

83 JUNE 13

# STATE REGISTER

STATE OF MINNESOTA

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### 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 7			
51	Monday June 6	Monday June 13	Monday June 20
52	Monday June 13	Monday June 20	Monday June 27
SCHEDULE FOR VOLUME 8			
1	Monday June 20	Friday June 24	Monday July 4
2	Monday June 27	Friday July 1	Monday July 11

\*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.

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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* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

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

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

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# PROPOSED RULES

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Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, 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.

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## Waste Management Board

### Proposed Amendments to Rules of the State Waste Management Board Governing Supplementary Review and Governing Operating Procedures

On May 23, 1983, proposed amendments to the above-entitled rules were published in the *State Register* (7 S.R. 1678-80). Notice of intent to adopt rules without a public hearing was published for the amendments to rules governing supplementary review at 7 S.R. 1678-79. The amendments to the rules governing supplementary review appeared at 7 S.R. 1680. The required notice of intent to adopt rules without a public hearing was not published for the amendments to the rules governing operating procedures. Therefore, the notice of intent to adopt rules without a public hearing for the amendments to the rules governing operating procedures which appeared at 7 S.R. 1679 is set forth below.

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

NOTICE IS HEREBY GIVEN that the State Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

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

Unless seven 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. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13 to 14.20 (1982).

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

Waste Management Board  
Attn: Sharon Decker  
123 Thorson Building  
7323-58th Avenue North  
Crystal, MN 55428  
(612) 536-0816

Authority for the adoption of these rules is contained in Minnesota Statutes section 115A.06, subd. 2. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Waste Management Board, Attn: Sharon Decker, 123 Thorson Building, 7323-58th Avenue North, Crystal, MN, 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.

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## ADOPTED RULES

Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Waste Management Board, Attn: Sharon Decker, 123 Thorson Building, 7323-58th Avenue North, Crystal, MN 55428.

The rules proposed for adoption relate to amending the following matters: (1) Board meetings and officers including voting requirements for permanent and temporary board members; and (2) Reimbursement for travel expenses.

Copies of this Notice and the proposed Rules are available and may be obtained by contacting the Waste Management Board, Attn: Sharon Decker, 123 Thorson Building, 7323-58th Avenue North, Crystal, MN 55428.

Dated: May 3, 1983.

Robert G. Dunn, Chairman  
Waste Management Board

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## ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

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### Department of Agriculture Plant Industry Division

#### Adopted Amendments to the Rules Governing Seed Potato Certification

The rules proposed and published at *State Register*, Volume 7, Number 37, pages 1286-1289, March 14, 1983 (7 S.R. 1286) are adopted as proposed.

### Board of Nursing

#### Adopted Repeal of Current Rules (7 MCAR §§ 5.1050-5.1101 and 5.2040-5.2091) and Adoption of New Rules (7 MCAR §§ 5.3000-5.3021) Regarding Practical and Professional Nursing Program Approval

The rules proposed and published at *State Register*, Volume 7, Number 19, pages 693-704, November 8, 1982 (7 S.R. 693) are adopted with the following modifications:

##### Rules as Adopted

7 MCAR § 5.3000 Definitions.

G. Clinical setting. "Clinical setting" means the place where, or through which, faculty and students have access to one or more patients. Classrooms controlled by the faculty do not meet this definition.

**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

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~~G. H.~~ Controlling body. "Controlling body" means a school or organization falling within the provisions of Minnesota Statutes, section 148.171 to 148.299 and meeting the requirements of 7 MCAR § 5.3004 B.

~~H. I.~~ Counseling. "Counseling" means using mutual deliberation to assist the patient or family in decision making.

~~I. J.~~ Director. "Director" means the registered professional nurse responsible for developing a proposed program or for implementing a program. This title is used regardless of the official title given to the person by the controlling body.

~~J. K.~~ Faculty. "Faculty" means the director and other individuals designated by the controlling body as having ongoing responsibility for teaching or evaluating student learning in the program.

~~K. L.~~ Family. "Family" means two or more people related through blood or marriage or living in the same household.

~~L. M.~~ Nursing ability. "Nursing ability" means the mental and physical capacity and skill necessary to perform nursing actions.

~~M. Nursing care.~~ "Nursing care" means responding to the needs of patients and performing personal services for and with patients.

### 7 MCAR § 5.3005 Application for program approval.

A. Content. An application for approval of either a practical or professional program must meet each of the following requirements:

7. The board ~~may~~ shall waive all or part of the sequence for evidencing compliance specified in 6. and in 7 MCAR § 5.3006 A. if the application satisfactorily meets rules 7 MCAR §§ 5.3009-5.3021.

### 7 MCAR § 5.3007 Rule compliance survey.

C. Board action. The board shall take one of the following actions upon completion of a survey:

2. notify the director in writing of allegations of lack of compliance with one or more rules and that a conference with a board review panel will be held, or that a contested case hearing will be held in accordance with the Minnesota Administrative Procedure Act, Minnesota Statutes, ~~sections 15.041-15.052~~, and contested case rules of the Office of Administrative Hearings, 9 MCAR §§ 2.201-2.222.

If a board review panel finds that the allegations are untrue, the board shall dismiss the matter. If the panel finds that the allegations are true, and representatives of the program consent, the panel shall submit a report to the board.

The board shall take one of the following actions upon receipt of the report of the review panel or hearing officer: the board shall notify the director in writing that compliance with all rules has been determined; or issue a reprimand without changing the approval status if the program is in compliance either at the time of convening the review panel or hearing or by the time the board reviews the report of the panel or hearing; or issue a correction order specifying the date upon which the order will expire. Subsequently, if a deficiency is corrected before expiration of the correction order, the director will be notified in writing that the applicable rule has been determined to be in compliance. If a deficiency is not corrected before expiration of the correction order, the director will be notified that a conference with a board review panel may be held, or that a contested case hearing may be held in accordance with Minnesota Administrative Procedure Act, Minnesota Statutes, ~~sections 15.041-15.052~~, and with contested case rules of the Office of Administrative Hearings, 9 MCAR §§ 2.201-2.222. The purpose of the review panel or hearing is to determine if the deficiency was corrected prior to expiration of the correction order. If the deficiency was not corrected prior to expiration of the correction order, the board shall either remove the program from the list of approved programs or deny approval to an applicant.

### 7 MCAR § 5.3011 Advanced standing.

B. Determining advanced standing. The faculty shall use one or more of the following methods to determine the number of academic credits, if any, to be granted:

1. review of a licensed practical nurse's previous education as reported on a transcript or similar document and previous nursing experience;

### 7 MCAR § 5.3012 Faculty.

B. Qualifications. The director must be prepared to supply documents showing that each registered nurse faculty member meets each of the following qualifications.

2. Each registered nurse faculty member must successfully complete at least ten clock hours of educational preparation in principles and methods of evaluation. The preparation must be designed to develop skill in evaluating, such as describing basic principles of judging value or quality, describing characteristics of effective measuring procedures, defining a problem for evaluation, designing an evaluation plan, collecting information, and using evaluation results.



The preparation must be acquired through planned faculty in-service learning activities, continuing education offerings, or college courses.

The preparation must be obtained at least once in a faculty member's career, either by July 1, 1985, or within two years of initial faculty appointment to an approved program, or prior to the time the board acts on the application for approval of a program.

C. ~~Basic education~~ New program requirements. Representatives of a controlling body applying for approval of a program or the director of a program that has not yet had a student complete the program must be able to supply documents showing that each of the registered nurse faculty members meets the additional educational qualifications specified as follows:

1. For practical nursing programs, the director must have at least a bachelor's degree of science or arts from a regionally accredited college or university. In addition, the director and all other faculty members must have had one year of experience in direct relation to nursing care during the five years preceding appointment. This experience may include teaching nursing and nursing administration.

7 MCAR § 5.3018 Additional professional nursing abilities to be evaluated.

C. ~~Case finding~~ Identifying potential patients. Students must be evaluated for the ability to identify an individual who is not currently receiving nursing care, but who could benefit from care.

K. ~~Nursing assessment of actual or potential physiological or psychological~~ Health needs of families. Students must be evaluated for the ability to:

L. ~~Nursing assessment of actual or potential physiological or psychological~~ Health needs of communities which affect individual's health. Students must be evaluated for the ability to:

2. make a plan for modifying ~~conditions~~ a condition within the community which ~~affect~~ affects the health of an individual.

## Department of Transportation

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

#### Order No. 67790

Whereas, the Commissioner of Transportation by Order No. 66400, dated January 15, 1982, which order has been amended by Orders Nos. 66446, 66550, 66628, 66690, 66768, 66807, 66920, 66962, 67065, 67142, 67224, 67267, 67287, and 67405 designates and permits certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the record of said designation has become cumbersome to maintain, and that the existing designations should be consolidated with needed amendments into one order and document.

The Commissioner, as of the date of this Consolidated Order, hereby vacates, recinds and sets aside Order No. 66440, as amended by Orders Nos. 66446, 66550, 66628, 66690, 66768, 66807, 66920, 66962, 67065, 67142, 67224, 67267, 67287, and 67405.

The Commissioner of Transportation as of this date orders and gives notice, pursuant to Minnesota Statutes § 169.832 (1982), that the following street and highway routes, or segments of those routes, are designated and permitted to carry the gross weights allowed under Minnesota Statutes, § 169.825. Those routes or their segments are as follows:

Explanatory Note: Both the 12 month and seasonal routes are listed together. The 12 month routes are all in capital letters. The seasonal routes are in small letters. The routes are listed in numerical order and read geographically from west to east and from south to north.

#### TRUNK HIGHWAYS

T.H. 1 — From West State Border to Jct. T.H. 219 (effective 5-15).

From Jct. T.H. 72 (Shooks Corner) to Jct. T.H. 71 (effective 12-1).

**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

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- T.H. 2 — From West State Border to Jct. T.H. 61 (I-35) (effective 5-15).  
FROM JCT. I-35 IN DULUTH TO ARROWHEAD BRIDGE (12 MONTH).
- T.H. 3 — From Jct. T.H. 3 and 20th Street in Faribault to North Rice County Line (effective 7-1).  
From North Rice County Line to Jct. T.H. 55 (effective 5-15).  
FROM JCT. T.H. 110 TO T.H. 5 (12 MONTH).
- T.H. 4 — From Jct. T.H. 14 north to Jct. T.H. 68 (effective 5-15).  
From Jct. C.S.A.H. 12 north and west to Weston Ave. (St. James) (effective 5-15).
- T.H. 5 — From west Jct. T.H. 19 to T.H. 212 (effective 5-15).  
From Jct. T.H. 41 to I-494 (effective 5-15).  
FROM JCT. I-494 TO MISSISSIPPI RIVER (12 MONTH).  
From Mississippi River to Kellogg Blvd. (effective 5-15).  
(EAST 7TH STREET) FROM T.H. 52 (ROBERT STREET) EAST TO EAST MINNEHAHA AVENUE (12 MONTH).
- T.H. 6 — From Jct. T.H. 18 to east Jct. T.H. 210 (effective 5-15).
- T.H. 7 — From Jct. T.H. 12 to Jct. T.H. 29 (effective 5-15).  
FROM JCT. T.H. 29 (SOUTHERN PORTION OF MONTEVIDEO BELTLINE) EASTERLY TO THE JCT. T.H. 23 (CLARA CITY) (12 MONTH).  
From Jct. T.H. 23 (Clara City) TO Jct. T.H. 15 (effective 5-15).  
FROM T.H. 15 TO JCT. I-494 (12 MONTH).  
From Jct. I-494 to Jct. T.H. 100 (effective 5-15).
- T.H. 8 — From Jct. I-35 to East State Line (St. Croix River) (effective 5-15).
- T.H. 9 — From Jct. T.H. 29 to Jct. T.H. 59 (effective 5-15).  
From Clay County C.S.A.H. 52 in Barnesville to Jct. I-94 (effective 5-15).  
FROM JCT. I-94 TO 2 MILES NORTH (12 MONTH).  
From Jct. T.H. 10 to Jct. T.H. 2 (effective 6-15).
- T.H. 10 — FROM WEST STATE LINE TO BECKER COUNTY C.S.A.H. 10 (FRAZEE) (12 MONTH).  
From Becker County C.S.A.H. 10 (Frazee) to Jct. T.H. 47 (Anoka) (effective 5-15).  
FROM JCT. T.H. 47 TO JCT. I-694 (12 MONTH).
- T.H. 11 — From Jct. T.H. 32 to Baudette (effective 5-15).  
From West State Line to Jct. T.H. 59 (effective 10-1).  
From Jct. T.H. 71 (Pelland) to Jct. T.H. 332 (effective 12-1).
- T.H. 12 — From West State Line to Jct. T.H. 7 (Ortonville) (effective 5-15).  
From Jct. T.H. 59 to Jct. T.H. 94 (effective 5-15).  
FROM T.H. 280 TO I-94 AT ROBERT ST. (ST. PAUL) (12 MONTH).  
FROM I-694 TO EAST STATE LINE (12 MONTH).
- T.H. 13 — From Jct. I-90 (Albert Lea) to Jct. T.H. 60 (effective 5-15).  
From Montgomery to New Prague (effective 5-15).  
From Jct. T.H. 282 northeast to Jct. T.H. 101 (effective 5-15).  
FROM JCT. T.H. 101 TO JCT. I-35W (12 MONTH).
- T.H. 14 — From Jct. T.H. 75 to 24th Avenue North West in Owatonna (effective 5-15).  
FROM 24TH AVENUE NORTHWEST TO STATE AVENUE IN OWATONNA (12 MONTH).  
From Jct. T.H. 218 to Jct. T.H. 57 (Kasson) (effective 7-1).

