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STATE REGISTER

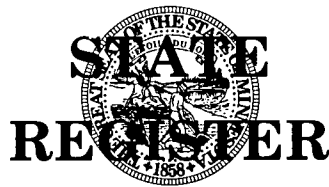
STATE OF MINNESOTA



VOLUME 8, NUMBER 45

May 7, 1984

Pages 2357-2392



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 8			
46	Monday Apr 30	Monday May 7	Monday May 14
47	Monday May 7	Monday May 14	Monday May 21
48	Monday May 14	Friday May 18	Monday May 28
49	Friday May 18	Monday May 28	Monday June 4

*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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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 39-51, inclusive 2360

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 39-51, inclusive 2361

PROPOSED RULES

Natural Resources Department Division of Waters

Proposed Rules Governing Land Use Districts,
Uses and Legal Description 2362

Public Welfare Department Income Maintenance Bureau

Proposed Rules Governing the Minnesota
Emergency Employment Act: Program
Requirements 2363

OFFICIAL NOTICES

Secretary of State Office

Notice of Vacancies in Multi-Member State
Agencies 2375

Commerce Department

Outside Opinion Sought Regarding Proposed
Amendments to Rules Relating to Subdivided
Lands Including the Impact of the Rules on
Small Businesses 2376

Corrections Department

Task Force on Standards for Juvenile Release
Notice of Public Meeting 2376

Minnesota State Advisory Council for Vocational Education

Notice of Council Meeting 2376

Public Welfare Department Mental Health Bureau

Outside Opinion Sought Concerning Temporary
Revision of a Rule Governing County Welfare
or Human Service Board Responsibilities to
Individuals Who Are or May Be Mentally
Retarded 2377

STATE CONTRACTS

Administration Department Information Services Bureau

Availability of Contract for Back-Up Systems
Analysis 2377

Administration Department Procurement Division

Commodities Contracts Currently Open for
Bidding 2378

Capitol Area Architectural and Planning Board

Request for Proposals for Site Assessment
for Minnesota State History Center 2379

Energy and Economic Development Department Minnesota Office of Tourism

Request for Proposals for Services of Public
Accountant 2380

Metropolitan Council

Parks and Open Space Department

Contract for Consultant Services to Design
Artificial Speedskating Rink 2380

Pollution Control Agency

Acid Precipitation Program

Request for Proposal/Qualifications for Laboratory
Analysis of Wet and Dry Deposition Samples 2380

Moose Lake State Hospital

Request for Proposals for Medical Services 2381

Public Welfare Department

Cambridge State Hospital

Request for Proposals for Medical Services 2382

State Designer Selection Board

Request for Proposal for State Projects 2382

SUPREME COURT

Decisions of the Court of Appeals Filed Tuesday,

April 24, 1984 2385

Decisions of the Supreme Court Filed Friday,

April 27, 1984 2386

TAX COURT

Tax Court Decisions Dated April 24, 1984 2388

NOTICE

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

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

The **PROPOSED RULES** section contains:

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

The **ADOPTED RULES** section contains:

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

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* 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	

The listings are arranged in the same order as the table of contents of the *MCAR 1982 Reprint*.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 ADMINISTRATION

Cable Communications Board

4 MCAR §§ 4.260-4.263 (proposed)..... 2330

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR § 1.0172 [Temp] (extended)..... 2144

TITLE 4 COMMERCE

Part 1 Commerce Department

4 MCAR §§ 1.0001-1.0032 [Temp] (extended)..... 2186

4 MCAR §§ 1.9140-1.9141, 1.9143-

1.9147 [Amend] (adopted)..... 2273

4 MCAR §§ 1.9081-1.9089, 1.90891-1.90892 [Temp]

(extended)..... 2298

Part 3 Public Utilities Commission

4 MCAR §§ 3.0317-3.0322 (adopted)..... 2335

4 MCAR §§ 3.0450-3.0463 [Temp] (extended)..... 2304

Part 4 Cable Communications Board

4 MCAR §§ 4.260-4.263 (proposed)..... 2330

Part 13 Board of Peace Officer

Standards and Training

4 MCAR § 13.040 (adopted)..... 2145

TITLE 5 EDUCATION

Part 2 Higher Education Coordinating Board

5 MCAR §§ 2.2101-2.2106 (adopted)..... 2335

TITLE 6 ENVIRONMENT

Part 2 Energy and Economic Development Department

6 MCAR §§ 2.4045 [Temp], 2.4047-2.4048 [Temp] (extended) 2145

Part 4 Pollution Control Agency

6 MCAR § 4.0002 (adopted)..... 2275

6 MCAR §§ 4.4001-4.4021 (adopted)..... 2278

6 MCAR §§ 4.4101-4.4111 (adopted)..... 2277

6 MCAR §§ 4.4201-4.4224 (adopted)..... 2276

6 MCAR §§ 4.4301-4.4305 (adopted)..... 2276

6 MCAR §§ 4.4311-4.4321 (adopted)..... 2270

TITLE 8 LABOR

Part 4 Economic Security Department

8 MCAR §§ 1.8003-1.8004, 1.8006-

1.8007 [Amend] (adopted)..... 2274

8 MCAR § 4.0101 [Temp] (extended)..... 2144

8 MCAR § 4.0102 [Temp] (extended)..... 2144

TITLE 11 PUBLIC SAFETY

Part 2 Corrections

11 MCAR §§ 2.601-2.622 (adopted)..... 2298

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR § 1.5032 (adopted)..... 2146

MINNESOTA RULES AMENDMENTS AND ADDITIONS

OFFICE OF ADMINISTRATIVE HEARINGS

Workers' Compensation Hearings
 1415.0100-1415.3600 (proposed) 2246

DEPARTMENT OF COMMERCE
 2770.6100-2770.7400 (proposed) 2331

STATE BOARD OF EDUCATION
 3500.2010-3500.2110 (proposed) 2210

ENERGY, PLANNING & DEVELOPMENT
Energy & Economic Development Authority
 4350.0200, 4350.0400, 4350.0600 (proposed) 2050
 4351.0500-4351.0800 (proposed) 2051
 8300.0100, 8300.0300, 8300.0500-8300.0600,
 8300.1000-8300.1200, 8300.1500-8300.2200 (proposed) 2056
 8300.0200, 8300.0700 (repealed) 2056

ENVIRONMENTAL QUALITY BOARD
 4405.0100-4405.1300 (proposed) 2061

MN HOUSING FINANCE AGENCY
 4900.0550-4900.0580 (proposed) 2213

DEPARTMENT OF NATURAL RESOURCES
 6105.0100, 6105.1681 (proposed) 2362

POLLUTION CONTROL AGENCY

Water Quality Division
 7050.0110, 7050.0130-7050.0150, 7050.0170-7050.0220
 (proposed) 2066
 7050.0400-7050.0480 (proposed) 2082
 7044.0100-7044.1200 (proposed) 2270

BUREAU OF CRIMINAL APPREHENSION
 7502.0100-7502.0400, 7502.0410-7502.0430,
 7502.0500-7502.0700 2186

PUBLIC UTILITIES COMMISSION
 7825.2390-7825.2850, 7825.3000 (proposed) 2214

DEPARTMENT OF REVENUE
Property Equalization Division
 8100.0300 (proposed) 2223
 8110.0100-8110.0500 (proposed) 2220

SMALL BUSINESS FINANCE AGENCY
 8300.0100, 8300.0300, 8300.0500-8300.0600,
 8300.1000-8300.1200, 8300.1500-8300.2200 (proposed; see
 Energy & Econ. Dev.) 2056
 8300.0200, 8300.0700 (repealed; see Energy & Econ. Dev.) .. 2056

DEPARTMENT OF PUBLIC WELFARE
 9500.0530, 9500.0361, 9500.0531-9500.0533,
 9555.3400-9555.3408 (proposed) 2363

PROPOSED RULES

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.

Department of Natural Resources Division of Waters

Proposed Rules Governing Land Use Districts, Uses and Legal Description

Notice of Intent to Adopt Rule Amendments Without a Hearing

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled amendments without a public hearing. The Commissioner of Natural Resources has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. §§ 14.21-14.28.

