fire Department Association, International and Minnesota Professional Firefighters Associations, and state universities and community colleges."

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ADOPTED RULES

Department of Revenue

Adopted Rules Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies)

The rules proposed and published at *State Register*, Volume 6, Number 14, pages 582-596, October 5, 1981 (6 S.R. 582) are now adopted with the following modifications:

Rules as Adopted

13 MCAR § 1.0002 Definitions. As used in this chapter, the following words, terms and phrases shall have the meanings given to them by this rule, except where the context clearly indicates a different meaning.

~~N. Standard factor. "Standard factor" means the number used as the basis of comparison when measuring the degree or amount of obsolescence inherent in the property (generating plant) being valued.~~

~~Q. N. System plant. "System plant" means the total tangible property, real and personal, of a company which is used in its utility operations in all states in which it operates.~~

~~P. O. Throughput. "Throughput" means the amount of product measured in barrels, gallons, or cubic feet which passes through a pipeline.~~

~~Q. P. Unit value. "Unit value" means the value of the system plant of a utility company taken as a whole without any regard to the value of its component parts.~~

~~R. Q. Weighted pipeline miles. "Weighted pipeline miles" means the product obtained by multiplying the number of miles of each size of a pipeline by the diameter in inches of each size. Example: a 6 mile pipeline 3 miles of which is 10 inches in diameter and 3 miles of which is 30 inches in diameter would have a weighted miles product of 120.~~

13 MCAR § 1.0003 Valuation.

C. Cost approach. The cost factor ~~that will to~~ be considered in the utility valuation formula is the original cost less depreciation of the system plant, ~~and plus improvements to the system plant,~~ plus the original cost of construction work in progress on the assessment date. The original cost of any leased operating property used by the utility must be reported to the commissioner in conjunction with the annual utility report. If the original cost of the leased operating property is not available, the commissioner shall make an estimate of the cost by capitalizing the lease payments. Depreciation will not be allowed on construction work in progress. Depreciation will be allowed as a deduction from cost in the amount allowed on the accounting records of the utility company, as such records are required to be maintained by the appropriate regulatory agency.

Depreciation, however, shall not exceed the prescribed percentage of cost: for electric companies, 19 percent; for gas distribution companies, 47.5 percent; and for pipeline companies, 47.5 percent.

A modification to the cost approach to value will be considered by the commissioner when valuing electric utility property. The original cost of an electric utility's major generating plants will be increased if the cost of the plant falls below a certain standard. The standard to be used will be a national average of the cost per kilowatt of installed capacity. The cost per kilowatt of installed capacity is the total construction cost of the generating plant divided by the number of kilowatts the plant is capable of producing. The national average to be used will be computed by totaling the construction costs, excluding the cost of land, for major generating plants within the 48 contiguous United States. The total cost of the plants will be divided by the total generating capacity of the same plants to arrive at an average cost per kilowatt of installed capacity. A separate average will be computed for each of the following types ~~type of plants plant~~: gas turbine, hydro-electric, and steam-electric. The plants used in the calculation will exclude federally constructed, multi-purpose projects, and nuclear electric generating plants.

The information used to compute the average will be drawn from the latest issues of the following United States Department of Energy publications: Hydro-Electric Plant Construction Cost and Annual Production Expenses; Steam-Electric Plant Construction Cost and Annual Production Expenses; and Gas Turbine Electric Plant Construction Cost and Annual Production Expenses. The plants which will be used in the computation of the national average will be those plants built during the most recent 15 years included in ~~the above named~~ these publications.

An example of this computation of the national average cost per kilowatt of installed capacity is as follows:

Steam-Electric Generating Plants		
Plant	Plant Cost Excluding Land	Plant Capacity
A	\$ 14,000,000	100,000 kw
B	13,000,000	90,000 kw
C	17,000,000	110,000 kw

D	14,500,000	80,000 kw
E	18,000,000	120,000 kw
F	10,000,000	70,000 kw
G	19,000,000	130,000 kw
H	9,000,000	60,000 kw
I	20,000,000	140,000 kw
J	8,000,000	50,000 kw
	\$142,500,000	950,000 kw

Total plant cost (\$142,500,000) divided by total plant capacity (950,000 kw) equals \$150 average cost per kilowatt of installed capacity.

The national average cost per kilowatt of installed capacity will be compared to the specific cost per kilowatt of installed capacity for each of the major generating plants owned by the utility being valued. If the national average cost per kilowatt is greater than the subject plant cost, the subject plant will have additional dollars incorporated into its cost in order to raise its cost per kilowatt to the national average. If the subject plant's cost per kilowatt equals or exceeds the national average, no cost will be added.

The following example illustrates this procedure:

XYZ Utility
Steam-Electric Generating Plants

	#1		#2	
1. Plant				
2. Installed Capacity	100,000	kw	50,000	kw
3. Year in Service	1970		1950	
4. Cost of Plant (Exclusive of Land)	\$15,200,000		\$5,000,000	
5. Specific Plant Cost per kw	\$152		\$100	
6. National Average Cost per kw	\$150		\$150	
7. Deficiency	none		\$ 50	
8. Additional Cost (Line 7 × Line 2)	none		\$2,500,000	

This additional cost to be added to the original cost of the specific plant will be reduced by ~~two factors~~: an allowance for pollution control equipment and an allowance for obsolescence.

The allowance for pollution control equipment will be computed annually by totaling the construction costs, exclusive of land, of all major generating plants within Minnesota by type of plant. A total will also be made of the cost of the equipment in these plants which has been approved for tax exempt status in accordance with Minn. Stat. § 272.02, subd. 1, clause (15). This total will also be computed by type of plant. The total of the approved pollution control equipment will be divided by the total construction cost, exclusive of land, of the plants in order to calculate a percentage. This percentage will be the ratio of dollars spent for pollution control equipment to total dollars spent to construct a specific type of power plant. This percentage will then be used to reduce the gross additional cost to be added to the cost of the specific generating plant; ~~as computed above~~. An example of this process is as follows:

Steam-Electric Plants Within Minnesota

Plant	Plant Cost Excluding Land	Cost of Approved Pollution Control Equipment
A	\$15,200,000	\$1,500,000
B	10,000,000	1,000,000
C	5,000,000	700,000
D	20,000,000	2,000,000
E	16,500,000	1,470,000
	\$66,700,000	\$6,670,000

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Total cost of approved pollution control equipment (\$6,670,000) divided by total plant cost (\$66,700,000) equals 10% percent ratio of pollution control equipment expenditures to total expenditures for generating plant construction.