FROM JCT. T.H. 57 (KASSON) TO JCT. T.H. 63 (ROCHESTER) (12 MONTH).

From La Crescent to East State Line (effective 5-15).

WITHIN THE CITY LIMITS OF ST. CHARLES (12 MONTH).

T.H. 15 — From Jct. T.H. 60 to Jct. T.H. 257 (effective 5-15).

From Jct. T.H. 14 to Jct. T.H. 19 (effective 5-15).

T.H. 16 — From Jct. I-90 (Dexter) to East Jct. T.H. 52 (effective 5-15).

From Jct. T.H. 44 to Jct. T.H. 61 (effective 5-15).

From La Crescent to East State Line (effective 5-15).

T.H. 18 — From Jct. T.H. 210 to South Jct. T.H. 169 (effective 5-15).

From South Jct. T.H. 47 to North Jct. T.H. 47 (effective 5-15).

From Finlayson to East Jct. T.H. 23 (effective 5-15).

T.H. 19 — From West State Line to Jct. T.H. 75 (effective 5-15).

From West City Limits of Marshall to Jct. T.H. 22 (effective 5-15).

T.H. 21 — From Jct. I-35 to Jct. T.H. 60 in Faribault (effective 5-15).

From South Jct. T.H. 13 to Jct. 169 (effective 5-15).

T.H. 22 — From Jct. T.H. 109 to Jct. T.H. 60 (effective 5-15).

From Jct. T.H. 212 to Jct. T.H. 55 (effective 5-15).

T.H. 23 — From Jct. T.H. 269 to Cottonwood (effective 5-15).

FROM COTTONWOOD TO I-94 (12 MONTH).

From Jct. I-94 to Jct. I-35 (effective 5-15).

From North Jct. I-35 to Askov (effective 5-15).

T.H. 24 — From Jct. I-94 to Jct. T.H. 10 (effective 5-15).

T.H. 25 — From South Jct. T.H. 5 to Norwood (effective 5-15).

FROM JCT. I-94 TO SHERBURNE COUNTY C.S.A.H. 11 (12 MONTH).

From Sherburne C.S.A.H. 11 to North Jct. T.H. 10 (effective 5-15).

From Jct. T.H. 18 to Merrifield (effective 5-15).

T.H. 27 — From Jct. T.H. 75 (Wheaton) to Jct. T.H. 9 (effective 5-15).

From Jct. T.H. 29 to Jct. T.H. 127 (effective 5-15).

From South Jct. T.H. 71 to Jct. T.H. 25 (effective 5-15).

From North Jct. T.H. 47 to Jct. T.H. 65 (effective 5-15).

From Jct. T.H. 73 (Moose Lake) to I-35 (effective 5-15).

T.H. 28 — From West State Line to Glenwood (effective 5-15).

FROM 5TH STREET NORTHWEST IN GLENWOOD TO JCT. I-94 (12 MONTH).

T.H. 29 — FROM JCT. I-94 TO ITS NORTH JCT. T.H. 27 (ALEXANDRIA) (12 MONTH).

T.H. 30 — From Jct. T.H. 75 to North Jct. T.H. 59 (effective 5-15).

From Ellendale to Jct. I-35 (effective 7-1).

T.H. 32 — From Ulen to Fertile (effective 7-1).

From Jct. T.H. 2 to Red Lake Falls (effective 12-1).

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## ADOPTED RULES

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- In St. Hilaire from the Elevator entrance to Pennington County C.S.A.H. 3 (effective 5-15).  
From Jct. T.H. 1 to Jct. T.H. 11 (effective 5-15).
- T.H. 33 — From Jct. I-35 to Jct. T.H. 53 (effective 5-15).
- T.H. 34 — From Jct. T.H. 225 (Osage) to Jct. T.H. 371 (Walker) (effective 5-15).
- I-35 — CONTINUOUS FROM SOUTH STATE LINE TO 1.0 MILE NORTH OF JCT. WITH I-535 IN DULUTH. INCLUDES I-35W and I-35E FROM DOWNTOWN ST. PAUL TO VICINITY OF FOREST LAKE. (12 MONTH).
- T.H. 36 — FROM JCT. I-35W TO SOUTH JCT. T.H. 95 NEAR STILLWATER (12 MONTH).  
From South Jct. T.H. 95 to East State Line (effective 5-15).
- T.H. 37 — From Jct. T.H. 53 to Jct. T.H. 135 (effective 5-15).
- T.H. 40 — From West State Line to Jct. T.H. 75 (effective 5-15).
- T.H. 41 — From Jct. T.H. 169 to Jct. T.H. 212 (effective 5-15).  
From Jct. T.H. 5 to Jct. T.H. 7 (effective 5-15).
- T.H. 43 — FROM JCT. I-90 TO JCT. T.H. 61 (12 MONTH).  
From Jct. T.H. 61 to East State Line (effective 5-15).
- T.H. 44 — From west Jct. T.H. 52 to Jct. T.H. 16 (effective 5-15).
- T.H. 45 — From Jct. T.H. 210 (Carlton) to Jct. T.H. 33 (Cloquet) (effective 5-15).
- T.H. 46 — From Jct. T.H. 2 to Jct. T.H. 1 at Northome (effective 10-1).
- T.H. 47 — FROM T.H. 65 IN MINNEAPOLIS TO JCT. T.H. 10 IN ANOKA (12 MONTH).
- T.H. 51 — FROM T.H. 5 (W. 7th ST.) IN ST. PAUL TO I-694 IN ARDEN HILLS (VIA MONTREAL FROM W. 7th ST. TO SNELLING AVE., THEN VIA SNELLING AVE. FROM MONTREAL TO I-694) (12 MONTH).
- T.H. 52 — From South State Line to I-90 (effective 5-15).  
FROM JCT. I-90 (MARION) TO JCT. OLMSTED COUNTY ROAD 15, NORTH OF ROCHESTER (12 MONTH).  
From Olmstead County Road 15 to South Goodhue County Line (effective 5-15).  
From South Goodhue Line to Jct. T.H. 55 (effective 5-15).  
FROM SOUTH JCT. T.H. 55 TO NORTH JCT. T.H. 55 (12 MONTH).  
From North Jct. T.H. 55 to Plato Blvd. (effective 5-15).  
FROM PLATO BLVD. TO I-94 (12 MONTH).  
FROM JCT. T.H. 100 TO JCT. I-94 (12 MONTH).
- T.H. 53 — From Jct. I-35 (Duluth) to South Jct. T.H. 169 (Virginia) (effective 5-15).  
From South Jct. T.H. 169 (Virginia) to International Falls (effective 12-1).
- T.H. 55 — From Jct. T.H. 29 to Brooten (effective 5-15).  
FROM 6.5 MILES WEST OF JCT. T.H. 71 (BROOTEN) TO JCT. T.H. 23 (12 MONTH).  
From Jct. T.H. 23 to Jct. T.H. 22 (effective 5-15).  
FROM JCT. T.H. 22 (EDEN VALLEY) TO T.H. 61 (HASTINGS) (12 MONTH).
- T.H. 56 — From Adams to Jct. I-90 (effective 5-15).  
From Jct. I-90 to Jct. T.H. 30 (effective 7-1).  
From Jct. T.H. 60 (Kenyon to Randolph) (effective 8-1).  
From Randolph to South Jct. T.H. 55 (effective 5-15).  
FROM SOUTH JCT. T.H. 55 TO NORTH JCT. T.H. 55 (12 MONTH).  
From north Jct. T.H. 55 to Jct. T.H. 3 (effective 5-15).
- T.H. 57 — From Jct. T.H. 14 to Dodge County C.S.A.H. 34 (effective 5-15).

- From Jct. Dodge County C.S.A.H. 34 to North City Limits of Wanamingo (effective 7-1).
- T.H. 58 — From Jct. T.H. 63 on Plum Street to T.H. 61 (Main Street) in Red Wing (effective 5-15).
- T.H. 59 — From Jct. T.H. 60 to Jct. T.H. 68 (effective 5-15).
- From West Jct. T.H. 68 in Marshall north to Erie Road (6500 feet) (effective 5-15).
- From Jct. T.H. 67 to Jct. T.H. 12 (effective 5-15).
- From South Jct. T.H. 9 to Jct. T.H. 28 (effective 5-15).
- From I-94 to South Jct. T.H. 210 (effective 5-15).
- FROM NORTH JCT. I-94 TO JCT. T.H. 10 (DETROIT LAKES) (12 MONTH).
- From Jct. T.H. 10 to Jct. T.H. 2 (effective 5-15).
- From Jct. T.H. 2 to Jct. T.H. 1 (effective 7-1).
- From Jct. T.H. 1 to North State Line (effective 5-15).
- T.H. 60 — From South State Line to North Jct. T.H. 169 (effective 5-15).
- From Jct. T.H. 22 to East Jct. T.H. 14 (effective 5-15).
- FROM JCT. I-35 TO 2ND AVENUE IN FARIBAULT (12 MONTH).
- From Jct. T.H. 57 to Jct. T.H. 52 (effective 7-1).
- T.H. 61 — From East State Line to La Crescent (effective 5-15).
- From La Crescent to I-90 (effective 5-15).
- FROM NORTH JCT. I-90 TO 1 MILE NORTH OF T.H. 60 AT WABASHA (12 MONTH).
- From Wabasha to 150' East of Potter Street in Red Wing (effective 7-1).
- From 150' east of Potter St. to Broad St. in Red Wing (effective 5-15).
- FROM HASTINGS TO JCT. I-94 (12 MONTH).
- FROM JCT. T.H. 5 (EAST 7TH STREET) TO NORTH JCT. T.H. 96 (12 MONTH).
- From North Jct. T.H. 96 to Jct. T.H. 35 at Wyoming (effective 5-15).
- FROM END OF I-35 (DULUTH) TO LAKE COUNTY ROAD 2 (TWO HARBORS) (12 MONTH).
- From Lake County Road 2 to North State Line (effective 1-1 thru 3-1).
- T.H. 62 — From Jct. T.H. 59 to Jct. T.H. 60 (effective 10-1)
- T.H. 63 — From Jct. T.H. 16 to Jct. T.H. 30 (Stewartville) (effective 7-1).
- FROM JCT. T.H. 30 (STEWARTVILLE) TO JCT. T.H. 14 (ROCHESTER) (12 MONTH).
- From Rochester to Wabasha County C.S.A.H. 62 (Lake City) (effective 8-1).
- From Lake City (C.S.A.H. 62) to Jct. T.H. 58 (Plum Street) in Red Wing (effective 7-1).
- From Jct. T.H. 58 (Plum Street in Red Wing) to East State Line (effective 5-15).
- T.H. 64 — From Jct. T.H. 34 to Jct. T.H. 200 (effective 7-1).
- T.H. 65 — From I-35 to 7th Avenue in Albert Lea (effective 5-15).
- FROM 7th STREET TO I-35 IN ALBERT LEA (12 MONTH).
- FROM JCT. T.H. 94 TO JCT. T.H. 52 (12 MONTH).
- From Jct. I-694 to Jct. T.H. 27 (effective 5-15).
- From Pengilly to North Jct. T.H. 169 (effective 5-15).
- T.H. 67 — From Jct. T.H. 75 to Jct. T.H. 59 (effective 5-15).