Changes are proposed to sections concerning:

1. Land Use Management, where the changes will correct typographical errors in the rule text; and
2. Land Use District Legal Descriptions, where the changes will remove approximately 16.4 acres from the Cannon Recreational River Land Use District in Dakota County.

Persons interested shall have 30 days to submit comments on the proposed amendments. The proposed amendments may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Natural Resources 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 amendments within the 30-day comment period, a public hearing will not be held. The written request must be specific on which amendment(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. §§ 14.13-14.20.

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

William Zachmann
Department of Natural Resources
Box 32
Centennial Office Building
St. Paul, MN 55155

The Department's authority to adopt the rules is contained in Minn. Stat. §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendments is available from the Department of Natural Resources upon request.

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

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5616.

April 18, 1984

Joseph Alexander, Commissioner
Department of Natural Resources

Rules as Proposed

6105.1610 LAND USE MANAGEMENT.

Subpart 1. to 9. [Unchanged.]

Subp. 10. Land use districts.

A. Part 6105.0100, subpart 3 shall be amended to include the following:

Land use districts

	Scenic River	Recreational River
T. Sand and gravel extraction, subject to provisions of subpart <u>6</u> <u>5</u> .	C	C
U. Canoe rental establishments, subject to provisions of subpart <u>7</u> <u>6</u> .	C	C
V. Inner tube rental establishments	N	N

B. [Unchanged.]

6105.1681 LAND USE DISTRICT LEGAL DESCRIPTION AMENDMENT.

Part 6105.1680 is amended by excluding from the land use district in T 112 N-R 19 W, Section 30, Dakota County Tax Parcels Nos. 41-03000-030-55, 41-03000-010-58, 41-03000-020-55, 41-03000-015-55, 41-03000-013-55, and 41-03000-020-58, as recorded with the Dakota County assessor's office on March 29, 1984.

**Department of Public Welfare
Income Maintenance Bureau**

Proposed Rules Governing the Minnesota Emergency Employment Act; Program Requirements

Notice of Hearing

In the matter of the proposed rules of the Department of Public Welfare governing the General Assistance Program, Minnesota Rules, parts 9555.3400 to 9555.3408, and governing notification and referral to the Minnesota Emergency Employment Development Act Program, part 9500.0361 and proposed rules governing the exclusion and waiver of excess property in determining eligibility for General Assistance, Minnesota Rules, parts 9500.0530 to 9500.0533.

A public hearing concerning the above-entitled matter will be held in Room D, Fifth Floor, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, on June 7, 1984, commencing at 9 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or

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PROPOSED RULES

not an appearance is made at the hearing, written statements or material may be submitted to Peter Erickson, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, 612/341-7606 either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minnesota Statutes, sections 14.01-14.56 and by Minnesota Rules, parts 1400.0200-.1200. If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and arguments which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Minnesota Rules, parts 9555.3400 to 9555.3408, establish the rights and responsibilities of the Department of Public Welfare, local welfare agencies, and recipients of General Assistance concerning registration and work requirements, and participation in the Minnesota Emergency Employment Development (MEED) Act Program, establish standards of assistance; and authorize local agencies to contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance. These rules shall be read together and with Minnesota Rules, parts 9500.0500 to 9500.0610, for purposes of administering the General Assistance program. To the extent that Minnesota Rules, parts 9555.3400 to 9555.3408, conflict with Minnesota Rules, parts 9500.0500 to 9500.0610, Minnesota Rules, parts 9555.3400 to 9555.3408, shall prevail.

Minnesota Rule, part 9500.0361, establishes the responsibility of the Department of Public Welfare to notify recipients of Aid to Families With Dependent Children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED services with the work incentive program.

Minnesota Rules, parts 9500.0530 to 9500.0533, establish eligibility requirements for General Assistance and inform applicants of property exclusion and waiver conditions.

The agency's authority to adopt the proposed rules are contained in Minnesota Statutes, section 256D.01, subdivision 1; 256D.03; 256D.04; 256D.09; 256D.111; and 256D.112 for Minnesota Rules, parts 9555.3400 to 9555.3408 and part 9500.2361 and Minnesota Statutes, section 256D.08, subdivisions 1 and 2 for Minnesota Rules, parts 9500.0530 to 9500.0533.

These rules will not result in any additional state or county spending beyond the amount of funds authorized by the Legislature for the biennium ending FYE 1985.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Michael Sirovy, Department of Public Welfare, Second Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, telephone 612/297-2011. Additional copies will be available at the hearing. If you have any questions on the content of the proposed rules contact Mike Sirovy.

Note: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11, 1979 supp., as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone 612/296-5615.

April 24, 1984

Leonard W. Levine
Commissioner of Public Welfare

Rules as Proposed**9500.0530 ELIGIBILITY REQUIREMENTS.**

General assistance shall be granted to ~~any person or family who has~~ an assistance unit that meets all of the following qualifications:

A. ~~Who is not~~ The assistance unit includes no person who is eligible for or receiving one of the following federally aided assistance programs: Aid to Families with Dependent Children (AFDC), AFDC-Emergency Assistance ~~AFDC~~, or ~~any a~~ successor to these ~~public assistance~~ programs.

B. ~~Whose~~ The assistance unit does not possess net equity in real and personal property ~~does not exceed~~ that exceeds the maximum standards established in the AFDC program ~~except as follows:~~

(1) ~~whose cash resources are valued at less than \$50;~~

(2) ~~who retains life insurance policies with total cash surrender value of less than \$250; and~~

(3) ~~who does not own or have an equivalent to ownership of an automobile with a trade-in value in excess of \$1,500 according to current NADA schedules.~~

The local agency may waive the limitations recited in item B to the extent not greater than 100 percent above the maxima set forth therein, when the circumstances of the application show that the need for general assistance will not exceed 30 days and that an undue hardship will be imposed by a forced disposal of such property. Extraordinary cases shall be determined by the local agency and shall be referred to the state agency.

C. ~~Who, if employable, has currently registered for employment with the Minnesota Department of Economic Security, has not refused to accept any suitable employment that was offered, and has not declined to accept any assignment to the local agency's work program. Furthermore, recipients shall be required to participate in local agency programs designed to identify and maximize their employability. Eligibility for a maintenance grant may exist where an applicant or recipient is engaged in an academic or vocational program, approved by the local agency, where employment is the immediate goal of such program. The state agency shall not reimburse the local agency for the cost of such programs.~~

~~D. Who~~ The assistance unit has not transferred property without receiving reasonable consideration for the purpose of qualifying for general assistance.

The determination of the resources of an individual or assistance unit shall include any nonexempt or nonwaived resources or interest therein which was given away or sold for less than fair market value within the six months preceding the application for general assistance or during the period of eligibility.

The transaction shall be presumed to have been for the purpose of establishing or maintaining eligibility absent the submission of clear and convincing evidence that the transaction was primarily related to another purpose.

The value of the transferred resources shall be the fair market value at the time of disposal less the amount of compensation received. A period of ineligibility for general assistance shall be required based on the uncompensated value of the transferred resources. The individual or assistance unit shall be ineligible for general assistance for the full number of months derived by dividing the uncompensated value of the transferred resources by the monthly need standard of the individual or assistance unit.

~~E. Whose maintenance needs as determined by D. The assistance unit has countable income or seasonal income less than the general assistance standards exceed his current income or the average of his seasonal income for any three-month period. For the purposes of this part, seasonal income means the average monthly income received during the six-month period immediately preceding the calculation of the grant.~~

~~F. E. The assistance unit contains a member who, if apparently eligible for participation in the federally sponsored Supplemental Security Income (SSI) program, has executed an authorization form (DPW 1795) permitting the secretary of health, education, and welfare, in accordance with Public Law Number 93-368, to make his initial SSI payment to the county welfare agency which provides him general assistance during the interim period while he awaits his first SSI check. If the person fails to complete the authorized form, the person shall be determined ineligible for general assistance and the assistance standard used shall be based on the number of remaining eligible members of the assistance unit.~~

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PROPOSED RULES

F. The assistance unit contains only members who are exempt from or who are in compliance with the registration and work requirements of parts 9555.3400 to 9555.3408.