XYZ Utility
Steam-Electric Plant #2

1. Additional Cost Due to Computation of Average Cost per kw of Installed Capacity	\$2,500,000
2. 10% Allowance for Pollution Control Equipment	250,000
3. Additional Cost to be Added after Adjustment for Pollution Control Equipment	\$2,250,000

The allowance for obsolescence which will be applied to the additional plant construction cost will be computed annually for hydro-electric and steam-electric generating plants. The information needed to compute the obsolescence factors will be drawn from the same publications that are used to compute the national average cost per kilowatt of installed capacity figure. Gas turbine plants will not have any obsolescence allowance applied to the additional cost added to the plants.

The obsolescence allowance for hydro-electric plants will be calculated through the use of a "plant factor." The plant factor is computed by dividing the number of kilowatt hours a generating plant actually produced in a year by the number of kilowatt hours the plant was capable of producing. The plant factor is normally expressed as a percentage. The mathematical expression of this factor is: net generation (kwh) divided by annual installed capacity (hours in a year X installed capacity (kw)). A standard plant factor will be computed for hydro-electric plants by averaging the plant factors of the ten plants within with the highest plant factors in the 15 year study period used to compute the average cost per kilowatt of installed capacity with the highest plant factor. This standard will then be compared to an average of the most recent three years' plant factor of the subject plant. The amount the subject plant deviates from the standard is the amount of obsolescence which will be applied to the added cost.

An example of this obsolescence allowance computation is shown below.

Hydro-Electric Plants			
Plant	Net Generation kwh (000)	Plant Capability kwh (000)	Plant Factor
A	400,150	755,000	53 %
B	300,040	577,000	52 %
C	250,000	480,000	52 %
D	600,000	1,250,000	48 %
E	896,000	1,600,000	56 %
F	700,000	1,400,000	50 %
G	507,000	975,000	52 %
H	450,000	1,000,000	45 %
I	376,000	800,000	47 %
J	810,000	1,800,000	45 %
			Average 50 %

XYZ Utility Hydro-Electric Plant #4			
Year	Net Generation kwh (000)	Plant Capability kwh (000)	Plant Factor
19XX	400,000	1,000,000	40 %
19XX	500,000	1,000,000	50 %
19XX	450,000	1,000,000	45 %
			Average 45 %

Hydro-electric plant #4 plant factor (45% percent) divided by standard plant factor (50% percent) equals 90% percent. Therefore, hydro-electric plant #4 deviates from the standard by 10% percent, or is 10% percent obsolete.

The obsolescence allowance for steam-electric generating plants will be computed annually using two indicators. The first indicator will be the plant factor. The plant factor for steam-electric plants will be computed and applied in the same manner as the computation specified for hydro-electric plants above. The only difference will be that the information used for the

computation will be drawn from the latest Steam-Electric Plant Construction Cost and Annual Production Expenses publication rather than the Hydro-Electric Plant publication. Plant factors of the ten best steam-electric generating plants within the 15 year study period will be averaged. This average will be compared to the most recent three year average plant factor for the subject plant. The subject plant's deviation from the standard plant factor is the amount of indicated obsolescence.

The second indicator which will be used to compute an obsolescence allowance for steam-electric generating plants will be a thermal efficiency factor. The source of information for this computation will also be the latest issue of the United States Department of Energy's publication, Steam-Electric Plant Construction Cost and Annual Production Expenses. Thermal efficiency for a generating plant is measured by the number of British thermal units (B.T.U.) required to produce one kilowatt hour. This efficiency rating can be obtained by dividing the number of kilowatt hours produced by a generating plant by the number of B.T.U.'s needed to produce this power. The number of B.T.U.'s used can be obtained by multiplying the units of fuel burned by the generating plant—tons of coal, gallons of oil, or cubic feet of gas—by the average B.T.U. content of the fuel unit. The standard thermal efficiency factor will be computed by averaging the thermal efficiency factor of the ten most efficient steam-electric generating plants within the 15 year study period used to compute the average cost per kilowatt of installed capacity. This standard thermal efficiency factor will then be compared to the thermal efficiency factor of the subject plant. The amount the subject plant deviates from the standard is the amount of obsolescence indicated by this factor.

The two obsolescence figures for the subject plant as indicated by both the plant and thermal efficiency factors will then be averaged. This resulting average is the obsolescence allowance which will be applied to the cost added to the subject plant as a result of the average cost per kilowatt of installed capacity computation. In no instance shall the original cost of a generating plant be reduced by an allowance for obsolescence unless its cost is increased through the use of the average cost per kilowatt of installed capacity computation.

The following examples illustrate the computation of: the standard thermal efficiency factor; obsolescence indicated by the application of this factor to the subject plant; average obsolescence for steam-electric generating plants; and obsolescence allowance adjustment of the added cost due to the use of the average cost per kilowatt of installed capacity for the subject plant.

Steam-Electric Generating Plants

Plant	Net Generation kwh (Millions)	BTU's Used (Millions)	BTU's per kwh
A	2,000	18,400,000	9,200
B	6,000	53,400,000	8,900
C	8,000	72,000,000	9,000
D	5,000	45,500,000	9,100
E	3,000	26,400,000	8,800
F	1,000	9,000,000	9,000
G	4,000	36,600,000	9,150
H	9,000	80,550,000	8,950
I	7,000	61,950,000	8,850
J	5,000	45,250,000	9,050
			Average 9,000

XYZ Utility Company
Steam-Electric Plant #2

Net Generations kwh (Millions)	BTU's Used (Millions)	BTU's per kwh
2,000	21,600,000	10,800

Steam-electric plant #2 thermal efficiency factor (10,800 BTU's per kwh) divided by standard thermal efficiency factor (9,000 BTU's per kwh) equals 120% percent. Therefore, steam-electric plant #2 deviates from the standard by 20% percent or is 20% percent obsolete.

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ADOPTED RULES

XYZ Utility Company
Steam-Electric Plant #2

1. Obsolescence Indicated by Plant Factor	10%
2. Obsolescence Indicated by Thermal Efficiency Factor	20%
3. Obsolescence Allowance (Average of 1 and 2)	15%
4. Additional Cost due to Computation of Average Cost per kw of Installed Capacity	\$2,500,000
5. 15% Obsolescence Allowance	375,000
6. Additional Cost to be Added after Adjustment for Obsolescence	\$2,125,000

The cost indicator of value computed in accordance with ~~this rule C.~~ will be weighted for each type of utility company as follows: electric companies, 85 percent; gas distribution companies, 75 percent; and pipeline companies, 75 percent.

The following example illustrates how the cost indicator of value would be computed for an electric company:

1. Utility Plant (Cost)	\$200,000,000
2. Construction in Progress	5,500,000
3. Additional Value From Average Cost per K.W. kw Computation	2,000,000
4. Total Plant	207,500,000
5. Non-Depreciable Plant (Land, Intangibles, C.W.I.P.)	17,500,000
6. Depreciable Plant	190,000,000
7. Depreciation (Maximum 19%)	36,100,000
8. Total Cost Indicator of Value	171,400,000

Any company for which a modification is made under 13 MCAR § 1.0003 C. due to the average cost per kilowatt adjustment being made to original cost of a plant or plants located in Minnesota shall have an alternative cost indicator computation made without giving effect to the average cost per kilowatt adjustment of such plant or plants.