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## ADOPTED RULES

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- From Echo to West Jct. T.H. 19 (effective 5-15).  
From East Jct. T.H. 19 to Jct. T.H. 68 at Morgan (effective 5-15).
- T.H. 68 — From West State Line to Milroy (effective 5-15).  
From Wabasso to Jct. T.H. 71 (effective 5-15).  
From Jct. T.H. 67 (Morgan) to Jct. T.H. 14 and T.H. 68 in New Ulm (effective 5-15).
- T.H. 71 — From South State Line to Jct. T.H. 212 (effective 5-15).  
FROM JCT. T.H. 212 TO NORTH JCT. T.H. 23 (12 MONTH).  
From North Jct. T.H. 23 to Browerville (effective 5-15).  
From Jct. T.H. 10 to Jct. T.H. 34 (effective 5-15).  
From Jct. T.H. 34 to West Jct. T.H. 200 (effective 7-1).  
From West Jct. T.H. 200 to East Jct. T.H. 200 (effective 12-1).  
From East Jct. T.H. 200 to South Jct. Beltrami County Road 50 (effective 10-1).  
From North Jct. Beltrami County Road 50 to Blackduck (effective 5-15).  
From Blackduck to Jct. T.H. 332 (effective 12-1).
- T.H. 72 — From Jct. T.H. 1 (Shooks Corner) to Jct. T.H. 11 (effective 12-1).
- T.H. 73 — From Jct. I-35 to Jct. T.H. 27 (effective 5-15).  
From South Jct. T.H. 169 to (Hibbing) (effective 5-15).  
From Jct. T.H. 169 (Chisholm) to Jct. T.H. 53 (effective 12-1).
- T.H. 74 — FROM JCT. I-90 TO JCT. T.H. 14 (ST. CHARLES) (12 MONTH).
- T.H. 75 — From I-90 to North State Line (effective 5-15).
- T.H. 77 — FROM JCT. I-35E TO JCT. I-494 (12 MONTH).
- T.H. 79 — From Jct. T.H. 59 (Elbow Lake) to I-94 (effective 5-15).
- T.H. 86 — From Jct. I-90 to Lakefield (effective 5-15).  
From Lakefield to Jct. T.H. 60 (effective 7-1).
- T.H. 87 — From Jct. T.H. 10 to Frazee (effective 5-15).  
From South Jct. T.H. 71 (Menaga) to North Jct. T.H. 71 (effective 5-15).
- T.H. 89 — From Jct. T.H. 2 to South Jct. T.H. 1 (effective 5-15).  
From Grygla Elevator entrance to South Jct. T.H. 1 and T.H. 89 (West of City of Red Lake Falls) (effective 10-1).
- I-90 — FROM WEST STATE LINE TO EAST STATE LINE (12 MONTH).
- T.H. 91 — From Jct. I-90 (Adrian) to Lismore (effective 12-1).  
From Jct. Noble County C.S.A.H. 28 at Adrian to I-90 (effective 5-15).
- T.H. 92 — From Jct. T.H. 200 (Zerkel) to Jct. T.H. 2 (effective 12-1).  
From Jct. T.H. 2 to Jct. 222 (effective 7-1).  
From 2 miles West of Jct. T.H. 222 to Jct. T.H. 222 (effective 7-1).
- I-94 — FROM WEST STATE LINE TO JCT. I-694 EAST OF ST. PAUL (12 MONTH). NOTE: I-694 TO EAST STATE LINE THE HIGHWAY DESIGNATION IS T.H. 12 (12 MONTH).
- T.H. 95 — From Jct. T.H. 169 to Jct. C.S.A.H. 30 in North Branch (effective 5-15).  
From Laurel St. to North Jct. T.H. 36 in Stillwater (effective 5-15).  
FROM SOUTH JCT. T.H. 36 TO JCT. T.H. 12 (12 MONTH).  
State Prison Entrance from Jct. T.H. 95 to Washington County Road 28 (effective 5-15).
- T.H. 96 — From Jct. I-35W to Jct. T.H. 61 (effective 5-15).
- T.H. 100 — FROM JCT. I-494 TO JCT. I-94 (12 MONTH).

- T.H. 101 — FROM JCT. T.H. 13 TO JCT. T.H. 169 IN SHAKOPEE (12 MONTH).  
From South Jct. T.H. 169 to Jct. T.H. 212 and 169 (effective 5-15).  
From Jct. T.H. 152 to Jct. C.S.A.H. 150 (Rogers) (effective 5-15).  
FROM JCT. C.S.A.H. 150 (ROGERS) TO JCT. T.H. 169 (ELK RIVER) (12 MONTH).
- T.H. 109 — From Jct. T.H. I-90 to Jct. T.H. 22 (effective 5-15).
- T.H. 110 — FROM JCT. T.H. 55 TO JCT. T.H. 56 (12 MONTH).
- T.H. 113 — From Jct. T.H. 32 to Jct. T.H. 59 (effective 10-1).  
From Jct. T.H. 59 to Jct. T.H. 71 (effective 12-1).
- T.H. 127 — From Jct. I-94 to Jct. T.H. 27 (effective 5-15).
- T.H. 135 — From North Jct. T.H. 53 to South Jct. T.H. 53 (effective 12-1)  
From Jct. T.H. 53 to Aurora (effective 5-15).
- T.H. 149 — From Jct. T.H. 3 to North Jct. T.H. 55 (effective 5-15).
- T.H. 152 — FROM 49th AVENUE NORTH TO JCT. I-94 (12 MONTH).  
FROM JCT. T.H. 169 (OSSEO) TO JCT. T.H. 101 (DAYTON) (12 MONTH).
- T.H. 169 — From South State Line to Jct. T.H. 21 (Jordan) (effective 5-15).  
FROM JCT. T.H. 21 (JORDAN) TO SOUTH JCT. T.H. 101 (SHAKOPEE) (12 MONTH).  
From South Jct. T.H. 101 (Shakopee) to Jct. I-494 (effective 5-15).  
FROM JCT. I-494 TO NORTH JCT. T.H. 152 (OSSEO) (12 MONTH).  
From North Jct. T.H. 152 to Jct. T.H. 23 (effective 5-15).  
From South Jct. T.H. 27 to East Jct. T.H. 210 (effective 5-15).  
From Jct. T.H. 200 (Hill City) to South Jct. T.H. 53 (effective 5-15).  
From North Jct. T.H. 53 to Windom (effective 12-1).
- T.H. 175 — From West State Line to Jct. T.H. 59 (effective 5-15).
- T.H. 200 — From West State Line to Jct. T.H. 9 (Ada) (effective 5-15).  
From Jct. T.H. 9 to Jct. T.H. 32 (effective 10-1).  
From Jct. T.H. 32 to East Norman County Line (effective 5-15).  
From Jct. T.H. 92 (Zerkel) to East Jct. T.H. 71 (effective 12-1).  
From East Jct. T.H. 71 to Jct. T.H. 64 (effective 10-1).
- T.H. 201 — From Jct. T.H. 10 to Jct. T.H. 169 (Elk River) (effective 5-15).
- T.H. 210 — From West State Line to Jct. I-94 (effective 5-15).  
FROM JCT. I-94 TO ST. ANDREWS STREET SOUTH IN FERGUS FALLS (12 MONTH).  
In Fergus Falls from St. Andrews Street South to Sheridan Avenue (effective 5-15).  
From West Jct. T.H. 10 to I-35 (effective 5-15).
- T.H. 212 — From West State Line to Granite Falls (effective 5-15).  
FROM GRANITE FALLS TO EAST LIMITS OF OLIVIA (12 MONTH).  
From East Limits of Olivia to Jct. T.H. 22 (Glencoe) (effective 5-15).  
FROM JCT. T.H. 22 (GLENCOE) TO EAST McLEOD COUNTY LINE (12 MONTH).  
From East McLeod County Line to Jct. T.H. 41 (Chaska) (effective 5-15).

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## ADOPTED RULES

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- From Jct. T.H. 101 to Jct. I-494 (effective 5-15).
- T.H. 217 — From Little Fork to Jct. T.H. 53 (effective 12-1).
- T.H. 218 — From South State Line to 1.75 miles south of Jct. I-90 (effective 5-15).  
FROM 1.75 MILES SOUTH OF I-90 TO EAST JCT. I-90 (12 MONTH).  
FROM WEST JCT. I-90 TO 2 MILES NORTH OF JCT. I-90 (12 MONTH).  
From 2 miles North of Jct. I-90 to I-35 (effective 5-15).
- T.H. 219 — From Jct. T.H. 1 to Goodridge (effective 5-15).
- T.H. 222 — From Jct. T.H. 92 to Oklee (effective 7-1).
- T.H. 226 — From Jct. T.H. 34 into Dorset (effective 5-15).
- T.H. 231 — From West State Line to Jct. I-94 (Moorhead) (effective 5-15).
- T.H. 242 — (Main Street) from T.H. 10 to 9th Avenue (in Anoka) (effective 5-15).
- T.H. 251 — From Hollandale to I-35 (effective 8-1).
- T.H. 267 — From Iona to Jct. T.H. 30 (effective 5-15).
- T.H. 270 — From Hills to Jct. T.H. 75 (effective 5-15).
- T.H. 273 — From Jct. T.H. 19 to Belview (effective 5-15).
- T.H. 274 — From Wood Lake to Jct. T.H. 23 (effective 5-15).
- T.H. 275 — From Boyd to Jct. T.H. 212 (effective 5-15).
- T.H. 280 — FROM JCT. I-94 TO JCT. T.H. 36 (12 MONTH).
- T.H. 282 — From Jct. T.H. 169 to Jct. T.H. 13 (effective 5-15).
- T.H. 324 — FROM I-35 TO JCT. WITH T.H. 361 (PINE CITY) (12 MONTH).
- T.H. 332 — From Jct. T.H.s. 11 and 71 to Jct. T.H. 53 (effective 12-1).
- T.H. 361 — From I-35 to Jct. T.H. 324 (Pine City) (effective 5-15).
- T.H. 371 — From Jct. T.H. 10 to Jct. T.H. 2 (effective 5-15).
- I-494 — FROM JCT. I-94 (FISH LAKE) TO EAST JCT. T.H. 5 AT TWIN CITY INTERNATIONAL AIRPORT (12 MONTH).
- I-535 — FROM I-35 TO EAST STATE BORDER (DULUTH) (12 MONTH).
- I-694 — FROM WEST JCT. I-94 (BROOKLYN CENTER) TO EAST JCT. I-94 EAST OF ST. PAUL (12 MONTH).

### CITY STREETS

- Albert Lea — MARGARETHA AVENUE FROM T.H. 65 SOUTH TO 13TH STREET AND 13TH STREET EAST TO ITS TERMINI (12 MONTH).
- Anoka — (M.S.A.S.) 9th Avenue from T.H. 242 to Hoffman Engineering (effective 5-15).  
(M.S.A.S.) Tyler Street from 7th Avenue to Federal Cartridge (effective 5-15).
- Blaine — 85TH AVENUE FROM I-35W TO 3601 (TRUCK TERMINAL IN THE CITY OF BLAINE) (12 MONTH).
- Brainerd — North and South 4th Street from Washington Street to Laurel Street (effective 5-15).  
Laurel Street from South 4th Street to East River Road (effective 5-15).
- Burnsville — 122nd Street from Jct. I-35W to Dupont Avenue (effective 5-15).  
Dupont Avenue from 122nd Street to South Jct. Lady Bird Lane (effective 5-15).
- Cyrus — From 2 blocks South of Jct. T.H. 28 and C.S.A.H. 3 on Dahl Street to T.H. 28 (effective 5-15).
- Detroit Lakes — RANDOLPH ROAD FROM GABOR TERMINAL TO ROOSEVELT AVENUE; THEN ROOSEVELT AVENUE SOUTH TO T.H. 10 (12 MONTH).  
WEST MAIN STREET FROM JCT. T.H. 59 TO A POINT 100 FEET EAST OF SOO LINE RAILROAD TRACKS (12 MONTH).