Rules as Proposed (all new material)

9500.0361 NOTICE TO AFDC APPLICANTS AND RECIPIENTS.

Subpart 1. Authority. Minnesota Statutes, section 268.74, subdivision 5 authorizes the commissioner to adopt rules to inform applicants for, and recipients of, aid to families with dependent children, of the availability of the Minnesota Emergency Employment Development Act (MEED), Minnesota Statutes, sections 268.60 to 268.77 and to refer persons required to register for the work incentive program to the MEED program.

Subp. 2. Coordination of MEED with WIN. Part 9500.0361 establishes the responsibility of the Department of Public Welfare to notify recipients of aid to families with dependent children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED program services with the work incentive program.

Subp. 3. Requirement. The local agency shall notify each adult applicant for or recipient of aid to families with dependent children of the availability of the MEED program and shall also provide a description of the program. Persons required to register for the work incentive program or with job services shall be referred by the local agency to the Department of Economic Security, which shall:

- A. include information about MEED in its orientation;
- B. use its appraisals for referrals to MEED jobs; and
- C. include MEED jobs in its job search activities.

9500.0531 EXCLUSION OF EXCESS PROPERTY.

In determining eligibility for general assistance, the local agency shall exclude real and personal property more than the limits in part 9500.0530, item B, when the local agency finds that:

- A. the property is essential to the assistance unit's self-support or self-care or that the property is needed to obtain or retain suitable employment;
- B. a reasonable expectation exists that the assistance unit will use the property as a source of self-support within six months of the date when the applicant or recipient is determined to have property more than the limit in part 9500.0530, item B; or
- C. the property produces net income that is being used for the support of the assistance unit.

9500.0532 WAIVER OF EXCESS PROPERTY.

Subpart 1. Conditions of waiver. When determining eligibility for general assistance, the local agency shall waive real and personal property more than the limit in part 9500.0530, item B when the local agency determines that:

- A. the applicant has not received general assistance within the last 60 days and the circumstances of the applicant indicate that the need for general assistance will not exceed 30 days;
- B. a grant of general assistance for an emergency need is required and the excess property cannot be liquidated in time to meet that need; or
- C. an undue hardship would be imposed upon the applicant or recipient by the forced disposal of the property.

Subp. 2. Undue hardship. An undue hardship exists when general assistance eligibility is prevented because the assistance unit owns property more than the limit in part 9500.0530, item B and one of the following conditions is met:

- A. the property is for sale at a reasonable price but has not been sold;
- B. the property is not legally available for liquidation by the applicant or recipient; or
- C. the property is essential to the assistance unit for other reasons as determined by the local agency.

9500.0533 INFORMING APPLICANTS OR RECIPIENTS OF EXCLUSION AND WAIVER CONDITIONS.

Upon determining that an assistance unit is not eligible for general assistance or emergency assistance under the general assistance program due to owning property more than the limit in part 9500.0530, item B, the local agency shall inform the applicant or recipient of the conditions under which excess property may be excluded or waived.

9555.3400 DEFINITIONS.

Subpart 1. Scope. As used in parts 9555.3400 to 9555.3408, the following terms have the meanings given them.

Subp. 2. Advanced age. "Advanced age" means the condition that applies to a recipient who:

PROPOSED RULES

A. is age 55 or older and whose work history shows a marked deterioration compared to that prior to age 55 as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

B. if less than age 55, is evaluated by a vocational specialist as having significantly limited ability to obtain or retain suitable employment because of advancing age.

Subp. 3. Applicant. "Applicant" means a person who has a pending application for general assistance with a local agency.

Subp. 4. Assistance standard. "Assistance standard" means the amount established by the commissioner under Minnesota Statutes, section 256D.01, to provide for an assistance unit's shelter, fuel, food, clothing, utilities, necessary household supplies, and personal need items.

Subp. 5. Assistance unit. "Assistance unit" means a single person or responsible relatives and any child of those persons, who share a living arrangement and who are eligible for general assistance.

Subp. 6. Child. "Child" means an individual who is under the age of 18.

Subp. 7. Commissioner. "Commissioner" means the commissioner of public welfare or a designee.

Subp. 8. Countable income. "Countable income" means net earned and unearned income that is not exempt or disregarded under the general assistance program.

Subp. 9. Department. "Department" means the Department of Public Welfare.

Subp. 10. Director of the local agency. "Director of the local agency" means the director of the local agency or the director's designee.

Subp. 11. Employment-related educational program. "Employment-related educational program" means high school or a training program:

A. taken after a person has set a vocational goal;

B. needed to meet the goal;

C. which has a course of study that does not exceed 24 consecutive months;

D. expected to make the person employable upon completion;

E. for an occupation that is expected to lead to suitable employment;

F. for employment located in an area where the person dwells or to which the person is willing to move or travel;

G. which requires the person to be a full-time student;

H. within the person's physical and mental capabilities;

I. given in Minnesota or has been approved by the director of the local agency;

J. undertaken to develop employment skills; and

K. given through an institution or facility licensed or accredited by a state commissioner of education, or is given by or through a state or federal agency which provides education or employment services.

Subp. 12. Full-time student. "Full-time student" means a person who:

A. attends training for a minimum of 25 hours per week if the training does not involve shop practice and for a minimum of 30 hours per week if the training involves shop practice for a high school or a trade or technical student; or

B. registers for and passes 12 credit hours per semester or quarter.

Subp. 13. Good cause. "Good cause" means circumstances beyond the recipient's control, including, but not limited to: illness, illness of another family member which requires the recipient's presence, a family emergency, or the inability to obtain transportation.

Subp. 14. Grant. "Grant" means the amount paid to a general assistance recipient as determined in part 9555.3402.

Subp. 15. Local agency. "Local agency" means a county, or a multicounty agency, that is authorized under Minnesota Statutes as the agency responsible for the administration of the general assistance program.

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PROPOSED RULES

Subp. 16. Medical certification. "Medical certification" means a statement signed by a licensed physician or licensed consulting psychologist about a person's illness, injury, or incapacity.

Subp. 17. MEED program. "MEED program" means the Minnesota Emergency Employment Development Act, under Minnesota Statutes, sections 268.60 to 268.77.

Subp. 18. Mentally ill. "Mentally ill" means the condition of a person who has a medically certified psychological disorder resulting in behavior that severely limits the person from obtaining, performing, or maintaining suitable employment.

Subp. 19. Mentally retarded. "Mentally retarded" means the condition of a person who is medically certified as severely limited in obtaining, performing, or maintaining suitable employment because of demonstrated deficits in adaptive behavior and because of intellectual functioning which is two or more standard deviations below the mean of a professionally recognized standardized test.

Subp. 20. Negotiated rate. "Negotiated rate" means a general assistance payment which includes room and board and which is either set by the state or local agency or is negotiated by one of those agencies with a party not included in the assistance unit. The set or negotiated rate is deemed to provide for an assistance unit's shelter, fuel, food, utilities, and household supply need items. The rate shall pay only for those items. It shall not include payments for foster care, child welfare services, medical care, dental care, hospitalization, nursing care, drugs or medical supplies, program costs, or other social services.

Subp. 21. Program. "Program" means the general assistance program established under the General Assistance Act, Minnesota Statutes, sections 256D.01 to 256D.21.

Subp. 22. Recipient. "Recipient" means a person who is currently receiving assistance under the general assistance program.

Subp. 23. Responsible relative. "Responsible relative" means the spouse of an applicant or recipient, or the parent of a child who is an applicant or recipient.

Subp. 24. Suitable employment. "Suitable employment" means a job that:

- A. meets existing health and safety standards set by federal, state, or local regulations; and
- B. is within the physical and mental ability of a person as determined by the local agency; and
- C. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month; or
- D. is provided through the MEED program.

Subp. 25. Vocational specialist. "Vocational specialist" means a counselor of the Department of Economic Security or Division of Vocational Rehabilitation, or another similarly qualified person who advises persons about occupational goals and employment.

9555.3401 STATUTORY AUTHORITY.

Subpart 1. Authority. The following Minnesota Statutes authorize the commissioner to adopt rules 9555.3401 to 9555.3409:

A. Minnesota Statutes, section 256D.01, subdivision 1, authorizes the commissioner to establish minimum standards of assistance for the general assistance program.

B. Minnesota Statutes, section 256D.01, subdivision 1, authorizes the commissioner to adopt rules concerning eligibility for the emergency assistance program under aid to families with dependent children to the extent permitted by federal law to require the use of the emergency program under aid to families with dependent children as the primary financial resource when available.