D. Income approach to valuation. The income indicator of value will be estimated by weighting the net operating earnings of the utility company for the most recent three years as follows: most recent year, 40 percent; previous year, 35 percent; and final year, 25 percent. After considering, as far as possible, all conditions that may exist in the future that may affect the present annual return, including risk, life expectancy of the property, and cost of money, the capitalization rates used to compute value for the assessment will be: electric companies, ~~8.5~~ 8.75 percent; gas distribution companies, ~~8.75~~ 9.0 percent; and pipeline companies ~~9~~, 9.25 percent. The income indicator of value computed in accordance with ~~this rule D.~~ will be weighted for each class of utility company as follows: electric companies, 15 percent; gas distribution companies, 25 percent; and pipeline companies, 25 percent.

The following example illustrates how the income indicator of value would be computed for a pipeline company:

	1980	1981	1982
1. Net Operating Income	\$ 468,000	\$ 385,700	\$ 450,000
2. Capitalized Income @ 9%	5,200,000	4,285,600	5,000,000
3. Weighting Factor	25%	35%	40%
4. Weighted Capitalized Income	1,300,000	1,500,000	2,000,000
5. Total Income Indicator of Value			4,800,000

E. Unit value computation. The unit value of the utility company will be the total of the weighted indicators of value.

The following is an example of the computation of the unit value for a pipeline company:

1. Cost Indicator of Value	\$5,000,000 × 75%	=	\$3,750,000
2. Income Indicator of Value	\$4,800,000 × 25%	=	\$1,200,000
3. Unit Value of Pipeline Company		100%	\$4,950,000

Any company whose cost indicator was modified under 13 MCAR § 1.0003 C. to reflect the average cost per kilowatt adjustment of a plant or plants located in Minnesota shall have an alternative unit value computation made without giving effect to the modification in respect of such plant or plants.

G. Obsolescence allowances. The commissioner ~~may~~ shall adjust the value calculated ~~pursuant to this rule~~ under 13 MCAR § 1.0003 through the use of an obsolescence allowance. This allowance is intended to be used in order to recognize the effect the curtailment or termination of a pipeline's source of supply may have on its value. This allowance must be applied for each year

ADOPTED RULES

at the time the utility files its Minnesota Department of Revenue Annual Utility Report. The utility's eligibility for this allowance will be based on the relevant facts for the specific valuation year. The application of an obsolescence allowance in any previous year shall have no bearing on the use of the allowance for a subsequent year. In order for a pipeline or a gas distribution company to be eligible for ~~such an~~ this allowance ~~they~~ it must meet certain criteria or standards. ~~These standards are~~ listed below. It is mandatory that standards 1., 2., and 3. be met by the utility. It is highly desirable that standards 4. and 5. also be met.

1. The utility ~~must adequately~~ shall demonstrate, ~~to the satisfaction of the commissioner,~~ that its source of supply for gas or oil will be terminated within the next ten years.
2. The utility ~~must~~ shall be at, or above, the maximum depreciation allowance ~~as~~ specified by C.
3. The utility ~~must~~ shall have made application to the appropriate regulatory agency for increased depreciation allowances, and the application ~~must~~ shall not have been denied or rejected.
4. The utility must not have made any major capital expenditures within the last three years.
5. The utility must not have sold any long term bonds or signed any long term notes within the last three years.

If the utility has made major capital expenditures or entered into long term debt obligations within the last three years, a satisfactory explanation of the rationale for these actions ~~must~~ shall be made to the commissioner before an allowance for obsolescence will be granted.

The obsolescence allowances which may be applied to the utility's value will be calculated in the following manner:

Method 1. A ~~5~~ five year average of the utility's annual throughput will be calculated. The throughput for the assessment year will be compared to this average and a percentage calculated. This percentage will be applied to the cost indicator of value calculated ~~pursuant to~~ under C. in order to adjust the indicator for obsolescence. The adjusted cost indicator of value will be used in the calculation of the unit value ~~pursuant to~~ under E. The following is an example of this procedure:

Year	Throughput in Barrels
1977	1,200,000
1978	1,300,000
1979	1,150,000
1980	1,100,000
1981	1,050,000
	5,800,000 Total
	1,160,000 Average Throughput

1. 1982 Throughput	1,000,000 Barrels
2. Percent of 1982 Throughput to 5 Year Average Throughput	86%
3. Cost Indicator of Value	\$6,300,000
4. Cost Indicator Adjusted for Obsolescence	\$5,418,000

Method 2: The book depreciation shown on the books and accounts of the utility will be compared to the depreciation allowed by C. If the book depreciation exceeds the maximum depreciation allowance, 50% percent of the excess depreciation will be used in the calculation of the cost indicator of value. An example of this calculation is as follows:

1. Book Depreciation	\$6,000,000
2. Maximum Allowable Depreciation	4,750,000
3. Excess Depreciation	1,250,000
4. 50% of Excess Depreciation	\$ 625,000
5. Utility Plant	\$ 11,000,000
6. Construction Work in Progress	50,000
7. Total Plant	11,050,000
8. Non-Depreciable Plant (Land, CWIP)	1,050,000
9. Depreciable Plant	10,000,000
10. Depreciation (Maximum 47.5%)	4,750,000
11. Obsolescence Allowance	625,000
12. Cost Indicator of Value	5,675,000

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Method 3. The income indicator of value computed in accordance with D. will be calculated by capitalizing the utility's ~~3~~ three-year weighted net operating earnings for a specific term of years rather than into perpetuity. The term of years to be used will be the number of years remaining until the expected expiration of the utility's source of supply for product (oil, gas), or the number of years remaining until the utility's major assets (pipeline, pump stations, storage tanks, and similar assets) are fully depreciated, whichever is greater. An example of this capitalization process is as follows:

	1979	1980	1981
1. Net Operating Earnings	\$1,320,000	\$1,000,000	\$800,000
2. Weighting	25%	35%	40%
3. Weighted Net Operating Earnings	\$330,000	\$350,000	\$320,000
4. Total Weighted Net Operating Earnings		\$1,000,000	
5. Terms of years until major assets are fully depreciated			8
6. Capitalization rate pursuant to 13 MCAR § 1.0003 D.			9%
7. Capitalization rate converted to term of 8 years			18.0674%
8. Capitalized Income/Income Indicator of Value			\$5,534,831

The commissioner shall apply to the valuation process whichever of the three obsolescence methods is most appropriate in order to equitably recognize the effect of obsolescence on the utility's value.