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**ADOPTED RULES**

- Faribault — 2nd Avenue N.W. from T.H. 60 north to T.H. 3 (20th Street N.W.) (effective 5-15).
- Fergus Falls — DOUGLAS AVENUE FROM T.H. 59 TO T.H. 210 (12 MONTH).  
SHERIDAN AVENUE FROM T.H. 59 AND 210 NORTH, TO WASHINGTON AVENUE, WEST ON WASHINGTON AVENUE ONE BLOCK TO SHERMAN STREET, THEN SOUTH ONE BLOCK ON SHERMAN STREET TO JUNIUS AVENUE (12 MONTH).  
FROM T.H. 210 SOUTH ON ST. ANDREWS STREET TO WEST LINCOLN AVENUE, WEST ON WEST LINCOLN AVENUE TO SEWAGE PLANT ROAD, THEN SOUTH ON SEWAGE PLANT ROAD TO CENTRAL BY-PRODUCTS PLANT (12 MONTH).
- Glenwood — JCT. OF T.H. 28 AND MINNESOTA AVENUE TO NORTH LAKESHORE DRIVE, THEN NORTH LAKESHORE DRIVE TO THE WEST CORPORATE LIMITS OF GLENWOOD (12 MONTH).
- Hutchinson — Arch Street between Michigan Street and the Farmers Elevator (effective 5-15).  
Michigan Street from Jct. T.H. 7 to Jct. Arch Street (effective 5-15).
- Inver Grove Heights — Maltby Road From Jct. T.H. 52 east 1700 feet (effective 5-15).  
117th Street from T.H. 52 West to the entrance of the Pine Bend Landfill (effective 5-15).
- Kasson — 8th Avenue from Main Street to C.S.A.H. 34 (effective 5-15).  
— 2nd Avenue from Main Street to C.S.A.H. 34 (effective 5-15).  
— C.S.A.H. 34 from 8th Avenue to T.H. 57 (effective 5-15).
- Mankato — 3rd Avenue from Brooks Street to Jct. T.H. 14 (effective 5-15).  
Minneopa Road from Woodland Avenue to Blue Earth River (effective 5-15).
- \*Minneapolis — ARTHUR STREET N.E. FROM 18TH AVENUE N.E. TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).  
STINSON BOULEVARD FROM 18TH AVENUE N.E. TO BROADWAY STREET N.E. (12 MONTH).  
I-35W NORTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).  
I-35W SOUTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).  
BROADWAY STREET N.E. FROM ARTHUR STREET N.E. TO JCT. T.H. 280 (12 MONTH).  
ARTHUR STREET N.E. FROM SUMMER STREET N.E. TO BROADWAY STREET N.E. (12 MONTH).  
TAFT STREET N.E. FROM KENNEDY STREET N.E. TO BROADWAY STREET N.E. (12 MONTH).  
INDUSTRIAL BOULEVARD N.E. FROM BROADWAY STREET N.E. TO I-35W (12 MONTH).  
NEW BRIGHTON BOULEVARD FROM I-35W NORTH FRONTAGE ROAD TO SOUTH FRONTAGE ROAD (12 MONTH).  
T.H. 55 (HIAWATHA AVENUE) FROM EAST 24TH STREET TO MINNEAPOLIS SOUTH CITY LIMITS (12 MONTH).  
CEDAR HIGHWAY FROM EAST 24TH STREET TO MINNEHAHA AVENUE (12 MONTH).  
CEDAR AVENUE FROM I-94 EXIT RAMP TO MINNEHAHA AVENUE (12 MONTH).  
MINNEHAHA AVENUE FROM I-94 TO EAST 26TH STREET (12 MONTH).

\*Denotes a ¼ mile deviation from the following listed routes as long as posted bridges are not utilized.

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## ADOPTED RULES

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- EAST 26TH STREET FROM MINNEHAHA AVENUE TO 26TH AVENUE SOUTH (12 MONTH).  
26TH AVENUE SOUTH FROM EAST 26TH STREET TO EAST 27TH STREET (12 MONTH).  
EAST 24TH STREET FROM MINNEHAHA AVENUE TO CEDAR AVENUE (12 MONTH).  
WASHINGTON AVENUE SOUTH FROM 42ND AVENUE NORTH TO 10TH AVENUE NORTH,  
AND FROM 10TH AVENUE SOUTH TO 14TH AVENUE SOUTH (I-35W) (12 MONTH).  
OAK LAKE AVENUE FROM OLSON HIGHWAY TO 10TH AVENUE NORTH (12 MONTH).  
10TH AVENUE NORTH FROM OAK LAKE AVENUE TO WASHINGTON AVENUE NORTH (12  
MONTH).  
10TH AVENUE SOUTH FROM WASHINGTON AVENUE NORTHERLY TO END (12 MONTH).  
DOWLING AVENUE NORTH FROM WASHINGTON AVENUE TO END (12 MONTH).  
LYNDALE AVENUE NORTH FROM 42ND AVENUE NORTH TO NORTH CITY LIMITS (12  
MONTH).  
49TH AVENUE NORTH FROM JAMES AVENUE NORTH TO WEST CITY LIMITS (12 MONTH).  
MARSHALL STREET N.E. FROM BROADWAY STREET N.E. TO EAST RIVER ROAD (12  
MONTH).  
EAST RIVER ROAD FROM MARSHALL STREET N.E. TO NORTH CITY LIMITS (12 MONTH).  
UNIVERSITY AVENUE N.E. FROM LOWRY STREET N.E. TO NORTH CITY LIMITS (12  
MONTH).  
LOWRY STREET N.E. FROM MARSHALL STREET N.E. TO 6TH STREET N.E. (12 MONTH).  
ELM STREET S.E. FROM KASOTA AVENUE TO 17TH AVENUE S.E. (12 MONTH).  
17TH AVENUE S.E. FROM ELM STREET TO ROLLINS AVENUE S.E. (12 MONTH).  
ROLLINS AVENUE S.E. FROM 17TH AVENUE TO 15TH AVENUE S.E. (12 MONTH).  
UNIVERSITY AVENUE S.E. FROM 25TH AVENUE S.E. TO EAST CITY LIMITS (12 MONTH).
- Moorhead — 1ST AVENUE NORTH FROM 8TH STREET NORTH TO T.H. 10 (12 MONTH).  
Morris — Pacific Avenue from T.H. 59 to Park Avenue (effective 5-15).  
New Ulm — Front Street from 8th Street North to Center Street, then Center Street from Front Street to Valley Street,  
then South Valley Street from Center Street to First Street South (effective 5-15).  
Owatonna — Park Drive from County Road 75 (24th Avenue N.W.) to Railroad Tracks (effective 5-15).  
Pine City — SEVENTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE WEST, FROM 4TH AVENUE  
WEST TO 3RD AVENUE WEST, FROM 2ND AVENUE WEST TO RIVER (12 MONTH).  
FOURTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE EAST, 5TH AVENUE EAST TO  
3RD AVENUE EAST (12 MONTH).  
THIRD STREET FROM 3RD AVENUE EAST TO RIVER (12 MONTH).  
SECOND STREET FROM 3RD AVENUE EAST TO 2ND AVENUE EAST (12 MONTH).  
FIRST AVENUE EAST FROM C.S.A.H. 61 TO RAILROAD TRACKS (12 MONTH).  
SECOND AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).  
SECOND AVENUE EAST FROM C.S.A.H. 61 TO SECOND STREET (12 MONTH).  
THIRD AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).  
THIRD AVENUE EAST FROM C.S.A.H. 61 TO 2ND STREET (12 MONTH).  
FOURTH AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).  
EIGHTH AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).  
EIGHTH AVENUE EAST FROM C.S.A.H. 61 TO 4TH STREET (12 MONTH).  
HILLSIDE AVENUE FROM C.S.A.H. 61 TO FOURTH STREET (12 MONTH).
- Red Wing — Potter Street from T.H. 61 north to elevator (effective 5-15)

- Plum Street from T.H. 61 to ½ block north (effective 5-15).  
Broad Street from T.H. 61 to Levee Road (effective 5-15).  
Levee Road from Broad Street to elevator entrance (effective 5-15).  
Dakota Street from T.H. 61 to elevator entrance. (effective 5-15).
- Rose Creek — 3rd Street (effective 5-15).  
Rosemount — Pine Bend Trail from Jct. T.H. 55 to 1.5 miles east (effective 5-15).  
St. Cloud — Roosevelt Road from Jct. T.H. 23 to South city limits (effective 5-15).  
St. James — 11th Street from Jct. C.S.A.H. 14 and C.S.A.H. 56 to 8th Avenue North (effective 5-15).  
St. Paul — DALE STREET FROM GRAND AVENUE TO LARPENTEUR AVENUE (12 MONTH).  
PLATO BOULEVARD FROM WATER STREET TO FILLMORE AVENUE (12 MONTH).  
CHESTER STREET FROM T.H. 3 TO PLATO BOULEVARD (12 MONTH).  
NORTH CLEVELAND AVENUE FROM UNIVERSITY AVENUE SOUTH TO WABASH AVENUE, THEN WABASH AVENUE ON NORTH CLEVELAND TO VANDALIA STREET, THEN VANDALIA STREET TO I-94 (12 MONTH).  
EAST SEVENTH STREET FROM EAST MINNEHAHA AVENUE TO ATLANTIC STREET, THEN ATLANTIC STREET NORTH TO RAILROAD TRACKS (12 MONTH).  
WACOUTA STREET FROM I-94 TO FIFTH STREET, THEN FIFTH STREET FROM WACOUTA STREET TO BROADWAY (12 MONTH).  
SHEPARD ROAD FROM T.H. 5 TO WARNER ROAD, THEN WARNER ROAD FROM ITS INTERSECTION WITH SHEPARD ROAD TO T.H. 61 (12 MONTH).  
FROM T.H. 5 (WEST 7TH STREET) TO KELLOGG BOULEVARD (12 MONTH).  
CHESTNUT STREET FROM WEST SEVENTH STREET TO SHEPARD ROAD (12 MONTH).  
KELLOGG BOULEVARD FROM WEST SEVENTH STREET TO T.H. 61 (MOUNDS BOULEVARD) (12 MONTH).  
ELWAY STREET FROM SHEPARD ROAD TO MONTREAL AVENUE. THEN MONTREAL AVENUE FROM ELWAY STREET TO STEWART AVENUE. THEN STEWART AVENUE TO TEXACO TERMINAL (12 MONTH).  
MINNEHAHA AVENUE WEST FROM DALE STREET TO ARUNDEL STREET (12 MONTH).  
OTTO AVENUE FROM SHEPARD ROAD TO WEST 7TH STREET (12 MONTH).  
WHITE BEAR AVENUE FROM I-94 TO EAST MINNEHAHA AVENUE (12 MONTH).  
EAST MINNEHAHA AVENUE FROM WHITE BEAR AVENUE TO BIRMINGHAM STREET (12 MONTH).  
CHILDS ROAD FROM WARNER ROAD TO THE SOUTHERLY LIMITS OF CHILDS ROAD (12 MONTH).  
PRIOR AVENUE FROM UNIVERSITY AVENUE TO PIERCE BUTLER ROUTE (12 MONTH).  
PIERCE BUTLER ROUTE FROM PRIOR AVENUE TO SNELLING AVENUE (12 MONTH).  
MOUNDS BOULEVARD FROM I-94 TO EAST SEVENTH STREET (12 MONTH).  
SNELLING AVENUE (T.H. 51) (12 MONTH).
- Sauk Centre — 4th Street North from T.H. 71 to 331 North 4th Street (effective 5-15).  
South St. Paul — RICHMOND STREET FROM CONCORD STREET (T.H. 56) EAST TO HARDMAN AVENUE (12 MONTH).

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## ADOPTED RULES

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- HARDMAN AVENUE FROM RICHMOND STREET NORTH TO I-494 (12 MONTH).
- Windom — 16th STREET FROM JCT. T.H.s. 60 AND 71 TO NORTH LAKEVIEW AVENUE EXTENDED (12 MONTH).
- Winona — PELZER STREET FROM JCT. T.H. 61 to THEURER BOULEVARD (12 MONTH).  
RIVERVIEW DRIVE FROM THEURER BOULEVARD TO 2900 FEET EAST OF PRAIRIE ISLAND ROAD (12 MONTH).  
Franklin Street from Jct. T.H. 43 to Front Street (effective 5-15).
- Worthington — Oxford Street from T.H. 60 to T.H. 266 (effective 5-15).