C. Minnesota Statutes, section 256D.09, subdivision 2, authorizes the commissioner to provide by rule for situations in which vouchers or vendor payments may be used by local agencies.

D. Minnesota Statutes, section 256D.111, subdivisions 1 to 5, authorize the commissioner to adopt rules governing:

(1) a reasonable period of disqualification from general assistance for a recipient who fails to comply with the registration and work requirements of part 9555.3403;

(2) the use of vouchers or vendor payments rather than cash grants for the family of a person disqualified; and

(3) written notice from local agency to recipient about job registration, search and acceptance requirements, and the period of disqualification imposed for noncompliance with the requirements.

E. Minnesota Statutes, section 256D.112, authorizes the local agency to refer adult recipients to the commissioner of the Department of Economic Security for services under the Minnesota Emergency Employment Development Act upon issuance of a one-month grant, and to terminate assistance following referral.

F. Minnesota Statutes, section 256D.03, requires a local agency to administer general assistance rules and that the commissioner adopt rules establishing administrative and fiscal procedures.

G. Minnesota Statutes, section 256D.04, requires the commissioner to supervise local agency administration of the program and to adopt rules to assure uniform administration and to enforce the standards of the law.

Subp. 2. Applicability. Parts 9555.3400 to 9555.3408 establish the rights and responsibilities of the Department of Public Welfare, local agencies, and recipients of general assistance concerning registration and work requirements, participation in the Minnesota Emergency Employment Development Act program, establish standards of assistance, and authorize local agencies to enter into a contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance, and shall be read together and with parts 9500.0500 to 9500.0610 for purposes of administering the general assistance program. To the extent that parts 9555.3400 to 9555.3408 conflict with parts 9500.0500 to 9500.0610, parts 9555.3400 to 9555.3408 shall prevail.

9555.3402 ASSISTANCE STANDARDS, PAYMENTS, AND PARTICIPATION.

Subpart 1. State assistance standard. Except as in subpart 4, the state assistance standard must be the combined minimum standards for shelter and basic needs which were in effect under the general assistance program on February 1, 1983. The state assistance standard must be the minimum amount used to determine the monthly payment to the assistance unit. The standards are:

STATE ASSISTANCE STANDARDS

Assistance Unit Size	1	2	3	4	5	6	7	8	9	10
Assistance Amount	\$199	\$260	\$305	\$343	\$381	\$424	\$452	\$488	\$519	\$548

Over 10—add \$28 per person

The assistance amount shall be based on the size of the assistance unit.

Subp. 2. Payment in excess of standards. A local agency may establish payment levels in excess of the state assistance standards and may provide special need items. The local agency shall pay the full cost of the excess and the special need items.

Subp. 3. Payment to assistance unit. Except as in subpart 4, the monthly payment to an assistance unit must be the difference between the applicable state assistance standard, or the local agency standard, and the unit's countable income. The state assistance standard, minus countable income, shall be used to determine the amount of the state participation in the payment.

Subp. 4. State assistance standard; person in dwelling with negotiated rate. The state assistance standard for a person living in a dwelling with a negotiated rate must be the clothing and personal needs allowance that has been set for medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 7.

Subp. 5. Payment; person in dwelling with negotiated rate. The monthly payment for a person living in a dwelling with a negotiated rate must be the sum of the negotiated rate paid to the dwelling and the clothing and personal needs allowance paid to the person as in subpart 4, minus the person's countable income.

Subp. 6. State participation for person in dwelling with negotiated rate and for emergency general assistance. State participation is available for payments of negotiated rates, the clothing and personal needs allowance, and for payments of emergency general assistance under Minnesota Statutes, sections 256D.06, subdivision 2, and 256D.07.

9555.3403 REGISTRATION AND WORK REQUIREMENTS.

Subpart 1. Referral for registration. Except as in subpart 11, the local agency shall refer all adult recipients who are unemployed or who do not have suitable employment to the Department of Economic Security for registration and employment assistance. The referral shall be made when the local agency issues a grant.

Subp. 2. Referral form. Referrals to the Department of Economic Security by the local agency must be made on a form prescribed by the commissioner of the Department of Public Welfare. The form must be written in plain and easily understood English and must include:

- A. the date of referral;
- B. the date by which the registration with economic security must be completed;
- C. the address and telephone number of the office to which the recipient is being referred;

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PROPOSED RULES

D. a notice of the recipient's responsibilities to register and to comply with the work requirements of the Department of Economic Security;

E. a notice of actions to be taken if the recipient does not comply with the registration and work requirements of subparts 3 and 5;

F. a notice of exemption or nonexemption from the registration and work requirements of subparts 3 and 5; and

G. an explanation of the recipient's appeal rights.

Subp. 3. Registration requirement. Recipients who are referred by the local agency as in subpart 1 shall register for employment services with the Department of Economic Security within 15 calendar days of the date on which the local agency made the referral.

The recipient shall maintain registration for employment services as part of the local agency's semiannual redetermination of eligibility.

Subp. 4. Failure to meet registration requirements. The local agency shall contact the Department of Economic Security to determine whether the recipient met the registration requirements. If the Department of Economic Security verifies that the recipient has registered, the recipient shall be considered to have met the registration requirement. If the Department of Economic Security verifies that the recipient has not registered, the department shall provide the local agency with a written statement that the recipient has not registered. The statement must establish the recipient's failure to comply with the registration requirement and the local agency shall notify the recipient of termination from assistance at least ten days before the proposed termination date. The recipient may appeal the agency's determination of failure to register without good cause under Minnesota Statutes, section 256.045.

Subp. 5. Work requirements. Recipients who are referred to the Department of Economic Security for employment assistance shall comply with work requirements set by the Department of Economic Security. The recipient shall:

A. be available for work;

B. comply with reporting and job search requirements; and

C. accept any offer of, and maintain suitable employment.

Subp. 6. Failure to meet work requirements. The Department of Economic Security shall determine whether an applicant or a recipient failed to comply with the work requirements of that department. If the commissioner of economic security certifies to the local agency that the applicant did not maintain suitable employment, the local agency shall find the applicant ineligible for general assistance for the period under subpart 7. If the commissioner of economic security certifies to the local agency that the recipient failed to meet other work requirements, the local agency shall notify the recipient of termination from assistance at least ten days before the proposed termination date.

The Department of Economic Security shall hear appeals regarding compliance with the work requirements. Neither the local agency nor the applicant or recipient may appeal a final determination of noncompliance to the commissioner of public welfare.

Subp. 7. Ineligibility and disqualification. An applicant who did not maintain suitable employment shall be determined ineligible for general assistance as provided in items A to H. A recipient who did not comply with the registration or work requirements of subpart 3 or 5 shall be disqualified from receiving general assistance as provided in items A to H.

A. The period of ineligibility or disqualification shall be 30 days for the first occurrence.

B. The period of ineligibility or disqualification shall be 90 days for an occurrence that is within 12 months from the end of any prior ineligibility or disqualification period.

C. A subsequent finding of ineligibility or disqualification that occurs more than 12 months from the end of any prior ineligibility or disqualification period shall be the same as for a first occurrence.

D. The period of ineligibility or disqualification begins as described in subitem (1) or (2).

(1) If the commissioner of economic security certifies that the applicant failed to maintain suitable employment, the period of ineligibility begins on the date the determination is made and certified.

(2) If the commissioner of economic security certifies that the recipient failed to comply with work requirements under subpart 5 or the registration requirements of subpart 3, the disqualification period begins on the first calendar day of the month following the month of certification. If the certification is received so late in a month that prior notice under subpart 8 cannot be given, the disqualification period begins on the first calendar day of the second month following certification of noncompliance by the Department of Economic Security.

If the recipient appeals on or before the proposed disqualification date, the disqualification process must stop and assistance

will continue under subpart 9 until a final decision is rendered. If there is a decision that the recipient must be disqualified, the disqualification period begins on the first day of the following month.

E. A person who is disqualified and who applies for general assistance during the period of disqualification shall be considered a recipient for purposes of subpart 7.

F. If a recipient who received a notice of disqualification complies with the registration or work requirements and verifies the compliance on or before the effective date of the disqualification, assistance must be continued without a period of disqualification.