H. Retirements. Utility operating property may be retired from the utility system while still in place if certain criteria are met:

1. The property must be physically disconnected from the utility system. In the case of electrical plants, the disconnection or dismantling of wires, cables, connectors, or transformers would constitute physical disconnection. In the case of pipelines, the disconnection of pipes, valves, or fittings would be evidence of physical disconnections.

2. An affidavit of retirement should be filed by the utility with the commissioner at least 30 days prior to the assessment date. This affidavit ~~should~~ shall indicate the facility being retired and the date it was taken out of service.

The utility should make every effort to inform the commissioner of pending major retirements. The commissioner in turn shall notify the county assessor of impending major retirements as soon as this information becomes available to the department.

Utility property which is retired in place shall continue to be taxed for ad valorem purposes. However, its market value shall not be determined on the basis of its value as utility operating property.

If a utility should choose to temporarily retire a facility pending the development of an alternate fuel, greater demand, increased source of supply, or ~~some other~~ another valid reason, the cost of this facility must be transferred to the appropriate regulatory agency's account entitled "Held for Future Use." Standby facilities will not be considered to be temporarily retired unless their costs are carried in this account. Temporarily retired utility facilities will be valued taking into account a number of factors including: age of the facility, type of facility, amount of maintenance and additional costs needed to restore the facility to operational status, length of retirement, and earning potential of the facility. In no instance shall a temporarily retired facility be valued lower than if the facility were considered non-operating utility property.

13 MCAR § 1.0004 Allocation.

B. Electric companies. The original cost of the utility property located in Minnesota divided by the total original cost of the property in all states of operation is weighted at 90 percent. Gross revenue derived from operations in Minnesota divided by gross operations revenue from all states is weighted at ten percent.

The following example illustrates this formula, assuming a unit value of \$20,000,000.

1. Minnesota Plant Cost	\$115,000,000	
2. System Plant Cost	\$205,000,000	× .90 = 50.49%
3. Minnesota Gross Revenue	40,000,000	
4. System Gross Revenue	\$105,000,000	× .10 = 3.8%
5. Total Percentage Allocable to Minnesota		54.29%
6. Unit Value of System Plant		\$20,000,000
7. Amount of Value Allocable to Minnesota		\$10,858,000

If any modification has been made to the cost indicator under 13 MCAR § 1.0003 C. to reflect the average cost per kilowatt adjustment of a plant or plants located in Minnesota, an alternative computation of the Minnesota allocation shall be made without giving effect to the modification in respect of such plant or plants.

13 MCAR § 1.0005 Adjustments for non-formula assessed or exempt property.

D. A deduction from the Minnesota portion of the unit value shall also be made for property, real or personal, which is exempt from ad valorem tax. For instance, pollution control equipment for which an exemption has been granted is exempt. A deduction from the Minnesota portion of the unit value shall be made at original cost, less the applicable rate of depreciation used in the valuation process pursuant to under 13 MCAR § 1.0003. The value of personal property, such as office machinery and vehicles, which is not taxed, shall also be excluded from the Minnesota portion of the unit value. The deduction shall be at original cost less the applicable rate of depreciation utilized in the valuation process.

The following example illustrates how these items are deducted from the Minnesota portion of the unit value.

1. Minnesota Portion of Unit Value.....		\$5,000,000
2. Excludable Items—Nondepreciable		
a. Land Assessed Locally.....		3,000
b. Land Rights.....		4,000 <u>2,000</u>
3. Excludable Items—Depreciable		
a. General Plant Items.....	\$10,000	
b. Pollution Control Equipment.....	10,000	
c. Gross Depreciable Items.....	20,000	
d. Depreciated at 25%.....	5,000	
e. Net Depreciable Excludable Items.....		15,000
4. Total Excludable Items.....		20,000
5. Minnesota Apportionable Value.....		4,980,000

If any modification has been made to the cost indicator under 13 MCAR § 1.0003 C. to reflect the average cost per kilowatt adjustment of a plant or plants located in Minnesota, an alternative computation of the Minnesota apportionable value shall be made without giving effect to the modification in respect of such plant or plants.

13 MCAR § 1.006 Apportionment.

A. After the unit valuation of the utility company has been allocated to the State of Minnesota and has been adjusted pursuant to under 13 MCAR § 1.0005, the determined amount shall be apportioned or distributed to the taxing districts in Minnesota in which the company operates. This apportionment will be made by the Commissioner of Revenue on the basis of information submitted by the utility companies in annual reports filed with the commissioner.

If any modification has been made to the cost indicator under 13 MCAR § 1.0003 C. to reflect the average cost per kilowatt adjustment of a plant or plants located in Minnesota, the apportionment to the taxing districts made under 13 MCAR § 1.0006 C. shall be based upon the Minnesota apportionable value alternatively computed in 13 MCAR § 1.0005 D. without giving effect to the modification in respect of such plant or plants.

C. The total market value of each company's operating utility property in Minnesota shall be divided by the greater of:

1. The last market value of the company's operating utility property in each taxing district, plus original cost of new construction, reduced by the last market value of property retired since the last assessment.

2. The original cost ~~together with any additional cost computed in accordance with 13 MCAR § 1.0003 C.~~ of the company's operating utility property in each taxing district plus original cost of new construction reduced by the original cost of property retired since the last assessment multiplied by the percentage as specified below.

- For the 1982 assessment year the original costs shall be multiplied by ~~77.5%~~ percent.
- For the 1983 assessment year the original costs shall be multiplied by ~~80%~~ percent.
- For the 1984 assessment year the original costs shall be multiplied by ~~82.5%~~ percent.
- For the 1985 assessment year the original costs shall be multiplied by ~~85%~~ percent.
- For the 1986 assessment year the original costs shall be multiplied by ~~87.5%~~ percent.
- For the 1987 assessment year the original costs shall be multiplied by ~~90%~~ percent.

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

For the 1988 assessment year the original costs shall be multiplied by 92.5% percent.

For the 1989 assessment year the original costs shall be multiplied by 92.5% percent.

For the 1990 assessment year the original costs shall be multiplied by 97% percent.

For the 1991 assessment year the original costs shall be multiplied by 100% percent.

All computations made under alternative 1. or 2. shall be made without giving effect to any modification to reflect the average cost per kilowatt adjustment made under 13 MCAR § 1.0003 C.

E. After all other computations have been made under 13 MCAR § 1.0006, there shall be added to the value of each district in which there is located a plant or plants qualifying for the average cost per kilowatt adjustment under 13 MCAR § 1.0003 C. a share of the difference between the Minnesota apportionable value computed under 13 MCAR § 1.0005 with the adjustment, and without the adjustment in respect to plants located in Minnesota, in proportion to the amount of the adjustment made with respect to the property located in each such district.

SUPREME COURT

Decisions Filed Friday, April 23, 1982

Compiled by John McCarthy, Clerk

81-888/Sp. Norbert Osendorf v. American Family Insurance Company, Appellant. Stearns County.

Evidence was sufficient to support jury findings of misrepresentation and negligence.