### COUNTY ROADS

- Anoka — C.S.A.H. 23 (Naples Street) from C.S.A.H. 32 to County Road 105 (effective 5-15).  
County Road 102 (57th Avenue) from T.H. 47 to Main Street (County Road 102) (effective 5-15).  
County Road 102 (Main Street) from 57th Avenue to C.S.A.H. 2 (44th Avenue) (effective 5-15).  
C.S.A.H. 32 (85TH AVENUE) FROM 3601 85TH AVENUE TO 3701 85TH AVENUE (12 MONTH).  
C.S.A.H. 7 (7th Avenue) from T.H. 10 to Tyler Street (in Anoka) (effective 5-15).  
T.H. 242 (Main Street) from T.H. 10 to 9th Avenue (in Anoka) (effective 5-15).
- Becker — C.S.A.H. 10 CONNECTIONS TO T.H. 10 (12 MONTH).  
C.S.A.H. 10 from T.H. 10 west of Frazee to T.H. 10 east of Frazee (effective 5-15).  
C.S.A.H. 7 from T.H. 10 to Front Street in City of Lake Park (effective 5-15).  
C.S.A.H. 10 from T.H. 87 to South County Line (effective 5-15).  
C.S.A.H. 13 from T.H. 10 to Eagle Street in City of Audubon (effective 5-15).  
C.S.A.H. 30 from T.H. 87 to River Drive in City of Frazee (effective 5-15).  
C.S.A.H. 84 from T.H. 59 to Soo Line Railroad in City of Callaway (effective 5-15).
- Carlton — C.S.A.H. 1 from Jct. T.H. 210 (Carlton) to Conoco Refinery (Wrenshall) (effective 5-15).
- Clay — C.S.A.H. 11 FROM T.H. 10 TO TRUCK STOP ½ MILE SOUTH OF I-94 (12 MONTH).  
C.S.A.H. 52 FROM JCT. T.H. 9 (BARNESVILLE) TO JCT. I-94 (MOORHEAD) (12 MONTH).
- Dakota — C.S.A.H. 32 from Jct. I-35 east 0.3 miles (effective 5-15).
- Douglas — C.S.A.H. 41 FROM I-94 TO ITS JCT. WITH C.S.A.H. 82 (12 MONTH).  
C.S.A.H. 82 FROM C.S.A.H. 41 TO ITS JCT. WITH T.H. 29 IN ALEXANDRIA (12 MONTH).
- Freeborn — C.S.A.H. 26 from Milwaukee Railroad Tracks to Jct. I-90 (effective 7-1).  
C.S.A.H. 31 from Railroad Tracks to Jct. I-35 (effective 7-1).
- Hennepin — C.S.A.H. 1 (OLD SHAKOPEE ROAD) — FROM NESBITT AVENUE TO I-35W (12 MONTH).  
C.S.A.H. 3 (EXCELSIOR BLVD.) — FROM C.S.A.H. 18 TO T.H. 100 (12 MONTH).  
C.S.A.H. 10 (BASS LAKE ROAD) — FROM I-494 TO C.S.A.H. 156 (12 MONTH).  
C.S.A.H. 15 (SHORELINE BLVD.) — FROM C.S.A.H. 110 TO C.S.A.H. 19 (12 MONTH).  
C.S.A.H. 18 — FROM I-494 TO T.H. 7 (12 MONTH).  
C.S.A.H. 18 — FROM C.S.A.H. 10 TO I-94 (12 MONTH).  
C.S.A.H. 19 — FROM T.H. 7 TO C.S.A.H. 15 (12 MONTH).  
C.S.A.H. 20 (BLAKE ROAD) — FROM C.S.A.H. 3 TO T.H. 7 (12 MONTH).  
C.S.A.H. 34 (NORMANDALE BLVD.) — FROM C.S.A.H. 1 (OLD SHAKOPEE ROAD) TO I-494 (12 MONTH).  
C.S.A.H. 61 — From Jct. I-94 to County Road 130 (effective 5-15).  
C.S.A.H. 109 (85TH AVENUE NORTH) — FROM C.S.A.H. 18 TO T.H. 52 (12 MONTH).  
C.S.A.H. 156 (WINNETKA AVENUE) — FROM C.S.A.H. 9 TO C.S.A.H. 10 (12 MONTH).

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**ADOPTED RULES**

- County Road 130 — From C.S.A.H. 61 to 0.45 miles northwest (effective 5-15).
- Martin — C.S.A.H. 50 from C.S.A.H. 52 to Jct. T.H. 16 (effective 5-15).  
C.S.A.H. 52 from 2nd Street West in Truman to C.S.A.H. 50 (effective 5-15).  
C.S.A.H. 39 from C.S.A.H. 26 to Jct. I-90 (effective 5-15).  
County Road 145 from C.S.A.H. 38 to T.H. 15 (effective 5-15).
- McLeod — C.S.A.H. 9 from Plato to T.H. 212 (effective 5-15).  
C.S.A.H. 21 from North County Line to Winsted (effective 5-15).  
C.S.A.H. 32 from West Jct. T.H. 212 to East Jct. T.H. 212 (effective 5-15).  
County Road 81 in Glencoe (effective 5-15).
- Murray — C.S.A.H. 29 from the City of Hadley to Jct. T.H. 30 (effective 5-15).
- Otter Tail — C.S.A.H. 8 from T.H. 10 to North City Limits of Perham (effective 5-15).  
C.S.A.H. 10 (Old T.H. 10) From Jct. T.H. 10 to North Otter Tail County Line near Frazee (effective 5-15).  
C.S.A.H. 67 From Jct. C.S.A.H. 84 to South Limits of New York Mills (effective 5-15).  
C.S.A.H. 80 from Southeast Jct. T.H. 10 to Northwest Jct. T.H. 10 (effective 5-15).  
C.S.A.H. 84 from Southeast Jct. T.H. 10 to Northwest Jct. T.H. 10 (effective 5-15).
- Pine — C.S.A.H. 61 FROM JCT. OF T.H. 361 AND T.H. 324 TO ITS JCT. WITH C.S.A.H. 11 IN PINE CITY (12 MONTH).  
COUNTY ROAD 55 FROM C.S.A.H. 61 TO INDUSTRIAL PARK—PINE CITY (12 MONTH).  
C.S.A.H. 8 FROM C.S.A.H. 61 TO EAST 2ND STREET (12 MONTH).
- Ramsey — COUNTY ROAD D (C.S.A.H. 19) FROM OLD T.H. 8 TO I-35W (12 MONTH).  
OLD HIGHWAY 8 (C.S.A.H. 77) FROM COUNTY ROAD D TO FIRST STREET SOUTHWEST (12 MONTH).  
CLEVELAND AVENUE (C.S.A.H. 46) FROM COUNTY ROAD C TO COUNTY ROAD C-2 (12 MONTH).  
COUNTY ROAD C (C.S.A.H. 23) FROM WEST COUNTY LINE TO PRIOR AVENUE (12 MONTH).  
COUNTY ROAD J (C.S.A.H. 1) (OR 85TH AVENUE N.E.) IN ANOKA (12 MONTH).  
COUNTY C.S.A.H. 32 FROM I-35 TO 3701 85TH AVENUE N.E. (12 MONTH).
- \*Redwood — C.S.A.H. 7 from Seaforth to Jct. T.H. 19 (effective 7-15).  
C.S.A.H. 1 and 16 from Clements to Jct. T.H. 71 (effective 7-15).  
C.S.A.H. 4 and 17 from Wanda to Jct. T.H. 71 (effective 7-15).  
C.S.A.H. 6 from Jct. T.H. 14 to Jct. T.H. 68 (effective 7-15).  
C.S.A.H. 25 and 100 from West Jct. C. & N.W. Ry. in North Redwood to South Jct. C. & N.W. Ry. (effective 7-15).  
C.S.A.H. 10 and 30 from Lucan to Jct. T.H. 19 (effective 7-15).  
C.S.A.H. 33 from Jct. T.H. 68 to Jct. C.S.A.H. 133 (effective 7-15).  
C.S.A.H. 101 from North Redwood to Jct. T.H. 19 (effective 7-15).

\*These are seasonally restricted 10 ton routes. Effective period to carry the increased weights is from July 15th each year until the following springload restrictions go into effect.

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## ADOPTED RULES

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- C.S.A.H. 133 from Jct. C.S.A.H. 33 to Front St. (Wabasso) (effective 7-15).  
C.R. 70 from Rowena to Jct. T.H. 71 (effective 7-15).  
C.R. 80—entire segment (effective 7-15).
- Sherburne — C.S.A.H. 11 from T.H. 25 to T.H. 10 (effective 5-15).
- Stearns — C.S.A.H. 75 from west Jct. I-94 to Jct. T.H. 23 in Waite Park (effective 5-15).  
C.S.A.H. 75 from South City Limits of St. Cloud to Jct. I-94 near St. Augusta (effective 5-15).
- Steele — C.S.A.H. 45 from the Rice County Line South to the State Highway 14-218 interchange in Owatonna (effective 5-15).  
C.S.A.H. 12 from the I-35 interchange East to the East City Limits of Medford (effective 5-15).  
C.S.A.H. 9 from the I-35 interchange East to C.S.A.H. 45 (effective 5-15).  
C.S.A.H. 35 from the I-35 interchange East to C.S.A.H. 45 (effective 5-15).  
C.S.A.H. 25 (Bridge Street) from the I-35 interchange west to C.R. 75 (24th Avenue N.W.) and C.R. 75 (24th Avenue N.W.) from C.S.A.H. 25 North to T.H. 14 (effective 5-15).  
C.S.A.H. 14 from the I-35 interchange west to C.S.A.H. 4 and C.S.A.H. 4 from C.S.A.H. 14 North to the North Limits of Hope (effective 5-15).  
C.S.A.H. 1 (North Street) from C.S.A.H. 45 (Hoffman Drive) east to No. Cedar Street and C.S.A.H. 1 (N. Cedar Street) from North Street North to 11th Street (effective 5-15).  
C.S.A.H. 19 (Rose Street) from C.S.A.H. 45 (Hoffman Drive) east to C.S.A.H. 8 (Grove Ave. and Mineral Springs Road) and C.S.A.H. 8 North and East to Cherry Street (effective 5-15).
- Stevens — C.S.A.H. 13 Chokio only (effective 5-15).  
C.S.A.H. 9 Alberta only (effective 5-15).  
C.S.A.H. 8 from C.S.A.H. 1 to Jct. T.H. 9 (Hancock) (effective 5-15).
- Traverse — C.S.A.H. 4 Browns Valley only (effective 5-15).  
C.S.A.H. 100 from 12th Street to Jct. T.H. 75 (effective 5-15).
- Wabasha — C.S.A.H. 9 (Lakewood Avenue) from Jct. T.H. 61 South to South 10th Street (Lake City) (effective 5-15).  
C.S.A.H. 62 (South 10th Street) from Lakewood Avenue West to Jct. T.H. 63 (Lake City) (effective 5-15).
- Waseca — C.S.A.H. 3 from Waldorf to Jct. T.H. 14 (effective 5-15).  
C.S.A.H. 9 from west county line to C.S.A.H. 3 (effective 5-15).  
C.S.A.H. 12 from C.S.A.H. 1 to T.H. 13 (effective 5-15).  
C.S.A.H. 2 from County Road 53 to T.H. 14 (effective 5-15).  
C.S.A.H. 53 from C.S.A.H. 2 to C.S.A.H. 5 (effective 5-15).  
C.S.A.H. 5 from County Road 53 to C.S.A.H. 30 (effective 5-15).  
C.S.A.H. 30 from C.S.A.H. 5 to T.H. 13 (effective 5-15).
- Washington — C.S.A.H. 16 from the west ramps of I-494 to Woodlane Drive in Woodbury (effective 5-15).  
C.S.A.H. 19A FROM JCT. T.H. 61 TO MILWAUKEE RAILROAD IN COTTAGE GROVE (12 MONTH).  
C.S.A.H. 21 from C.S.A.H. 28 to C.S.A.H. 23 (effective 5-15).  
C.S.A.H. 22 FROM T.H. 61 TO JCT. WITH C.S.A.H. 38 (12 MONTH).  
C.S.A.H. 23 from C.S.A.H. 21 to Lookout Trail North (TH 36) (effective 5-15).  
C.S.A.H. 38 FROM JCT. WITH C.S.A.H. 22 TO JCT. WITH I-494 (12 MONTH).  
COUNTY ROAD 66 (GREELY STREET) FROM T.H. 36 TO CURVE CREST BOULEVARD IN STILLWATER (12 MONTH).  
C.S.A.H. 28 FROM STATE PRISON ENTRANCE ROAD TO C.S.A.H. 21 (12 MONTH).
- Watowan — C.S.A.H. 10 from Jct. C.S.A.H. 23 to Jct. T.H. 15 (effective 5-15).

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## EXECUTIVE ORDERS

C.S.A.H. 12 from Jct. T.H. 60 to Jct. T.H. 4 and C.S.A.H. 14 in St. James (effective 5-15).

C.S.A.H. 14 (11th Street South in St. James) from Jct. T.H. 4 to Jct. C.S.A.H. 56 (1st Avenue South) (effective 5-15).

C.S.A.H. 56 (1st Avenue South in St. James) from C.S.A.H. 14 to Jct. T.H. 4 (effective 5-15).

Winona

— County Road 23 from Jct. T.H. 14 to the Jct. T.H. 61 (Minnesota City) (effective 5-15).

C.S.A.H. 32 FROM MAIN STREET TO JUNCTION STREET (WINONA). (12 MONTH).

C.S.A.H. 54 FROM JCT. T.H. 61 TO C.S.A.H. 32 IN GOODVIEW (12 MONTH).

Dated this 27th day of May, 1983.

Richard P. Braun  
Commissioner of Transportation

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## EXECUTIVE ORDERS

### Executive Order No. 83-20

#### **Providing for a Governor's Council on Minnesota Career Information Service and Assigning Responsibilities to the Department of Education; Repealing Executive Order No. 79-35**

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, certain monies have been allocated by various grants, contracts, and appropriations to support a statewide career information service in Minnesota; and

WHEREAS, a service has been established and it is necessary and advisable to make certain changes and to provide for continuation of services; and

WHEREAS, a report must be made to the legislature concerning the present operations, funding requirements, effectiveness and need for the services.