G. If otherwise eligible, an applicant who resumes suitable employment during a period of ineligibility under item D shall be eligible to receive general assistance as of the date the local agency receives verification from the Department of Economic Security or exemption under subpart 11. The period of ineligibility must be counted if the applicant has a subsequent period of ineligibility. If otherwise eligible, a recipient who complies with, or becomes exempt from, the registration or work requirements during a disqualification period shall receive general assistance as of the date that the agency receives verification of compliance or exemption. The disqualification must be counted if there is a subsequent occurrence of noncompliance.

H. Ineligibility under subpart 7 or disqualification under subpart 7, item D does not affect a person's eligibility for general assistance medical care.

Subp. 8. Notice of disqualification. The local agency shall notify the recipient of disqualification at least ten days before reducing, suspending, or terminating the grant due to noncompliance. The notice must:

A. be in writing on a form prescribed by the commissioner;

B. be mailed or given to the recipient not later than ten days before the effective date of the action; and

C. clearly state in plain and easily understood English what action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal.

Subp. 9. Appeal of disqualification. A recipient who is disqualified from receiving general assistance under subparts 4 and 6 may appeal the decision. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If the recipient appeals on or before the effective date of the disqualification, the recipient, if otherwise eligible, shall continue to receive general assistance while the appeal is pending. If the appeal is not upheld, the recipient shall pay back to the agency the amount received during the pendency of the appeal.

Subp. 10. Payment provisions during period of ineligibility or disqualification. If an applicant is ineligible or a recipient is disqualified under subpart 7, the local agency shall use vouchers and vendor payments, or both, to meet the financial needs of the remaining eligible members of the assistance unit. The assistance standard used must be based upon the number of remaining eligible members in the assistance unit.

Subp. 11. Exemption from registration and work requirements. A recipient who meets the conditions listed in items A to M shall be exempt from the registration and work requirements of subparts 3 and 5.

A. The person suffers from a permanent illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment.

B. The person suffers from a temporary illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment for a period of at least 15 days, and for which the person is following the rehabilitation plan in the medical certification. The exemption shall apply only for the period of the illness, injury, or incapacity.

C. The local agency has approved the exemption because the person is at home on a substantially continuous basis because of age or a medically certified illness, injury, or incapacity of another member of the assistance unit. The medical certification must state that the person requiring care is unable to care for himself or herself.

D. The local agency has approved the exemption because the person is at home on a substantially continuous basis because of age or a medically certified illness, injury, or incapacity of another member of the household who is not a member of the assistance unit. The medical certification must state that the person requiring care is unable to care for himself or herself.

E. The person has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation or

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PROPOSED RULES

in an approved chemical dependency domiciliary facility. The placement must be due to illness or incapacity and under a plan developed or approved by the director of the local agency.

F. The person resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3.

G. The person is enrolled as a full-time student and is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40.

H. The person does not meet the condition in item A, B, or D but is mentally retarded or mentally ill.

I. The person has an application pending for the social security disability program or the supplemental security income program, or a pending appeal of the denial of an application or of termination from those programs.

J. The person is unable to obtain or retain suitable employment due to advanced age.

The local agency shall inform the recipient of services provided by the division of vocational rehabilitation of the Department of Economic Security, and, upon request, shall refer the recipient to that agency.

K. The person has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other employment related educational program. Exemption under one of the programs shall not exceed:

(1) three months if the person is a part-time high school student; or

(2) two months, including the month of application, if the person is waiting for acceptance into an employment related educational program.

L. The person is an adult member of an assistance unit that includes at least one child and another responsible relative who is employed full time, has registered for employment services with the Department of Economic Security, or has been accepted in an employment related educational program.

M. The person is certified as unemployable by the commissioner of economic security. The certification must state the reasons for the finding of unemployability. The local agency shall review the reasons for the finding to determine if the recipient is exempt under another condition. If the recipient is not exempt under another condition, the local agency shall assess the reasons which preclude employment and may develop and implement a plan to address the reasons. The agency shall consult the recipient when developing the plan. The recipient's compliance with the plan shall be voluntary.

Subp. 12. Appeal of exempt status. A recipient may appeal the local agency's determination of exempt status by submitting a written request for a hearing to the department or the local agency under Minnesota Statutes, section 256.045. The person shall be exempt from the referral requirements until the appeal is decided and, if otherwise eligible, shall receive continuing grants of assistance.

9555.3404 SERVICES TO RECIPIENTS REFERRED TO MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT PROGRAM (MEED).

Subpart 1. Information. The local agency shall inform all adult applicants for, and recipients of general assistance, of the MEED program. The information must describe the program in plain and easily understood English.

Subp. 2. Mandatory referrals. The local agency shall refer all adult recipients who are not exempt under subpart 8 to the commissioner of economic security for employment allowances and services under the MEED program. The referral must be made when the local agency issues a grant of general assistance. A recipient who is referred shall apply to the Department of Economic Security to obtain MEED program services. The registration need not be verified.

Subp. 3. Referral form. The referral must be made on a referral form prescribed by the commissioner. The form must include:

A. the recipient's name, address, telephone number if any, case number, and the local agency's name and address;

B. the assistance unit's most recent assistance standard, monthly income, and grant;

C. the beginning and ending dates of the assistance unit's most recent grant of assistance;

D. the date of referral;

E. a statement that the recipient shall apply for services through the Department of Economic Security at least ten days before the end of the grant period in order to prevent a period not covered by either general assistance or an employment allowance from the Department of Economic Security;

F. the address and telephone number of the Department of Economic Security office to which the recipient is being referred;

G. a statement of the recipient's rights and responsibilities regarding the referral; and

H. instructions to the recipient to return to the local agency if the recipient is found ineligible for the MEED program by the Department of Economic Security and wants further assistance.

Subp. 4. Grant upon referral. A grant upon a referral must be issued in the following manner:

A. An eligible assistance unit shall, at a minimum, receive a one-month grant from the local agency. The grant must be issued within 15 calendar days of the date of application or the subsequent date when all eligibility conditions are met. If the local agency is unable to issue the grant within that 15-day period, the grant must be issued to cover the period beginning with the date of application, or the subsequent date when all eligibility conditions are met, through 15 days beyond the date of issuance. The total period covered must not be less than 30 days. Notwithstanding the provisions of Minnesota Statutes, section 256D.09, subdivision 1, the grant must be issued in one payment without regard to the beginning or ending date of the month.

B. The assistance unit shall be eligible for general assistance medical care benefits for no less than the month during which general assistance eligibility begins, and the following month. The local agency shall inform the assistance unit of its right to apply for general assistance medical care when general assistance is terminated.

C. After completing the referral and issuing the grant, the local agency shall suspend payments to the assistance unit for a 30-day period following the period for which a grant was issued. The local agency shall terminate the eligibility of a recipient who does not return to the local agency within the 30-day suspension period. This part does not apply to a person residing in a dwelling under a negotiated rate that requires a supplement to the employment allowance received under 8 MCAR § 4.0101 [Temporary].

D. A person who is referred under subpart 2 and terminated from the program under item C shall become eligible for future grants only if the recipient gives the local agency a written certification from the commissioner of economic security that:

- (1) the recipient is ineligible for services from the MEED program; or
- (2) the recipient is unlikely to secure a job through the MEED program; or
- (3) the recipient is unable to successfully perform a job available through the MEED program; or
- (4) the recipient is unemployable.

Subp. 5. Registration for MEED program. To comply with the registration and work requirements in part 9555.3403, subparts 3 and 5, a recipient shall register with the Department of Economic Security for the MEED program, comply with its reporting and job search requirements, be available for work, and accept any offer of, and maintain suitable employment.

Subp. 6. Termination from employment allowance. A member of an assistance unit who is terminated from the receipt of an employment allowance provided by the Department of Economic Security due to failure to comply with the work requirements of that department shall be disqualified from the receipt of general assistance. The disqualification must begin following the final day covered by the employment allowance, and must continue for 30 or 90 days under part 9555.3403, subpart 7, items A to C. At the end of the disqualification period or on exemption from the referral and work requirements under subpart 8, the person, if otherwise eligible, shall be eligible for further grants. If the recipient is not exempt under subpart 8 at the end of the period of disqualification, part 9555.3404 applies. Other eligible members of the assistance unit containing a member who has been disqualified from receipt of general assistance may receive general assistance vouchers or vendor payments as provided in part 9555.3403, subpart 10, during the period of disqualification. The assistance standard used must be based on the number of remaining eligible members in the assistance unit.