Illegal employment exclusion in insurance policy requires factual determination of whether certain farm employment was "dangerous" within the meaning of applicable statute.

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

81-38 Jack M. Calder, *et al.*, Plaintiffs, v. City of Crystal, defendant and third-party plaintiff, Appellant, Richard E. Hipp, individually and d/b/a Hipp Construction Co., Hipp's Construction Co., and Northern Contracting Co., Third-Party Defendants, William D. Schoell, individually and d/b/a Caswell and Schoell, third-party defendants. Hennepin County.

Application of Minn. Stat. § 541.051 (1980) to bar appellant's claim for contribution or indemnity was not a retroactive application of a statute contrary to Minn. Stat. § 645.21 (1980) since appellant's claim did not accrue until after the effective date of Minn. Stat. § 541.051 (1980).

By amending Minn. Stat. § 541.051 (1980), the Minnesota Legislature remedied the constitutional infirmities noted in *Pacific Indemnity Co. v. Thompson-Yaeger, Inc.*, 260 N.W.2d 548 (Minn. 1977) and thereby closed the door to objection to the statute on equal protection grounds.

Minn. Stat. § 541.051 (1980) does not contravene Minn. Const. art. 1, § 8 nor the due process clause of the Fifth and Fourteenth Amendments. Appellant had a reasonable time in which to join third parties for contribution or indemnity and thus was not denied an effective remedy.

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

81-878/Sp. State of Minnesota v. Melvin Anthony Broda, Appellant. Stevens County.

Trial court, in third-degree murder prosecution arising from beating death of woman with whom defendant lived, properly admitted *Spreigel* evidence that defendant regularly beat former spouse when he lived with her.

Defense counsel, by failing to object to instructions, forfeited defendant's right to have this court consider on appeal issue concerning propriety of instructions on defense of mental illness or defect.

Affirmed. Scott, J.

81-479/Sp. June A. Grondahl, Appellant, v. Matthew H. Bulluck, M.D., and The Duluth Clinic, Ltd. St. Louis County.

Summary judgment was improperly granted where the facts alleged by plaintiff with regard to the date treatment ceased presented a genuine issue of material fact to be decided by the jury.

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

81-736/Sp. In the Matter of the Commodore Hotel Fire and Explosion Cases. Ramsey County.

Where the trial court orders separate trials on the issues of liability and damages, a determination of liability as to all the parties is a partial adjudication, not a partial judgment, of one entire claim and cannot become a final judgment.

On timely appeal of final judgments entered after trial on damages, where the issues of liability and damages have been separated for trial, this court has jurisdiction to review the previous determination of the trial court with regard to liability.

Wahl, J. Took no part, Kelley, J.

81-367 Jostens, Inc., Appellant, v. National Computer Systems, Inc., et al. Hennepin County.

A purchaser's insertion of a proprietary clause in a purchase order for specified computer materials was not binding on the seller, where the seller expressly limited acceptance to the terms of its offer and where the seller did not accept the added clause.

The trial court's findings and conclusions that the owner of a computer-aided design and manufacturing system (CAD/CAM) for producing class ring molds failed to establish that the system or any of its components constituted a trade secret are affirmed. Plaintiff failed to establish that the information was not generally known or reasonably ascertainable or to establish that reasonable efforts were taken to keep the information secret.

Defendants, as former employees of plaintiff, did not misappropriate any trade secrets or confidential information in the building of a computer system similar to plaintiff's.

Employment agreements signed by plaintiff's employees prohibiting disclosure of information were lacking in consideration and unenforceable.

The trial court was in error in denying defendant-respondents, as prevailing parties, their taxable disbursements.

Affirmed, but with respondents to be allowed their disbursements. Simonett, J.

81-784 Grain Dealers Mutual Insurance Company, Appellant, v. Kimberly K. Cady, James Diloia, James Leslie Coleman, et al., Minnesota Valley Country Club, Minneapolis Claims Association, et al. Ramsey County.

When an insurance company initiated a declaratory judgment action to determine its rights under a policy issued to the defendant, the trial court should have determined whether the defendant was engaged in a joint venture and therefore excluded from coverage under the policy.

Trial court did not err in ordering insurance company to pay attorneys fees in the main action.

Trial court's order that insurance company pay defendant's costs and disbursements in declaratory judgment action was premature.

Affirmed in part, reversed in part and remanded for further proceedings. 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 Corrections
Minnesota Correctional Facility—Red Wing****Notice of Availability of Contract for Psychological Evaluation Services**

The program at the Minnesota Correctional Facility—Red Wing requires the services of licensed psychologist. This person will provide the written psychological evaluation—through testing, interviews, etc., on up to a twice-weekly basis for all new

STATE CONTRACTS

admissions to the institution, to re-test selected youths based upon specific staff referral, plus limited staff training in the area of his/her expertise. Payment is \$215.79 per 8-hour day. Annual cost is limited to \$20,500.00.

Notice of Availability of Contract for Volunteer Services Coordinator

The program at the Minnesota Correctional Facility—Red Wing requires the services of a volunteer coordinator. Position requires up to 50 hours per week for 10 months (September-June), and up to 15 hours per week for the two months in July and August. Responsibilities include the providing of professional volunteer services for juvenile clients at the institution through the recruiting and training of volunteers, plus the development of a coordinated scheduling of the volunteers to augment the on-going programs. Payment is \$1,600.00 per month from September-June, and \$500.00 per month in July and August. Annual cost is limited to \$17,000.00.

Notice of Availability of Contract for Dietetic Services

The program at the Minnesota Correctional Facility—Red Wing requires the services of a licensed dietician. This person will provide professional dietetic consultation, enabling dietetic staff to provide hygienic dietetic services that meet the daily nutritional needs of residents, ensures that special dietary needs are met, and provides palatable, attractive and acceptable meals. The consultant will provide a minimum of 12 hours per month of professional services. Annual cost is limited to \$3,000.00.

Notice of Availability of Contract for Catholic Chaplain

The program at the Minnesota Correctional Facility—Red Wing requires the services of an ordained Catholic priest. This person will provide weekly mass, and spiritual guidance and counseling, for the Catholic students at MCF-Red Wing as requested. This person will provide up to 5 hours per week at \$10.00 per hour. Annual cost is limited to \$2,600.00.

For further information on these contracts, contact:

Thomas P. Kernan, Assistant Superintendent
Minnesota Correctional Facility—Red Wing
Box 45
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

Final submission date for these contracts is May 7, 1982.

Department of Corrections Minnesota Correctional Facility—Lino Lakes

Notice of Request for Proposals for Professional/Technical Services Contract

The Minnesota Correctional Facility—Lino Lakes announces its intention to contract with a certified clinical psychologist to provide the following services:

Provide psychological evaluations on institution residents as requested by classification teams and the Minnesota Department of Corrections staff. Advise program staff concerning treatment needs of residents and be available for consultation and/or ongoing treatment of designated residents when arranged by caseworker. Consulting sessions to consist of two five-hour visits per week, but a limit of 90 visits is maintained.