NOW, THEREFORE, I order:

1. Pursuant to Minnesota Statutes, Section 15.0593, the Governor shall appoint an advisory council of fifteen members who shall be selected to represent the users and producers of occupational and career information services. The advisory council shall be named the "Governor's Council on Minnesota Career Information Service" and shall establish its own governing procedures, including election of appropriate officers. Staff assistance for the Council shall be provided by the Commissioner of Education. The Commissioner of Education shall consult with the advisory board concerning the operation of the Minnesota Career Information Service and shall be the Governor's designee to the Council.

2. The Commissioner of Education shall have such authority and responsibility as has heretofore existed in the Minnesota Occupational Information System Board and shall, pursuant to Minnesota Statutes, Section 4.07, apply for, receive, and accept funds available through Title I, Part B of the Job Training and Partnership Act of 1982, appropriations, fees, and other federal monies as available to perform duties of a Career Information Service.

3. The Minnesota Department of Education shall, pursuant to Minnesota Laws 1979, Chapter 335, Section 3, Subdivision 15, prior to January 15 of each year, prepare a report

## EXECUTIVE ORDERS

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dealing with the present operations, funding requirements, effectiveness, and demonstrated need for the continuation of the services provided hereunder.

This Order repeals Executive Order No. 79-35.

Pursuant to Minnesota Statutes 1982, Section 4.035, this Order shall be effective 15 days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I hereunto set my hand this 15th day of March, 1983.



## TAX COURT

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

### State of Minnesota

### Tax Court

L. M. Berry and Company,

Appellant,

v.

The Commissioner of Revenue,

Appellee.

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER FOR JUDGMENT

Order dated May 27, 1983

Docket No. 3054

This is an appeal from an Order of the Commissioner of Revenue dated December 14, 1979 assessing the amount of \$56,358.47, including penalties and interest, for use tax on telephone directories printed outside Minnesota and delivered to telephone companies or telephone subscribers within Minnesota, during the period from August 1, 1967 through May 31, 1978.

The matter came on for hearing before the Minnesota Tax Court in St. Paul on August 25, 1982, Judge Earl B. Gustafson presiding. Post-trial briefs and memoranda were filed and the Court, on its own motion, reopened the case for an additional evidentiary hearing by an Order dated March 7, 1983. An additional hearing pursuant to this Order was held April 25, 1983.

Merle F. Wilberding of Collidge, Wall, Matusoff, Womsley & Lombard, P.A., appeared for Appellants.

James W. Neher, Special Assistant Attorney General, appeared for Appellee.

#### Decision

The Order of the Commissioner of Revenue is reversed.

#### Findings of Fact

1. L. M. Berry and Company ("Berry") is an Ohio corporation engaged in the soliciting of the bold face listings placed in the non-classified section, and the soliciting and writing of the advertising placed in the classified section (herein called "Yellow Pages"), of printed telephone directories (herein called "directory" or "directories," as the case may be).



2. Berry performs this service for local telephone companies throughout the United States.
3. The remainder of the directory consists of an alphabetical list of subscribers, directory covers, telephone usage instructions and general civic information, including zip codes, street names, government offices, etc. (herein collectively called "White Pages").
4. The White Pages are specified and controlled by the telephone companies and are public information.
5. Berry has no office in the State of Minnesota, but does have employees (sales personnel) who personally contact telephone companies and telephone subscribers in Minnesota. These employees are under the supervision and control of Berry's office in Kansas City, Missouri.
6. In conducting its business, Berry enters into various contracts with the local telephone companies. There are two types of contracts used in Minnesota:
  - A. "Commission Contract"
  - B. "Publication Contract"(herein collectively called "directory contracts").
7. Whenever Berry does business with a local telephone company in Minnesota, one of the above types of contract is used.
8. Under the Commission Contract and Publication Contract, Berry also has a contract to sell all directory advertising and is responsible for procuring the printing of both the White Pages and the Yellow Pages of the directories.
9. Under the Commission Contract, the telephone company reimburses Berry for the directory printing costs. Under the Publication Contract, Berry pays the directory printing costs.
10. Under the Commission Contract and Publication Contract, Berry receives a stated percentage ("commission") of the advertising revenue derived from the advertising Berry has sold to the telephone company subscribers.
11. The amount of Berry's commission varies with each directory contract because it is the result of negotiation between Berry and the local telephone company.
12. The commission received by Berry under the Publication Contract is approximately ten to fifteen percent greater than it is under the Commission Contract. This difference reflects the approximate cost of printing the directories.
13. Under Public Service Commission Rules, a telephone company customer is entitled to the use of a telephone directory. The local telephone company is obligated to provide this directory as a part of the local telephone service.
14. Directories furnished to the telephone subscribers become the property of the telephone subscribers.
15. A telephone subscriber in Minnesota pays a Minnesota sales tax on the cost of telephone service.
16. The name of the applicable telephone company appears in the directories.
17. Berry solicits directory advertising by having its sales representatives personally contact the business entities that subscribe to the telephone company's service.
18. If the subscriber indicates that an advertisement is desired, then he enters into a contract for the creation and placement of the advertisement (herein called "Advertising Agreement").
19. The Advertising Agreement is, by its terms, a contract between the subscriber and the telephone company.
20. Berry's name does not appear on the Advertising Agreement.
21. Berry's sales representatives who contact telephone subscribers tell the subscriber that they work for the telephone company, such as saying that they are with the "Yellow Pages" or with the "Directory Department."
22. All sales representatives are instructed to follow this procedure.
23. The subscriber is never made aware by a Berry employee that any entity other than a telephone company is working to create the Yellow Pages.
24. Berry has never arranged for the printing of Directories for a local telephone company without having a contract to solicit advertising for the Yellow Pages.
25. The large volume of printing that Berry purchases enables it to negotiate lower printing costs, which can be passed on to the telephone company customers.
26. Under the Commission Contracts, the printing costs are passed on by Berry without any markup, and Berry receives no direct discount or other benefit from the printer.

## TAX COURT

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27. The printing of directories under both types of contract is accomplished by the use of master printing contracts between Berry and various printers.

28. The master printing contracts provide that delivery of the directories shall be F.O.B. at the printing plant.

29. Generally, delivery instructions are given directly to the printer by the local telephone company. If Berry gives delivery instructions, it is merely passing on the instructions it has received from the local telephone company.

30. The telephone companies determine what information is contained in the White Pages, and furnish this information to Berry; Berry then furnishes the information to the printer.

31. Minn. Stat. § 237.10 requires the Department of Public Service to prescribe uniform rules applicable to telephone utilities operating within the State of Minnesota (herein called "Public Service Rules").

32. Section 185 of Public Service Rules provides as follows:

A. Telephone directories shall be regularly published listing the name, address when practical, and telephone number of all customers, except public telephones and numbers unlisted at customer's request.

B. Upon issuance, a copy of each Directory shall be distributed to all customers served by that Directory and a copy of each Directory shall be furnished to the Commission, upon request.

C. The name of the telephone utility, the area included in the Directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front of the Directory pages.

D. The Directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the Directory.

E. Directory Assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing Directory Assistance service.

F. In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party, either upon request or interception.

G. Whenever any customer's telephone number is changed after a Directory is published, the utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number, provided existing central office equipment will permit, and the customer so desires. Provided, however, the telephone utility may refuse to take such action for good and sufficient reason.

H. When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

I. Each telephone utility shall make every effort to list its customers with Directory Assistance as necessary for the Directory Assistance operators to provide the requested telephone numbers based on customer names and post office addresses to eliminate "not found" numbers where the address is different from the address normally associated with an exchange directory.

33. By his Order dated December 14, 1979, the Minnesota Commissioner of Revenue has made an assessment against Berry in the amount of \$56,358.47, including penalties and interest, representing a claim for use taxes on directories printed outside Minnesota and delivered to telephone companies or telephone subscribers within Minnesota, during the period from August 1, 1967 through May 31, 1978 (herein called "Audit Period").

34. Berry has brought this appeal to the Tax Court from that Order.

35. The Commissioner contends that Berry was engaged in a taxable use of the telephone directories within the State of Minnesota during the Audit Period.

36. If Berry was engaged in a taxable use of the directories within the State of Minnesota during the Audit Period, the measure of the tax is based on the gross receipts for printing, i.e., on the charges by the printer to Berry for the printing costs of directories printed outside the State of Minnesota, and delivered into Minnesota by common carrier or United States Mail.

**Conclusions of Law**

1. Appellant is not liable for the Minnesota use tax under Minn. Stat. 297A.14.
2. The Order of the Commissioner should be reversed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 27, 1983

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

**Memorandum**

The Order of the Commissioner appealed from is dated December 14, 1979, assessing a use tax in the amount of \$56,358.47 against Appellant for the period from August 1, 1967, through May 31, 1978. The case was tried August 25, 1982. After post-trial briefs were submitted, the Court on March 7, 1983, ordered an additional hearing that was held April 25, 1983. On April 22, 1983, the Commissioner issued an Order assessing a sales tax in the amount of \$44,993.98 against Appellant for the period from November 1, 1971, through May 31, 1978. We consider this an appeal of the use tax order only and have limited our decision and discussion to that issue.

The Commissioner contends that Appellant, L. M. Berry, has engaged in a taxable use of telephone directories within the State of Minnesota during the audit period August 1, 1967, through May 31, 1978.

We find that Berry did not use the directories in the State of Minnesota and, therefore, is not liable. The Commissioner's Order is reversed.

Minn. Stat. § 297A.14 provides in pertinent part:

For the privilege of using, storing or consuming in Minnesota tangible personal property . . . purchased for use, storage or consumption in this state, there is hereby imposed on every person in this state a use tax . . . unless the tax imposed by section 297A.02 [the sales tax] was paid. . . .

Minn. Stat. § 297A.01, subd. 6, defines "use" as follows:

"Use" includes the exercise of any right or power over tangible personal property . . . purchased from a retailer incident to the ownership of any interest in the property, except that it does not include the sale of that property in the regular course of business.

A use tax, therefore, can only be imposed if no sales tax has been paid and if tangible personal property is, first, purchased for use in this state and, second, used within this state by the retail purchaser. Further, a "use" of the property "does not include the sale of that property in the regular course of business."

The essential facts have been stipulated by the parties and adopted by us in our Findings of Fact. The only "use" Berry made of these directories was to transfer "title" and "possession" from without Minnesota to parties within Minnesota. This was done in the regular course of its business.

The statutes are clear. Berry did not use, store or consume these directories in Minnesota. It exercised no right or power over these directories in Minnesota but had them shipped in from out-of-state pursuant to instructions from individual telephone companies.

We express no opinion on any alleged sales tax liability because we feel that issue is not properly before us in this case.

E.B.G.

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**SUPREME COURT****Decisions Filed Friday, June 3, 1983****Compiled by Wayne Tschimperle, Clerk**

C2-82-1123, C5-82-1181 Reserve Mining Company, Appellant, v. Minnesota Public Utilities Commission and Peoples Natural Gas Company, Division of InterNorth, Inc. and United States Steel Corporation, Appellant, v. Minnesota Public Utilities Commission. Lake County.

Appellants have not met their burden of proving, by clear and convincing evidence, that the natural gas rates approved by the

## SUPREME COURT

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Minnesota Public Utilities Commission are unreasonable based upon all the factors, cost and noncost, which the PUC may consider in assigning revenue responsibility among customer classes.

Affirmed. Amdahl, C.J.

**CX-82-1323 Carol Ann Auge, petitioner, Appellant v. Frank Daniel Auge. Ramsey County.**

If denial of permission to remove a child from this state would likely effect a modification of custody, removal may not be denied absent an evidentiary hearing. Permission to remove may be granted to the custodial parent without an evidentiary hearing if the party opposing removal fails to make a prima facie showing sufficient to support a ruling in its favor.

The custodial parent is presumptively entitled to permission to remove the child out of state, unless the party opposing the motion establishes that removal would endanger the child's physical or emotional health and is not in the best interests of the child, Minn. Stat. § 518.18(d) (1982), or that the purpose of the move is to interfere with visitation rights of the noncustodial parent. Minn. Stat. § 518.175, subd. 3 (1982).

The court shall defer to the custodial parent on educational, religious, or health matters unless it determines, after an evidentiary hearing, that failure to limit the custodial parent's authority will endanger the child's health or development. Minn. Stat. § 518.176, subd. 1 (1982).

When removal is permitted, the court may take such adjustments in visitation and child support as are reasonable and necessary and not inconsistent with the best interests of the child.

Reversed and remanded. Amdahl, C.J.

**C3-80-51556 State of Minnesota v. William Warren Helenbolt, Appellant. St. Louis County.**

Under the factors enunciated by *Barker v. Wingo*, 407 U.S. 514 (1972), defendant was not deprived of a speedy trial as guaranteed by the constitution.

The trial court's instruction to the jury that defendant's accomplice had been convicted of burglary and acquitted of murder in a separate trial arising from the same incident was not reversible error under the facts and circumstances of this case.