Subp. 7. Failure to maintain suitable employment. The local agency shall find ineligible an applicant who fails to maintain suitable employment in a MEED position. The period of ineligibility must begin on the date that the commissioner of economic security certifies the applicant's failure to maintain suitable employment and must continue for 30 or 90 days under part 9555.3403, subpart 7, items A to C. At the end of the period of ineligibility or upon exemption from the work requirements of subpart 8, the applicant, if otherwise eligible, shall be eligible to receive a grant. If the applicant is not exempt under subpart 8 at the end of the period of ineligibility, part 9555.3404 applies.

Other eligible members of the assistance unit containing a member who has been found ineligible under this subpart, may receive general assistance vouchers or vendor payments as provided in part 9555.3403, subpart 10, during the period of ineligibility. The assistance standard used must be based on the number of remaining eligible members in the assistance unit.

Subp. 8. Exemptions from referral. A recipient shall be exempt from referral to the MEED program if the recipient:

- A. is certified by the commissioner of economic security under subpart 4, item D; or
- B. is covered by part 9555.3403, subpart 11; or

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PROPOSED RULES

- C. was a recipient on September 30, 1983, and has not been terminated from assistance since that date; or
- D. has not been a resident of Minnesota for at least 30 days; or
- E. is eligible for or receiving unemployment compensation or workers' compensation; or
- F. is employed.

A recipient may appeal the local agency determination of exempt status under Minnesota Statutes, section 256.045.

Subp. 9. Continuation of assistance. The local agency shall continue to provide assistance to those recipients who were recipients on September 30, 1983, and whose assistance has not terminated since that date, and to recipients who are otherwise exempt from referral to the MEED program until the recipient no longer meets the eligibility conditions.

Subp. 10. Request for MEED program services. An exempt applicant or recipient may request services from the MEED program. If requested by the applicant or recipient, the local agency shall refer these persons to the Department of Economic Security using the referral form in subpart 3.

Subp. 11. Employment allowances. Employment allowances provided by the Department of Economic Security must be paid in accordance with part 9555.3402, subpart 1. The allowances must be unearned income for purposes of determining eligibility for and the amount of general assistance, emergency general assistance, and the payments for persons in facilities with rates established or negotiated by the state or the local agency. Eligibility for emergency general assistance under Minnesota Statutes, section 256D.06, subdivision 2 is not precluded by receipt of an employment allowance.

Subp. 12. Discontinuance of MEED or employment allowance program. Part 9555.3404 shall not apply when the commissioner of economic security notifies the department that the MEED program or the employment allowance program has been discontinued or the employment allowance allocation has been depleted.

9555.3405 APPEAL OF EMPLOYMENT ALLOWANCE DETERMINATIONS.

Subpart 1. Local agency review. If a person appeals a determination by the Department of Economic Security about ineligibility for an employment allowance or the amount of the allowance, the Department of Economic Security shall request that the local agency review the determination. The local agency shall review the determination and may obtain additional information or verification from the Department of Economic Security or from the applicant to determine whether the person meets the standards of Minnesota Statutes, sections 256D.01 to 256D.21. This part does not apply to persons terminated from the employment allowance program due to noncompliance with the work requirements or termination of either the MEED or the employment allowance program.

Subp. 2. Effect of agency review. The determination of the local agency review shall be binding on the Department of Economic Security.

Subp. 3. Appeal of findings. A person who objects to the determination of the local agency may appeal the finding under Minnesota Statutes, section 256.045.

9555.3406 DISCLOSURE OF DATA.

Notwithstanding Minnesota Statutes, section 13.46, data that the department or a local agency collects, maintains, uses, or disseminates about a person for the general assistance program, including MEED program data, may be disclosed without the consent of the person to the Minnesota Department of Economic Security and its agents including the MEED program administrators, to monitor the eligibility of the person for unemployment compensation, or for any employment or training program administered by the agency.

9555.3407 CONTRACTS WITH DEPARTMENT OF ECONOMIC SECURITY.

Local agencies may enter into contracts with the Department of Economic Security, including local employment administrators of the MEED program, to determine the eligibility of MEED program applicants for an employment allowance and to determine the amount of the allowance. The administrative costs and income associated with these contracts must be accounted for according to the state's federally approved cost allocation plan. A local agency shall provide these contracted services at the local Department of Economic Security office or the local MEED program office.

9555.3408 LOCAL AGENCY REPORTS.

The local agencies shall collect and report information necessary to administer, monitor, and evaluate the general assistance program, including work requirements and the MEED program. The local agency shall enter information on all general assistance applicants and recipients in the welfare information system on the schedules established by the department. In addition, the local agency shall enter and maintain information on the case information file or supply supplemental information as needed to:

- A. minimize the occasions on which similar information is obtained from applicants and recipients;
- B. improve coordination of services to recipients;
- C. minimize the possibility of duplicate payments;
- D. report to the legislature on general assistance recipients' participation in the MEED program.

OFFICIAL NOTICES

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

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

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is May 29, 1984.

INVESTMENT ADVISORY COUNCIL has 1 vacancy open immediately for a member with experience in general investment matters. The council advises the Board of Investment on policy relating to investments of state funds. Members are appointed by the Board of Investment. Members must file with EPB and receive no compensation. For specific information contact the Investment Advisory Council, Room 105 MEA Bldg., 55 Sherburne Ave., St. Paul 55155; (612) 296-3328.

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION has 1 vacancy open immediately. Must be a resident of Minnesota. The commission makes recommendations on the use, development and protection of the corridor of the St. Croix and Mississippi rivers that forms the interstate border of Minnesota and Wisconsin; assists the 2 states in their participation in federal programs affecting the rivers. Members are appointed by the Governor. Terms are staggered. Bi-monthly meetings; members are reimbursed for expenses. For specific information contact the Minnesota-Wisconsin Boundary Area Commission, 619 2nd St., Hudson, WI 54016; (612) 436-7131.

ETHICAL PRACTICES BOARD has one vacancy open immediately, for a member of the Democratic-Farmer-Labor Party, who has not been a public official, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of appointment, for term expiring in January, 1987. The board administers campaign finance disclosure and public financing for state candidates; economic interest disclosure for state and metropolitan public officials; lobbyist registration and reporting. Members are appointed by the Governor and confirmed by the House and Senate; members serve staggered four-year terms; must file with EPB. Monthly meetings; members receive \$35 per diem plus expenses. For specific information, contact the Ethical Practices Board, 41 State Office Building, St. Paul 55155; (612) 296-5148.

MEDICAL SERVICES REVIEW BOARD has 2 vacancies open immediately for physicians. The board advises the department on medical matters relating to workers compensation and hears appeals on decisions of the department. Members are appointed by the Commissioner of Labor and Industry and receive \$35 per diem plus expenses. For specific information contact Medical Services Review Board, Cynthia Thompson, 444 Lafayette Road, Space Center, St. Paul 55101; (612) 297-3467.

ADVISORY TASK FORCE ON ALTERNATIVE EDUCATIONAL STRUCTURES AND PRACTICES has 11 vacancies open for members. All members shall have knowledge and experience in educational research, educational administration or teaching. The task force shall assist the Council on Quality Education with responsibility for conduct of a series of preliminary studies on alternative educational structures and practices within public schools and to develop alternatives that are based on research. Members are appointed by the Council on Quality Education and receive expenses. For specific information contact the Advisory Task Force on Alternative Educational Structures and Practices, Eugene Kairie, Coordinator, Council on Quality Education, 718 Capitol Square Bldg., St. Paul 55101; (612) 296-5072.

OFFICIAL NOTICES

MINNESOTA WORLD TRADE CENTER BOARD has 9 vacancies open immediately for members including representatives of international business community and agriculture community. The board is to facilitate and support Minnesota World Trade Center programs and services and promote the growth of international trade. Members are appointed by the Governor and receive \$35 per diem. For specific information contact the Minnesota World Trade Center Board, Dr. Richard Broeker, 620 Conwed Tower, 444 Cedar St., St. Paul 55101; (612) 291-8900.