The estimated amount of the contract will not exceed \$15,750.00.

Direct inquiries to W. J. McGrath, Minnesota Correctional Facility—Lino Lakes, 7525 Fourth Avenue, Lino Lakes, Minnesota 55014.

Proposals for the above contract must be submitted no later than May 31, 1982.

Department of Energy, Planning and Development Request for Proposals for Development of a Public Service Program

The Energy Division of the Department of Energy, Planning and Development (DEPD) is requesting proposals for

professional services to develop a public service campaign. The subject of the campaign is the Home Energy Disclosure program (HED).

Under the HED program, any buyer of a Minnesota home or rental property is entitled to a thorough energy evaluation of that property before the time of sale. The evaluation contains 23 conservation measures (e.g. insulation, heating systems) that are checked by a state certified evaluator.

The purpose of this public service campaign is to promote general public awareness of the law. DEPD would like to develop a television PSA and a coordinated fact sheet, brochure or handout card.

Total Budget: Not to exceed \$8,000

Proposals due: May 14th

For detailed information, contact:

Beth Allen
Information Officer
Energy Division/DEPD
980 American Center Building
150 E. Kellogg Blvd.
(612) 297-2982

Proposals should include agency background, proposed budget and general ideas on a campaign.

Department of Energy, Planning and Development Department Office of the Commissioner

Notice of Request for Proposals for Advertising Services

The Minnesota Department of Energy, Planning and Development, Tourism Division, is seeking proposals on a \$350,000 contract for advertising services between July 1, 1982 and March 31, 1983, with two one-year options to extend to March 31, 1985, subject to satisfactory performance and availability of funds. The agency awarded the contract will create advertising for fall, winter, spring/summer, package tour and group tour campaigns for tourism development. Two copies of an agency's proposal are due at the Minnesota Tourism Division by 4:30 on May 24, 1982. Questions on the content of the proposal should be directed to Hank Todd (612) 296-2755 or Ginger Sisco (612) 296-5027, Minnesota Department of Energy, Planning and Development, Tourism Division, 480 Cedar St., St. Paul MN 55101.

Hank Todd
Assistant Commissioner

Department of Public Welfare St. Peter State Hospital

Notice of Request for Proposals for Health Services

Notice is hereby given that the St. Peter State Hospital Complex, Mental Health Division, Department of Public Welfare, is seeking the following services for the Period July 1, 1982 through June 30, 1983. These services are to be performed as requested by the Administration of the St. Peter State Hospital Complex.

1) Services of a facility capable of performing laboratory and pathologic testing as well as quarterly presentations of the latest laboratory procedures to medical staff. The estimated amount of the contract will not exceed \$15,000.

Responses for the above services must be received by May 14, 1982.

Direct inquiries to:

Thomas R. Bolstad
Sr. Accounting Officer
St. Peter State Hospital Complex
100 Freeman Drive
St. Peter, MN. 56082
Phone: (507) 931-7116

STATE CONTRACTS

Department of Transportation

Notice of Request for Proposals for Counseling Services

The Minnesota Department of Transportation is accepting proposals for a professional psychologist to provide professional counseling service to employees. The contractor will conduct training courses for supervisors and managers in the appropriate techniques used in motivating recalcitrant employees as well as providing guidance to employees who may be suffering emotional trauma associated with potential layoffs or career changes necessitated by reduced program activity.

The contractor must possess:

1. A doctorate in Psychology.
2. A license as a professional psychologist.
3. 4 years experience in the practice of Clinical Psychology.
4. Experience as a professional counselor with an employer of 1,000 or more employees ranging from managers and professionals to trade persons, technicians, and clerks.
5. Experience as a Chemical Dependency Counselor.
6. Familiarity with state government regulations and operations.
7. Knowledge of and ability to conduct management training and development courses.

A contract for the requested services will commence July 1, 1982 and terminate on June 30, 1983. The compensation limit during the contract period is \$33,000.00 with payment not to exceed \$33.00 per hour. Payments will be made monthly for the hours listed on the monthly report. Services are to be rendered by the individual or persons possessing the doctorate in Psychology. Services are to be provided to Mn/DOT employees at least 3 days in each work week.

Qualified professionals should submit their resumes and work plan proposals not later than June 1, 1982.

Roger W. Durbahn
Assistant Personnel Director
Minnesota Department of Transportation
315 Transportation Building
Saint 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 Administration

Notice of State Surplus Property Sale

In compliance with Minnesota Statutes § 94.09, *et seq*, the Commissioner of Administration offers for sale by sealed bids a single family residence at 1304 North Union Street in Fergus Falls. The property is legally described as follows:

Lot 4, Block 1 Fergus Falls Hospital Plat No. 1

The sale shall include the improved site, which measures approximately 72' × 133' +, and the residence described as follows:

A rambler-style three bedroom, one bath, frame dwelling built in 1949. The house has approximately 1176 square feet living area with full basement and a detached single garage.

This property is one of four residential properties available for sale at this location. Depending on demand, it is contemplated that the remaining three will be offered for sale in the summer of 1982.

The property will be available for inspection by appointment only. Arrangements for showing may be made by contacting Les Baird at the address and telephone in an ensuing paragraph.

Sealed bids for the purchase of the property will be received in the Office of Real Estate Management, Room G-22 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, until 2:30 p.m. on June 2, 1982, at which time and place bids will be publicly opened and read aloud.

Bids will be accepted only if submitted on forms supplied by the state. Bid forms with complete instructions as to the bidding procedure may be obtained by contacting the Office of Les Baird, Director of Plant Management, Fergus Falls State Hospital, Fergus Falls, Minnesota 56537, telephone 218-739-7321, or Howard Eicher, Assistant Director, Real Estate Management, at the St. Paul address in the previous paragraph, telephone 612-296-6674.

To qualify as an acceptable bid, a bid must be accompanied by bid security in the form of a cashier's check or a certified check or a money order payable to the State of Minnesota in an amount not less than 10% of the bid. The bid security will act as a down payment for the successful bidder. Bid security for all unsuccessful bidders will be returned within 15 days to each respective unsuccessful bidder.

Section 94.09, *et seq.*, of Minnesota Statutes, 1980, requires that the property be sold for a price which is not less than the appraised value plus the cost of the appraisals. In this instance the appraised value and the cost of the appraisals are in the total amount of \$45,000. All bids in an amount less than \$45,000 cannot be accepted.

The successful bidder will have the option of making payment of the balance remaining after use of the bid security as a down payment by one of the two following methods:

1. Payment in full of the remaining balance no later than September 2, 1982;
2. Payment of the remaining balance in not less than equal annual installments for not to exceed five years, with principal and interest payable annually in advance at the rate of 12% per annum on the unpaid balance, by certified check or cashier's check payable to the State Treasurer on or before June 1 of each year.