Affirmed. Scott, J.

**C8-82-1336 Patricia S. Mortel, et al., Relators v. Independent School District 831, Forest Lake Public Schools and Commissioner of Economic Security. Department of Economic Security.**

The disqualification week provided by Minn. Stat. § 268.09, subd. 3(b) (1982), began the day relators were laid off as the result of a strike and ran for seven consecutive days.

Reversed. Scott, J.

**C0-82-181 Debra Ann Johnson (Pesta) v. Charles Evert Moberg v. Jerry Betsinger and Russell Betsinger, individually and d.b.a. Horseshoe Lake Ballroom and Supper Club. Todd County.**

It is unconstitutional under the equal protection clause of the United States and Minnesota Constitutions to have one standard of liability for the dispenser of 3.2 beer and another for stronger alcoholic beverages.

"Mary Carter" settlements must be promptly disclosed to the trial court and other parties to assure a fair trial.

Reversed in part; affirmed in part; and remanded for a new trial on liability only. Simonett, J.

# STATE CONTRACTS

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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.

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## Department of Corrections Minnesota Correctional Facility-Oak Park Heights

### Notice of Request for Proposals for Technical Assistant—Garment Industry

Notice is hereby given that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for a technical assistant contract for the industry garment program. Contractor will develop prototypes and samples of new sewn products and will represent subcontract garment capabilities to local garment/textile manufacturers. The estimated cost for the period July 1, 1983 through June 30, 1984 is up to \$4,000.00. Actual contractor services are dependent upon the demand for garment products.

### Notice of Request for Proposals for Marketing/Advertising Services

Notice is hereby given that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for a marketing contract for the industry program. Contractor will perform a variety of marketing assignments including development of brochures, art work layout of advertising, and direct mail promotions to perspective customers. The estimated cost for the period July 1, 1983 through June 30, 1984 is up to \$10,000.00. Actual contractor services are dependent upon demand for industry products.

Proposals in response to either of the above two notices must be submitted by 4:30 p.m. June 24, 1983 to:

Tom Grogan, Industry Superintendent  
Minnesota Correctional Facility-Oak Park Heights  
Box 10  
Stillwater, Minnesota 55082

Please contact Mr. Grogan at (612) 779-1498 if interested.

## State Designer Selection Board

### Request for Proposals

#### To Architects and Engineers Registered in Minnesota:

The State Designer Selection Board has been requested to select designer for a project for the University of Minnesota. Design firms who wish to be considered for these projects should submit proposals on or before 4:00 P.M., July 6, 1983, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
  - a) Number and name of project.
  - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
  - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.

## STATE CONTRACTS

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d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.

e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.

f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

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

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

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

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

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

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

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

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

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

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

### 7. PROJECT 3-83

Natural Resources Research Institute  
University of Minnesota  
Duluth Campus

a) The University of Minnesota wishes the selection of a designer for the Natural Resources Research Institute to be located in the Semi-Automatic Ground Environment Building (SAGE) located at the Duluth Air Base. The SAGE Building shall be renovated to accommodate programs of the proposed Natural Resources Research Institute. The Institute will conduct research and development activities relating to the natural resources that exist in northeastern Minnesota. Resources that would be studied and analyzed include taconite, copper-nickel, zinc, gold, titanium, vanadium, aluminum, cobalt, peat, timber and water.

b) The consultant will be required to prepare, in cooperation with the Owner's Building Advisory Committee and for the Owner's approval, construction plans and specifications for public bidding. The construction phase services will include shop drawing reviews, construction observation and the production of a set of "as-built" drawings. The estimated construction cost is \$2,750,000.00.

c) It is the intent to negotiate the fees for the project on the basis of general guidelines for similar type projects.

Questions concerning the project may be referred to Clint Hewitt at (612) 373-2250.

Roger D. Clemence, Chairman  
State Designer Selection Board

## **State Board of Electricity**

### **Notice of Request for Proposals for Electrical Inspectors**

The Minnesota State Board of Electricity is seeking services of contract electrical inspectors who must hold a Class "A" Journeyman or Class "A" Master electrician's license in Minnesota to make electrical inspections in designated geographical areas. Compensation is based on a percentage of the inspection fee paid by the installer of wiring when the inspections are completed.

Presently there are no geographical areas open, but all applications submitted will be kept on file for future openings. A formal request for proposal may be requested from and other inquiries made to:

John Quinn  
Executive Secretary  
State Board of Electricity  
Griggs Midway Bldg. Room N-191  
1821 University Avenue  
St. Paul, Minnesota 55104

## **Department of Health Health Systems Division**

### **Notice of Request for Proposals for Long-term Care Medical Consultant**

The Minnesota Department of Health (MDH), Health Systems Division, Quality Assurance and Review Section, is requesting applications from qualified persons or organizations for the position of Long Term Care Medical Consultant. The person or organization must have experience in the area of long-term care quality assurance. The consulting services shall include services of a physician to provide medical guidance on assessment of the quality of care provided to Medicaid recipients in long term care facilities.

Consulting services are needed an average of 15 hours per week throughout the year in the Minneapolis office of MDH. The position would be held by contract for the period of July 1, 1983, through June 30, 1985. Respondents will be required to submit formal proposals according to the procedures required by the Minnesota Department of Administration. Maximum contract amount and hourly rate will be discussed in the "request for proposals" (RFPs) issued by MDH.

The deadline for submission of applications is 4:00 p.m., June 22, 1983. To obtain a copy of the Request For Proposal for Professional Services, contact:

Marian Lewis, Chief  
Quality Assurance and Review Section  
Minnesota Department of Health  
717 Delaware Street, S.E., P.O. Box 9441  
Minneapolis, Minnesota 55440  
(612) 623-5295

## **Iron Range Resources and Rehabilitation Board**

### **Mineland Reclamation Division**

#### **Notice of Request for Proposals for Mineland Reclamation Project**

The Iron Range Resources and Rehabilitation Board/Mineland Reclamation Division (IRRRB/MRD) is requesting proposals from consulting firms interested in working, with IRRRB/MRD, on a project to assess and provide for the energy needs of the Hill Annex Mine complex. This is a Mineland Reclamation Project to be administered by the Board.

The consultant will conduct an energy audit to determine actual loads then determine options for satisfying these loads. The result of the project will be a feasibility study with recommendations and preliminary designs for systems and/or options used to provide for the energy needs of the complex. Contractor(s) will prepare preliminary designs and/or procedures for

## STATE CONTRACTS

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implementation of the recommendations resulting from the previous task. Contractor(s) should be able to carry through on their recommendations if directed to do so by the IRRRB.

Prospective responders who have any questions regarding this Request for Proposal may call or write:

Orlyn J. Olson, Director  
Mineland Reclamation Division  
Iron Range Resources and Rehabilitation Board  
P.O. Box 376  
Calumet, Minnesota 55716  
(218) 247-7215

Proposals must be submitted by 4:30 p.m., June 27, 1983.

May 25, 1983.

## Metropolitan Transit Commission

### Notice of Request for Proposals for Advertising/Marketing Portion of the MTC's Variable Fare Demonstration Project

It is the intent of the Metropolitan Transit Commission (MTC) to receive proposals from a qualified advertising company for the purpose of entering into a contract for the exclusive right and privilege to advertise and market the variable fare options of the MTC's Variable Fare Demonstration Project.

Through a grant from the Urban Mass Transit Administration (UMTA), the MTC will be developing a program to test the effect of variable fare options on ridership for certain selected routes in the cities of Mpls. and St. Paul. An advertising/marketing firm is needed for the project to effectively market the variable fare options to the targeted households.

Prospective proposers may receive a complete Request for Proposals for this project by writing to the:

Project Manager/Communications  
Metropolitan Transit Commission  
801 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

Deadline for the receipt of proposals is June 30, 1983.

## OFFICIAL NOTICES

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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 Commerce Banking Division

### Bulletin No. 2783: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of June 1983

Notice is hereby given that pursuant to Section 47.20, Subd. 4a, Minnesota Statutes 1982, the maximum lawful rate of interest for conventional home mortgages for the month of June 1983 is thirteen and three-quarters (13.75) percentage points. Further, pursuant to Section 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of June 1983 is thirteen and three-quarters (13.75) percentage points. This is the same rate as set for May 1983.



It is important to note that this maximum lawful rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

IMPORTANT NOTICE

The Federal National Mortgage Association has discontinued its biweekly free-market auctions on which Minnesota's conventional mortgage loan and contract for deed maximum rates have been based. Therefore, as provided in Section 47.20, Subd. 4a, Minnesota Statutes, the rate of 13.75 percent will remain the maximum lawful interest rate until July 1, 1983. Under House File No. 588, passed by the 1983 Minnesota Legislature, and pending Governor's approval, effective for the month of July the Federal Home Loan Mortgage Corporation 8-month forward commitment auction results would become the basis for setting the monthly maximum interest rate.

John D. Chisholm  
Commissioner of Banks

## Department of Corrections

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Implementation and Operation of Community Corrections Act

Notice is hereby given that the Department of Corrections is seeking information or opinions from sources outside the agency in preparing to promulgate amended rules governing implementation and operation of the Community Corrections Act. The promulgation of these rules is authorized by Minnesota Statutes, section 401.03, which requires the Commissioner of Corrections to promulgate rules for the implementation of Minnesota Statutes, Section 401.01 to 401.06.

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

Jeff Martin  
430 Metro Square Building  
7th & Robert Streets  
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-1891 and in person at the above address.

All statements of information and comment shall be accepted until July 25, 1983. Any written material received by the Department of Corrections shall become part of the record in the event that the rules are promulgated.

## Department of Labor and Industry Labor Standards Division

### Notice of Prevailing Wage Rates for Highway and Heavy Construction

Minn. Stat. § 177.44 requires the Commissioner of Labor and Industry to certify, at least once a year, the prevailing wage rates for highway and heavy construction under contracts based on bids as provided for in Minn. Stat. § 161.32, Title 8, and Minnesota Code of Agency Rules § 1.8003 A. and § 1.8010 which require notice of those certifications to be published in the *State Register*.

On June 13, 1983, the commissioner certified wage rates for highway and heavy construction for each of the 87 counties in Minnesota.

A copy of the determined wage rates for Minnesota counties may be obtained by writing to the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties, the charge is \$25.00. A \$1.50 handling charge must be included for each order. Minnesota sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Steve Keefe, Commissioner  
Department of Labor & Industry

## **Metropolitan Council**

### **Public Hearing Amending the Recreation Open Space Development Guide by Changing the Capital Improvement Program for Acquisition and Development in Regional Recreation Open Space**

The Metropolitan Council will conduct a public hearing on Thursday, July 7, 1983, at 3:30 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul, Minnesota 55101, to receive comments on proposed amendment to the Recreation Open Space Development Guide/Policy Plan regarding the 1981-82 Capital Improvement Program for Acquisition and Development. The proposed amendment to the Capital Improvement Program is transferring \$500,000 from development of Bryant Lake Regional Park to the Hyland Lake unit of Hyland-Bush-Anderson Park Reserve. All interested persons are encouraged to comment on the amendment. Persons may register to speak by contacting the Council's public hearing coordinator at 291-6482. Copies of the proposed amendment may be obtained free of charge from the Council's Public Information Office at 291-6464.

## **Minnesota Pollution Control Agency**

### **Notice of Temporary List of Priorities among Releases or Threatened Releases of Hazardous Substances, Pollutants or Contaminants**

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment its proposed Temporary List of Priorities among releases or threatened releases of hazardous substances, pollutants or contaminants for which the MPCA intends to take removal or remedial actions. The statutory basis for and an explanation of the MPCA's proposed Temporary List of Priorities is discussed below.

Pursuant to the Environmental Response and Liability Act, Minnesota Laws, 1983, Chapter 121 (ERLA) the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health or welfare or the environment whenever there is a release or substantial threat of release from a facility of any pollutant or contaminant which presents an imminent and substantial danger or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility. The MPCA is required to establish by November 1, 1983, a temporary list of priorities among releases or threatened release of hazardous substances, pollutants or contaminants. The MPCA will use money from a fund established by ERLA to take removal or remedial actions at the sites on the Temporary List of Priorities.

The Temporary List of Priorities, with any necessary modifications, will remain in effect until the MPCA adopts rules establishing state criteria for determining priorities among releases or threatened releases. After the rules are adopted, the MPCA will establish a permanent priority list. The MPCA is required to adopt its rules by July 1, 1984.

"Removal" actions are defined in ERLA to include cleanup or removal of released hazardous substances, pollutants or contaminants, actions necessary to monitor, test, analyze and evaluate releases or threatened releases, provision of alternative water supplies, security fencing, temporary evacuation and housing of threatened individuals and emergency assistance.