REGIONAL TRANSIT BOARD has 14 vacancies open for regional transit board members representing Metropolitan Council districts in the metropolitan area and 1 vacancy for the chair. The board will coordinate transit operations within the metropolitan area and implement the Metropolitan Council's long-term transit plans; establish a transit information service; adopt a transit service implementation plan; contract with transit operators in the metropolitan area to provide transit services; coordinate special transportation services for the elderly, handicapped or others with special transportation needs; administer contracts for paratransit projects; appoint the members of the Metropolitan Transit Commission; and other transit related responsibilities. Members are appointed by the Metropolitan Council. The Chair is appointed by the Governor. Meetings will be scheduled by the Board. Members receive \$50 per diem and expenses. For specific information contact the Metropolitan Council, Bill Lester, 300 Metro Square Bldg., St. Paul 55101; (612) 291-6630.

Department of Commerce

Outside Opinion Sought Regarding Proposed Amendments to Rules Relating to Subdivided Lands Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate amendments to rules governing subdivided lands. Promulgation of these rules is authorized by Minnesota Statutes, section 83.38.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes § 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Lorraine Rowe, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-2990.

All statements of information and comment shall be accepted until June 7, 1984. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Corrections Task Force on Standards for Juvenile Release

Notice of Public Meeting

The Task Force on Standards for Juvenile Release has scheduled a public meeting for responses to the Standards Draft on May 9, 1984, from 12:00 P.M. to 2:00 P.M. in 112 Capitol Building. For further information, please call Patricia C. Harmon at 296-6520.

Minnesota State Advisory Council for Vocational Education

Notice of Council Meeting

The Minnesota State Advisory Council for Vocational Education will meet at 9:00 a.m. on Thursday, May 17, 1984 in Room 440, Minneapolis Technical Institute, 1415 Hennepin Avenue, Minneapolis, Minnesota. The public is welcomed. Inquiries regarding the meeting may be directed to the Council Offices at 612/377-6100.

**Department of Public Welfare
Mental Health Bureau****Outside Opinion Sought Concerning Temporary Revision of a Rule Governing County Welfare or Human Service Board Responsibilities to Individuals Who Are or May Be Mentally Retarded**

Notice is hereby given that the Minnesota Department of Public Welfare is considering temporary amendments to Parts 9525.0010-9525.0100 (12 MCAR 2.185), commonly known as Rule 185. This rule governs the planning and provision of services to all individuals who are or may be mentally retarded. The purpose of this rule is to establish minimum service standards for county boards and human service boards in the provision of case management and the planning, coordination, and development of services for all individuals who are or may be mentally retarded.

Authority for this rule is contained in Minnesota Statutes, §§ 252.28, 252.291, 256B.092, 256B.501, and 256B.503.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Mental Retardation Program Division
Department of Public Welfare
4th Floor, Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at 612/296-2682.

Statements of information and comment will be accepted until further notice. All written statements received by the Department will become part of the rule record submitted to the Attorney General for review.

STATE CONTRACTS

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

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

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

**Department of Administration
Information Services Bureau****Availability of Contract for Back-Up Systems Analysis**

The Information Services Bureau (ISB), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide back-up systems analysis services to be used by the Bureau on an as-needed basis. This will involve basic systems analysis using the PRIDE systems development methodology. This may involve back up assistance to a staff analyst of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to

STATE CONTRACTS

be assigned at the discretion of the Bureau. This work may be on projects for any of forty-one (41) State agencies. The total amount expended for this activity will not exceed \$175,000.00 for fiscal year 1985. (i.e., July 1, 1984 through June 30, 1985).

The full text of the Request for Proposal is available on request. Inquiries and responses must be directed to:

Norbert A. Bohn, Director
 Application Services Division
 Information Services Bureau
 658 Cedar Street, Centennial Office Bldg.
 St. Paul, MN 55155
 (612) 296-6326

Responses must be received no later than 4:00 p.m. on May 18th, 1984.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
02-307-44096	Humidity Sensors	Admin/Plant Mgmt	St. Paul	Contact buyer
79-000-417-59	Purchase of Terminals	Transportation	St. Paul	Contact buyer
26-073-16295	Lounge Furniture	St. Cloud State University	St. Cloud	Contact buyer
07-200-29705	Breathing apparatus	Public Safety	St. Paul	Contact buyer
07-500-29736	Police Shotguns	Public Safety	St. Paul	Contact buyer
79-000-41641	Addendum #1 Portable Conveyors	Transportation	Willmar	Contact buyer
02-310-13214	Supply & Install Balanced Doors	Administration	Vets Erv. Bldg.	Contact buyer
79-000-41740	Weed Spray Machines & Tanks	Transportation		Contact buyer
79-000-41809	Equip. to Upgrade King Aircraft	Transportation-Aeronautics	St. Paul	Contact buyer
21-200-07785	Warehousing & Shipping of USDA Commodities	Economic Security/Economic Opportunity	Various	Contact buyer
32-300-11187	Purch. Word Processing System	Pollution Control Agency	Roseville	Contact buyer
29-000-35664	Drill Observation well	Natural Resources	Various	Contact buyer
79-900-02669	Guardrail Post	Transportation	Same	Contact buyer
78-770-01903	Reach-In Refrigerators	MN Correctional Facility	Sauk Centre	Contact buyer
13-325-06565	Modular Office System	Commerce	St. Paul	Contact buyer
07-500-29714	Winter Jackets	MN State Patrol	St. Paul	Contact buyer
32-300-11222	Purchase of Rainvow Computer	MN Pollution Control	Roseville	Contact buyer
29-000-35749, 777054	Fishing Guide	Natural Resources	St. Paul	Contact buyer
04-371-22721, 776805	MN Agric. Statistics 1984	Agriculture	St. Paul	Contact buyer
29-000-35753, 777062	State Park Vehicle Permit 1984	Natural Resources	St. Paul	Contact buyer
Sch 113	Cars	Central Motor Pool	St. Paul	Contact buyer
13-325, 06565	Addendum #1, Modular Office Systems	Commerce Dept.	St. Paul	Contact buyer
22-400-00460, 777036	Fall Calendar	Tourism	St. Paul	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-41587, etc.	Ind. Tractor Loader	Transportation	Various	Contact buyer
78-620-16407	Removal & Disposal of Hazardous waste	MN Correctional Facility	Stillwater	Contact buyer
78-620-16408	Castings, Malleable Iron	MN Correctional Facility	Stillwater	Contact buyer
32-300-11223	Purchase of Terminals	MN Pollution Control	Same	Contact buyer
79-000-41736	Surveying Instruments & Equipment	Transportation	Rm B-20 Trans. Bldg.	Contact buyer
Contract 01-000-03877 & 78	Vicon Mower Repair Parts Liquid Propane Gas Tanks & Access.	Various Military Affairs	Various Little Falls, Mn	10,000.-15,000. Contact buyer
77-000-08198	Box & Pan Type Hand Brake	MN Zoo	Apple Valley	Contact buyer
78-620-16410	Steel Tubing	MN Correctional Facility	Stillwater	Contact buyer
01-000-03887	Composting Toilets	Military Affairs	Little Falls	Contact buyer
Contract	Auger & Auger Tools	Transportation	Various	Contact buyer
75-250-04910	Supply labor & Material to repaint Water Tower	Vets Home	Vets Home	Contact buyer
Contract 53-000-01322, 776884	Biological Specimens 1984 Constitutional Amendment ballot & sample ballot	Various SOS	Various St. Paul	7,000.-8,000. Contact buyer
79-000-41390	Wallpack Luminaire—Rebid	Transportation	St. Paul	Contact buyer

Contact the receptionist at 296-2513 for referral to specific buyers.

Capitol Area Architectural and Planning Board

Request for Proposals for Site Assessment for Minnesota State History Center

The Capitol Area Architectural and Planning Board is requesting proposals from architectural and urban planning firms or associations of firms capable of assessing various sites for a proposed Minnesota History Center in St. Paul's Capitol area.

The Capitol Area Board is seeking the assistance of a firm or association of firms ("consultant") capable of developing and implementing a site assessment process for a new Minnesota History Center of approximately 375,000 gross square feet. This center will be a unique multi-purpose building combining museum, reference, school and visitor services, and administrative offices of the Minnesota Historical Society.