In the event the successful bidder elects to make payment in installments in accordance with option (2) above, the Commissioner of Administration will enter into a contract for deed with the successful bidder. The contract for deed will set forth the conditions of the sale.

Bidders are advised that the property is offered "as is." Possession will be transferred to the successful bidder immediately after the successful bidder has (1) made payment in full, or (2) entered into a contract for deed with the Commissioner of Administration.

When payment in full has been received by the State of Minnesota, the state shall convey the property by QUIT CLAIM DEED. The State of Minnesota *will not* furnish an abstract. Prospective bidders are hereby admonished that the State assumes no obligation to perform any acts or to pay for any expenses incurred in connection with possible title deficiencies except to deliver an executed QUIT CLAIM DEED. Interested prospective bidders are advised to inspect the real estate and conditions of title in order to insure full knowledge of existing conditions.

The State of Minnesota will pay the real estate taxes, if any, due and payable against this property in the year 1982 and all prior years. The successful bidder shall be responsible for the payment of all real estate taxes due and payable in 1983, if any, and in all succeeding years.

The State of Minnesota will pay in full all special assessments due and payable against this property as of the date of the sale.

The Commissioner of Administration reserves the right to reject any or all bids and to waive informalities therein.

Department of Agriculture Agronomy Services Division

Notice of Special Local Need Registration for "Furadan 4 Flowable"

Pursuant to Minnesota Statute § 18A.23, and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on April 8, 1982, issued a Special Local Need Registration for "Furadan 4 Flowable" manufactured by FMC Corporation, Agricultural Chemical Group, Omaha, Nebraska 68137.

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

OFFICIAL NOTICES

In addition to the uses prescribed on the product label, this Special Local Need Registration expands the alfalfa portion of the label to allow its use against a new pest, Lesion Nematode. The rate of application is increased if used to control Lesion Nematode.

The application and other data required under Minnesota Statute §§ 18A.22, subd. 2(a-d); 18A.23; and 40 CFR 162.150-162.158, subpart B, relative to this registration (identified as SLN #MN82-0006) is on file for inspection at:

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

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minnesota Statute, ch. 15, for the purpose of revoking, amending, or upholding this registration.

April 15, 1982

Mark W. Seetin, Commissioner

Notice of Special Local Need Registration for "Furadan 10 G"

Pursuant to Minnesota Statute § 18A.23, and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on April 8, 1982, issued a Special Local Need Registration for "Furadan 10 G" manufactured by FMC Corporation, Agricultural Chemical Group, Omaha, Nebraska 66137.

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

In addition to the uses prescribed on the product label, this Special Local Need (SLN) Registration changes the method of application and rate when used on sugarbeets. This SLN permits a "modified infurrow" application procedure at a reduced rate.

The application and other data required under Minnesota Statute §§ 18A.22, subd. 2(a-d); 18A.23; and 40 CFR 162.150-162.158, subpart B, relative to this registration (identified as SLN #MN82-0005) is on file for inspection at:

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

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minnesota Statute ch. 15, for the purpose of revoking, amending, or upholding this registration.

April 15, 1982

Mark W. Seetin, Commissioner

Department of Commerce Insurance Division

Notice of Meeting of the Minnesota Comprehensive Health Association

The Minnesota Comprehensive Health Association Annual Meeting will be held on Tuesday, June 15, 1982 at 10:00 a.m. in Room 51 of the State Office Building, St. Paul, Minnesota.

A meeting of the Minnesota Comprehensive Health Association's board of directors will take place immediately following the annual meeting.

Notice of changes in scheduling of these meetings and notice of additional meetings can be obtained from: Life and Health Section, Insurance Division, 500 Metro Square Building, St. Paul, Minnesota 55101, (612) 296-2202.

Investment Advisory Council

Notice of Regular Meeting

The Investment Advisory Council will meet Thursday, May 13, 1982 at 7:30 a.m. in the MEA Conference Room, 41 Sherburne Avenue, Saint Paul.

State Board of Investment

Notice of Regular Meeting

The State Board of Investment will meet Thursday, May 13, 1982 at 9:00 a.m. in Room 130, State Capitol, Saint Paul.

Department of Natural Resources Soil and Water Conservation Board

Notice of Meeting Cancellation and Change of Meeting Date

The Minnesota Soil and Water Conservation Board has cancelled their regular monthly meeting for May.

The Minnesota Soil and Water Conservation Board has changed the date of their regular monthly meeting from June 8, 1982 to June 9, 1982. The Board has also changed the meeting place for their June meeting from the 6th floor, Space Center Building, St. Paul, Minnesota, to the Long Lake Conservation Center, Palisade, Minnesota. The board will resume their regular schedule on July 13, 1982.

Department of Public Welfare Mental Health Bureau

Notice of Intent to Solicit Nominations for the Aversive and Deprivation Rule Writing Committee

Notice is hereby given that the Department of Public Welfare is seeking nominations of individuals for membership on the Aversive and Deprivation Rule Writing Committee responsible for drafting of a rule for the regulation of aversive and deprivation procedures for mentally retarded persons. The draft rule is 12 MCAR § 2.040, Conditions for the Use of Aversive and Deprivation Procedures. This rule will govern the use of aversive and deprivation procedures in all licensed facilities serving mentally retarded persons except as authorized and monitored by the designated regional review committees.

All interested or affected persons or groups are invited to participate. Nominations may be addressed to: Mr. Ardo Wrobel, Mental Retardation Division, 4th Floor, Centennial Office Building, St. Paul, Minnesota 55155. Oral nominations will be received during regular business hours over the telephone at (612) 296-2160.

All nominations must be received by June 3, 1982.

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 Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is May 25, 1982.

BOARD OF BOXING has 1 vacancy open immediately for a member who has had professional boxing experience in some capacity. The board licenses boxers, seconds, managers, franchise holders, makes rules governing sparring and boxing exhibitions. Members are appointed by the Governor and must file with EPB. Meetings are monthly, usually at boxing matches. Members receive \$35 per diem plus expenses. For specific information, contact the Board of Boxing, 5th Floor, Metro Square Bldg., St. Paul 55101; (612) 296-2501.

CABLE COMMUNICATIONS BOARD has 1 vacancy open immediately for a public member. The board establishes rules and standards for cable communications in the state. It approves service territories, provides consultant services, and represents the state before the Federal Communications Commission. Members appointed by the Governor and confirmed by the Senate; must file with EPB; and may not be employed by or have financial interest in any cable communications company or subsidiaries. No more than 4 members may be of the same political party. Meetings are monthly. Members receive \$35 per diem plus expenses. For specific information, contact the Cable Communications Board, 500 Rice St., St. Paul 55103; (612) 296-2545.