"Remedial" actions, on the other hand, are defined in ERLA to include actions consistent with permanent remedy instead of or in addition to "Removal" actions.

Generally, removal or remedial actions will involve three phases: 1) investigation of the extent, magnitude and nature of the release or threatened release; 2) identification and determination of the most cost effective removal or remedial actions; and; 3) physical removal or remedial actions.

ERLA requires that the Temporary List of Priorities be based on "the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the MPCA, and other appropriate factors." Minnesota Laws, 1983, Chapter 121, Section 17, Subd. 13.

The MPCA has determined that, in addition to those criteria for establishing the Temporary List of Priorities set out in ERLA, the following factors are appropriate for consideration in the development of the Temporary List of Priorities: whether the person(s) responsible for the release or threatened release of the hazardous substance pollutant or contaminant have demonstrated responsibility for necessary removal or remedial actions; and maintaining a balance of projects involving remedial or removal actions and investigations and feasibility studies to insure that funds for future remedial or removal actions can be anticipated.

Considering all of the above factors, the MPCA developed the proposed Temporary List of Priorities using the following three step process:

Step 1. All sites of releases or threatened releases known to the MPCA were reviewed to determine whether responsible person(s) had assumed responsibility for remedial or removal action at the site. All 61 sites on the MPCA's hazardous waste site log were so reviewed, as well as other sites known to the MPCA. Sites of releases or threatened releases are included on the proposed temporary list of priorities only if: a) no responsible person(s) exist or could be located; or b) the MPCA has determined that, based upon past and ongoing staff actions at this time, the responsible person(s) have refused to assume responsibility for necessary removal or remedial action at the site.

Step 2. All sites identified under Step 1 were then ranked according to the type of response action necessary at each site. The priority for response actions is:

- A. Remedial actions for the provision of potable water supply where drinking water has been contaminated;
- B. Removal actions to eliminate risk of fire, explosion, direct contact, or inhalation;
- C. Other remedial actions such as well abandonment, waste and soil excavation and other cleanup efforts; and,
- D. Remedial or removal investigations and feasibility studies (RI/FS).

To the extent there are not sufficient funds available to fund all projects on the proposed list, all projects in the "A" category will be funded before any project in the "B" category will be funded. Likewise, the projects in "B", "C" and "D" will be funded in order. A site may be on the list more than once if several types of response actions are known to be needed at that site.

Step 3. The sites within each type of response action were then ranked using the U.S. Environmental Protection Agency (EPA) Hazardous Ranking System (HRS). The HRS is used by the EPA to rank hazardous waste sites nationally for action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq. (CERCLA). This system considers the factors required in Section 17, Subd. 13 of ERLA. Those sites which have not been ranked by EPA under the HRS have not been prioritized in this manner and are included at the bottom of the list of sites within each type of response action.

Based on the above process, the following proposed Temporary List of Priorities is offered for public comment. This list includes sites for which: 1) only state Superfund monies will be expended; 2) only federal Superfund monies will be expended; and 3) a combination of federal and state Superfund monies will be expended. Sites where only federal Superfund monies will be expended are included, even though expenditure of no state Superfund money is anticipated at this time, in order to provide a comprehensive picture of the program, and because ERLA requires the Director or the MPCA to determine the extent to which any costs for remedial or removal actions may be compensated under CERCLA.

Environmental Response and Liability Act  
Proposed Temporary List of Priorities

Response Action:	Site	HRS Score	NPL
Provide Potable Water	Reilly Tar & Chemical* St. Louis Park	59.16	X
	New Brighton/Arden Hills	59.16	X
	LeHillier	42.49	X
	South Andover	35.41	X
	Isanti Solvent Sites, Isanti**	25.87	
Removal Action	Arrowhead Refining Co., Duluth	40.30	P
	South Andover	35.41	X
	Ecolotech, St. Paul**	not ranked	
	Ecolotech, Minneapolis**	not ranked	
	Above Ground Arsenic Storage** (Generic)	not ranked	

# OFFICIAL NOTICES

Remedial Action	Reilly Tar & Chemical, St. Louis Park	59.16	X
	Medtronics, Inc./Onan Corp./ Boise Cascade, Fridley	58.41	P
	Waste Disposal Engineering Sanitary Landfill, Andover	50.92	X
	Arsenic Site, Perham	38.01	P
	Arsenic Site, Wadena	25.21	
Response Action:	Site	HRS Score	NPL
Remedial and Removal Inves- tigation and Feasibility Study	Reilly Tar & Chemical,*** St. Louis Park	59.16	X
	New Brighton/Arden Hills***	59.16	X
	Medtronic, Inc./Onan Corp./*** Boise Cascade, Fridley	58.41	P
	Interlake, Inc., Duluth***	58	P
	Waste Disposal Engineering*** Sanitary Landfill, Andover	50.92	X
	LeHillier***	43.49	X
	Arrowhead Refining Co., Duluth***	40.30	P
	Arsenic Site,*** Perham	38.01	P
	Arsenic Site, Morris	37.99	P
	South Andover Site***	35.41	X
	Below Ground Arsenic** Storage (Generic)	not ranked	

\* No state funds will be expended for this proposed action because a "credit" is available for past expenditures under federal Superfund so that there will be 100 percent federal funding of this proposed action, and no public comments are solicited.

\*\* Only state Superfund monies will be expended on these projects.

\*\*\* Remedial and removal investigations and feasibility studies for sites listed on the NPL will be funded 100 percent by federal Superfund monies. No state funds will be expended for these proposed actions, and no public comments are solicited on these actions.

X Site on U.S. EPA National Priority List (NPL).

P Site is pending inclusion on NPL.

All sites which do not have a responsible person(s) or for which the responsible person(s) have refused to assume responsibility at this point in time, have been included on the Temporary List of Priorities. Identified responsible person(s) at other sites will be formally requested by the MPCA to respond and assume responsibility. If responsible parties subsequently refuse to assume responsibility, those sites will be proposed for addition to the Temporary List of Priorities when the list is updated.

The MPCA plans to modify the Temporary List of Priorities on a quarterly basis as additional information regarding responsible person(s) and necessary remedial or removal actions become available. Notice of any modification of the Temporary List of Priorities will be published in the *State Register* for the purpose of soliciting public comments.

Additional information regarding specific projects on the proposed list may be obtained by contacting the Public Information Office, MPCA, 1935 West County Road B-2, Roseville, Minnesota 55113, (612) 296-7373.

The MPCA invites members of the public to submit written comments on the development of and the proposed Temporary List of Priorities. All comments should be submitted to and received by Michael J. Hansel, MPCA, Division of Solid and Hazardous Waste, 1935 West County Road B-2, Roseville, Minnesota 55113, no later than 4:30 p.m., July 13, 1983. All written comments will be considered by the MPCA in its establishment of the Temporary List of Priorities.

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

### **Notice of Intent to Solicit Outside Opinions on the Proposed Reclassification of a Water of the State**

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the agency in preparing to promulgate an amendment to its existing rule pertaining to the classifications of intrastate waters, 6 MCAR § 4.8024. The amendment would reclassify a certain water as Class 7 Limited Resource Value. The amendment of this rule is authorized by Minnesota Statutes, Sections 115.03 and 115.44 (1980).

A reclassification request has been received by the Agency for the following water:

Root River Watershed (No. 36)  
Unnamed Creek T. 101, R. 5, S. 33, 34.  
Eitzen

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. To fully evaluate the comments that are received, it is requested that the water segment to which the comment is directed be specifically named on all transmittals. Written statements of information and comment may be addressed to:

Gerald T. Blaha  
Minnesota Pollution Control Agency  
Division of Water Quality  
1935 West County Road B2  
Roseville, Minnesota 55113

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-7384, or in person at the above address.

All statements of information and comment shall be accepted until July 20, 1983. Any written material received by the MPCA shall become part of the record in the event that the amendment is promulgated.

June 6, 1983.

Executive Director  
Minnesota Pollution Control Agency

## **State Board of Pharmacy**

### **Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Regarding Continuing Education, Patient Profiles, Prescription Transfers and Waivers and Variances**

Notice is hereby given that the Minnesota Board of Pharmacy is considering the adoption of rules which would: change the way in which continuing education programs are approved; make the maintenance of patient medication profiles mandatory; provide an alternative method of prescription transfer between pharmacies; and provide the Board of Pharmacy with a mechanism by which waivers and variances to existing rules can be requested.

The current system of continuing education program approval has been in place for over ten years. Being considered is a system that would supplement the program approval system with a system for provider approval.

Currently patient medication profiles are not a required part of pharmacy practice in Minnesota. A change to require all pharmacies to maintain patient profiles is being considered.

## OFFICIAL NOTICES

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Currently copies of prescriptions are not valid prescriptions in themselves and the pharmacist must verify them with the prescriber. Being considered is an alternative to that requirement.

Currently the Board does not have a formal procedure for the granting of waivers and variances from existing rules. As a result none can be granted. It is proposed to establish a procedure for the granting of waivers and variances.

Authority for the rules is found in Minnesota Statutes § 151.06.

All interested or affected persons or groups may submit information on these subject areas. Statements of information and comment may be made orally or in writing. Statements should be addressed to:

David E. Holmstrom, Executive Secretary  
Minnesota Board of Pharmacy  
717 Delaware St. SE #351  
Minneapolis, MN 55414

All statements of information and comment must be received by August 1, 1983.

David E. Holmstrom  
Executive Secretary

## Department of Public Welfare Minnesota Board on Aging

### Request for Public Comment on State Plan for Older Minnesotans

Notice is hereby given that the Minnesota Board on Aging in accordance with the Administration on Aging proposed regulations on the Older Americans Act (Part 45, code of Federal Regulations 1321, date March 31, 1983) has developed a proposed three year state plan for October 1, 1984-September 30, 1986. The plan includes goals and objectives in the following areas:

Goal 1—Advocacy and Planning: To assure that federal, state and local policies, plans and budgets are developed or modified, so that they are responsive to the priority concerns of Older Minnesotans. Objectives relating to this goal include: develop a yearly legislative plan; develop an Older Minnesotans Act; develop long range plans at the state and area agency levels; increase in public information and develop strategies to expand services to mentally ill, mentally retarded and chemically dependent older persons.

Goal 2—System Development: To assure that there is a comprehensive, coordinated community based system of programs and services at the county and multi-county levels available to older Minnesotans. Objectives relating to this goal include: develop strategies to improve and expand long term care systems; study the utilization of senior centers; and establish a management information system.

Goal 3—Service Development: To assure development and improvement, and expansion of services and resources available and responsive to the needs of older Minnesotans in their communities. Objectives relating to this goal include: implement a performance based contracting system for Title III services; assure the operation of a Long Term Care Ombudsman program; and increase the effectiveness of Title III funding of services.

The amount of Older Americans Act funds to be awarded to Minnesota for each year of this plan is dependent on federal appropriations. Each year of the plan the following budget allotments will be made: 1) up to ¾ of 1% of service funds will be used by the MBA for program and administrative specialists not fundable under the allotment for administration and 2) an amount of at least 1% of Title III B will be reserved to operate the Long Term Care Ombudsman Program at the state and area levels. The balance of the support services and nutrition funds under Title III will be allocated to AAAs annually based on the intrastate formula in the proposed plan.

The Minnesota Board on Aging intends to maintain the existing planning and service area designations as reflected in the map in the state plan.

A copy of the proposed plan is available by calling (612) 296-2770. All interested or affected persons or groups are requested to comment in writing. Written statements of information and comment may be addressed to:

Minnesota Board on Aging  
204 Metro Square Building  
St. Paul, Minnesota 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-2770 or toll free 1-800-652-9747.

All statements of information and comment must be received by July 15, 1983 to be considered in the final plan. Any written material received by the Minnesota Board on Aging shall become part of the record.

## **Minnesota State Agricultural Society Minnesota State Fair**

### **Meeting Notice**

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a business meeting at 10 a.m. Friday June 17 at the Administration Building on the fairgrounds, St. Paul. Preceding the general meeting will be a meeting of the board's space rental committee at 9 a.m.

## **Department of Transportation**

### **Petition of Lake County for a Variance from State Aid Standards for Street Width**

Notice is hereby given that the County Board of Lake County has made a written request to the Commissioner of Transportation for variances from minimum design standards for street widths for CSAH 5 (Outer Drive) from 0.02 to 1.04 miles West of Trunk Highway 61 in Silver Bay.

The request is for a variance from 14 MCAR § 1.5032 H.1.c., Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a minimum street-width of 44 feet instead of a street width of 46 feet.

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

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

Dated this 2nd day of June, 1983.

Richard P. Braun  
Commissioner of Transportation

STATE OF MINNESOTA

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

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Name \_\_\_\_\_

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

Street \_\_\_\_\_

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

Telephone \_\_\_\_\_

**FOR LEGISLATIVE NEWS**

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

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

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

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

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