POISON INFORMATION CENTER ADVISORY COUNCIL has 2 vacancies open immediately. Prescribed qualifications include: 1 Medical Doctor in Pediatrics; 1 Medical Doctor in Emergency Medicine. Cannot be a resident of Chippewa, St. Louis, Washington, Ramsey or Clay counties. Only one of the two can be from Anoka, Carver, Dakota, Hennepin or Scott counties. Advises the Commissioner of Health on establishing a poison center to provide educational services to the public and to health professionals. Cannot be affiliated with the current designated poison information center. Members receive no compensation. For specific information, contact the Poison Information Center Advisory Council, 717 Delaware Street, S.E., Minneapolis 55414; (612) 296-5460.

ADVISORY SEED POTATO CERTIFICATION COMMITTEE has 2 vacancies open immediately. Must be a certified seed potato grower (pursuant to Minn. Stat. § 21.112; subd. 2). The committee reviews quality control, research, and market development in the certified seed potato industry. Members are appointed by the Commissioner of Agriculture for 3 year terms, are growers of certified seed potatoes. Meetings are twice monthly; members are compensated for expenses. For specific information, contact Robert Flaskerd, Department of Agriculture, 90 West Plato Blvd., St. Paul 55107; (612) 296-9310.

JUVENILE JUSTICE ADVISORY COMMITTEE has 15 vacancies open immediately. Members must have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. At least 1/5 must be under the age of 24; at least 3 shall have been or shall currently be under the jurisdiction of the juvenile justice system. Members are appointed by the Governor. Members are compensated for travel expenses. For specific information, contact Carol Magee, 130 Capitol, St. Paul 55155; (612) 296-4030.

ETHICAL PRACTICES BOARD has 1 vacancy open immediately for a former Legislator, Independent Republican Party, for term expiring in January 1984. The board administers campaign financing for state candidates; economic interest disclosure for state and metropolitan public officials; and lobbyist registration and reporting. Meetings are monthly. Members are appointed by the Governor and confirmed by the House and Senate, and receive \$35 per diem plus expenses. For specific information, contact the Ethical Practices Board, 41 State Office Building, St. Paul 55155; (612) 296-5148.

MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE to the Commissioner of Health has 15 vacancies open immediately for: five professionals with expertise in maternal and child health services; five representatives of local health boards as defined in Minn. Stat. § 145.913; and five consumer representatives interested in the health of mothers and children. No members shall be employees of the State Department of Health. The task force will advise the commissioner on general Maternal and Child Health (MCH) matters, review MCH grant awards, make recommendations on MCH grant priorities and make recommendations on a process to distribute (federal) MCH block grant funds after July 1, 1983. Members are appointed by the Commissioner of Health. Meetings as needed; members receive expenses. For specific information, contact Community Services Division, Minnesota Department of Health, 717 Delaware S.E., Minneapolis, 55440; (612) 296-5377.

METROPOLITAN AIRPORTS COMMISSION has 2 vacancies open immediately. Must be a resident of the appropriate MAC commissioner precinct. The commission promotes air transportation by developing the Twin Cities as an aviation center; coordinates with other aviation facilities in the state to provide economical and effective use of aeronautic facilities and services; may build new airports or acquire existing airports in the metropolitan area; adopts and enforces regulations to manage all metropolitan airports; has jurisdiction over flight and traffic patterns; controls airport land use; and provides for airport noise control. Chairman and 8 members are appointed by the Governor, residing in precincts as determined by

Governor. They must file with EPB. Meetings are monthly, and members receive \$50 per diem. For specific information, contact the Metropolitan Airports Commission, 6040 28th Ave. S., Minneapolis 55450; (612) 726-5770.

MINNESOTA SENTENCING GUIDELINES COMMISSION has 4 vacancies. Prescribed qualifications include: 2 public members; 1 new member for a probation officer or parole officer effective January 24, 1983; 1 new member for a peace officer appointment effective July, 1982. The function of the commission is to reduce the disparity in sentencing practices throughout the state in terms of length of incarceration as well as incarceration versus probation. The commission promulgated and submitted to the legislature on January 1, 1980, guidelines for trial court judges. These guidelines shall be advisory to trial court judges. The commission is further required to monitor and modify the guidelines once operational and evaluate their effectiveness. In addition, the commission is required to conduct ongoing research, and make periodic recommendations to the Legislature regarding improvement of sentencing, criminal code, or criminal procedures. Public members are appointed by the Governor and receive \$50 per diem. All commission members will be reimbursed for travel expenses. For specific information, contact the Minnesota Sentencing Guidelines Commission, 284 Metro Square Bldg., St. Paul 55101; (612) 296-0144.

ADVISORY TASK FORCE ON USE OF STATE FACILITIES has 7 vacancies for public members. Prescribed qualifications include: 2 representative of private providers of long-term and short-term care, both non-profit and profit-making; 2 representatives of state hospital employees, at least one of whom shall be an employee pursuant to Minn. Stat. § 179.741, subd. 1, clause 4; and 1 member, with one designated alternate member, who shall represent each of the following groups: mentally retarded, chemically dependent, and mentally ill. Public members are appointed by the Legislative Advisory Commission. Members shall be reimbursed for expenses as provided by Minn. Stat. § 15.059, subd. 6. Meetings by arrangement. For specific information, contact the Advisory Task Force on the Use of State Facilities, 309 Administration Bldg., 50 Sherburne Street, St. Paul 55155; (612) 297-3616.

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832

Whereas, the Commissioner of Transportation has made his Order No. 66400 as amended by Orders Nos. 66446 and 66550, designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.832, and

Whereas, the commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.832,

It is hereby ordered that Commissioner of Transportation Order No. 66400 is amended effective April 30, 1982 by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

- T.H. 23 — From Jct. T.H. 269 to Lyon County C.S.A.H. 10 at Cottonwood (Seasonal)
 - From Lyon County C.S.A.H. 10 to Jct. 212 (12 mo.)
 - From Jct. T.H. 212 to Jct. T.H. 55 (Seasonal)
- T.H. 30 — From 6th Ave. East in Hayfield to Jct. T.H. 56 (Seasonal)
- T.H. 52 — From Jct. I-90 To Olmstead County Road 154
 - 6 Miles North of West Jct. T.H. 14 in Rochester (12 mo.)
 - From Olmstead County Road 154 to South Jct. T.H. 55 (Seasonal)

CITY STREETS

- Detroit Lakes — West Main Street From T.H. 59 to A Point 100' East of Soo Line R.R. Tracks (12 mo.)
- Windom — 16th Street From Jct. T.H. 60-71 to N. Lakeview Avenue Extended (12 mo.)
- Wells — Remove Broadway Avenue From T.H. 109 South to 7th Street S.E.

April 26, 1982

Richard P. Braun
Commissioner of Transportation

STATE OF MINNESOTA

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