The study process should progress from the broadest and most general site opportunities and strategic considerations to more specifically-viable sites.

The consultant shall design and implement an assessment process that assures broadly-based participation by the various groups and individuals involved in the History Center project. The consultant shall recommend to the Capitol Area Board appropriate site selection criteria that should be used to evaluate specific sites, and apply that criteria to those sites.

The consultant shall also develop criteria for detailed site testing and analysis, and prepare a preliminary design framework for a limited number of specific sites.

The site assessment study and report must be completed no later than November 1, 1984. Therefore the consultant must have the capacity to undertake this project without delays or inefficiencies.

It is estimated that this study will cost approximately \$90,000. Specialized studies if required and authorized will be paid by supplemental agreement or directly by the Capitol Area Board.

For a copy of the complete request for proposal, interested individuals should contact, and proposals should be addressed to Gary Grefenberg, Executive Secretary, Capitol Area Architectural and Planning Board, Room 122 State Capitol, St. Paul, Minnesota 55155 (612/296-7138). All proposals must be received by 4:30 PM, May 23, 1984.

STATE CONTRACTS

Department of Energy and Economic Development Minnesota Office of Tourism

Request for Proposals for Services of Public Accountant

The Minnesota Office of Tourism in the Department of Energy and Economic Development is seeking proposals for the services of a certified public accountant to perform an audit examination of the financial statements covering six (6) Tourism Regional Offices established under Chapter 317.

The project is to begin approximately May 21, 1984 and will be completed June 23, 1984 or 30 days from date of project authorization. The objective is to ensure that Joint Venture grant funds are being used in adherence to the goals of the program and that grant funds are being well managed. The examination will require that respondent travel to the home office of each region to conduct the audit. The locations of regional offices include Alexandria, Duluth, Mankato, Lake City and Fridley.

Proposals must be received by 4:00 p.m., May 29, 1984.

For copies of proposed requirements and information about the proposal, contact Marcia Simon, Marketing Manager, Minnesota Office of Tourism, 240 Bremer Building, 419 North Robert Street, St. Paul, MN 55101, 612/297-2333.

Marcia A. Simon
Marketing Manager

Metropolitan Council Parks and Open Space Department

Contract for Consultant Services to Design Artificial Speedskating Rink

The Parks and Open Space Department of the Metropolitan Council announces availability of a contract for assisting the Council in selection of a site and implementation program for an artificially refrigerated speedskating rink. The contract period will be approximately June 1984 through January 1985. Selection will be based on response to the Council's Request for Proposals, a copy of which is available from Charles Smith at (612) 291-6522. Demonstrated expertise in developing criteria for and evaluating recreation project feasibility will be a prime criterion in selection, along with experience in design of artificial ice rinks and associated refrigeration systems. Deadline for submission of proposals is May 25, 1984.

Pollution Control Agency Acid Precipitation Program

Request for Proposal/Qualifications for Laboratory Analysis of Wet and Dry Deposition Samples

SCOPE OF PROJECT

The Minnesota Pollution Control Agency (MPCA) is seeking the professional/technical services of a laboratory facility within the seven county metropolitan area for the purpose of analyzing precipitation samples and low-level particulate filters weekly for the period of July 1, 1984 through June 30, 1985 (FY 85). Laboratory data will be used by the Agency's Acid Precipitation Program to determine the status of acid deposition to sensitive areas in Minnesota, as required by the Acid Deposition Control Act of 1982.

GOALS AND OBJECTIVES

The MPCA needs a complete data base characterizing wet and dry deposition in FY 1985 for a variety of purposes including:

1. Calibration of Long Range Transport models to determine source area contributions to acid deposition in Minnesota;
2. To monitor the amount of acid deposition occurring annually in Minnesota; and
3. To develop a deposition standard that will adequately protect Minnesota's sensitive resources.

PROJECT TASKS

The responder(s) must receive and document weekly precipitation samples and filter packs throughout FY 1985. The

approximate number of samples to be analyzed will be 150 coarse and 430 fine particulate filters, 430 SO₂ impregnated filters, and 180 precipitation samples.

Samples will be analyzed for a variety of chemical parameters at sometimes very low levels. Laboratory results will be furnished to the MPCA staff within two (2) to four (4) weeks of receipt of the samples. For more information regarding desired minimum detection levels and parameters to be analyzed, see "Department Contact", named below.

Responder(s) are required to submit detailed quality assurance and quality control documentation. Sample splits will be mailed to the Minnesota Department of Health for additional quality control.

PROPOSAL CONTENTS

The following will be considered to be the minimum content of the proposal:

1. A restatement of the project scope and tasks to demonstrate the responder's view of the project.
2. Identify and describe the chemical parameters, their minimum detection limits and necessary quality assurance that the responder can supply.
3. A detailed cost plan for each parameter to be analyzed.
4. A detailed description of the laboratory quality assurance and quality control program.

NECESSARY QUALIFICATIONS

Only those laboratory facilities that meet the following criteria are invited to submit formal proposals:

1. Must have past experience with precipitation and low level particulate analyses.
2. Must be currently participating in the EPA/USGS Round Robin Quality Assurance Program.
3. Must have an ion chromatograph available for anion analyses.
4. Must be located within seven county metropolitan area for frequent consultation.
5. Must be available for testimony during Acid Deposition Control Act hearings to be held in late 1985.

EVALUATION

Proposals will be evaluated on a variety of factors including, but not limited to, the following:

1. Ability of both the company and personnel to meet previously specified qualifications.
2. Ability to analyze samples at desired minimum detection levels.
3. Breakdown of projected analyses costs.
4. Laboratory turnaround time.

DEPARTMENT CONTACT/SUBMISSION OF PROPOSAL

Prospective responders who have any questions may call or write the project officer:

David L. Bordson
Minnesota Pollution Control Agency
Division of Air Quality—Acid Rain Specialist
1935 West County Road B-2
Roseville, Minnesota 55113
(612) 296-7780

All proposals must be received by not later than 4:30 p.m. on May 29, 1984.

Department of Public Welfare Moose Lake State Hospital

Request for Proposal for Medical Services

Notice is hereby given that the Moose Lake State Hospital, Department of Public Welfare, is seeking the following services for the period August 1, 1984 through June 30, 1985. These services are to be performed as requested by the Administration of the Moose Lake State Hospital:

Contract for Family Practice Physician to perform the following medical services per legal authority MS 246.01 (1982):

STATE CONTRACTS

(1) Routine medical services including diagnosis and treatment of common ailments including ear and foot problems, minor surgical procedures and treatment of injuries such as fractures, lacerations, etc. (2) Admission histories and physical examinations for chemical dependency, mental illness, psycho-geriatric and mental retardation admissions. (3) Annual physical examinations for mentally ill, psycho-geriatric and mentally retarded clients. (4) Annual mental status examinations for mentally ill and psycho-geriatric clients. (5) Participation on professional committees as assigned. Hours of work: 8:00 A.M. to 4:30 P.M. (includes ½ hour unpaid meal break) on each Monday, Wednesday, Thursday and Friday. Weekends and holidays as needed. The approximate rate of pay is \$38.00 per hour. Responses for the above service must be received by June 15, 1984.

Frank R. Milczark
Chief Executive Officer
Moose Lake State Hospital
Moose Lake, MN 55767
(218) 485-4411, Ext. 242

Department of Public Welfare Cambridge State Hospital

Request for Proposal for Medical Services

Notice is hereby given that the Cambridge State Hospital, Mental Health Bureau, Department of Public Welfare, is seeking the services which are to be performed as requested by the Administration of Cambridge State Hospital. Contracts may be written for the period July 1, 1984 thru June 30, 1985.

1. Service of Psychologist to evaluate and identify and provide training to professional staff (Behavior Analyst) in the area of developing programs that both train and treat individuals with a dual diagnosis of MR/MI. Estimated amount of contract will not exceed \$3,250.00 for a one year period.

2. Service of an EEG Technologist to provide EEG training on demand from a physician. Must be a graduate of an approved EEG Technologist course (12-18 months). Estimated amount of the contract will not exceed \$2,400.00 for a one year period.

3. Service of a Human Sexuality consultant to train staff in human sexuality. Assist staff to make concepts applicable to mentally retarded citizens. Work with specific mentally retarded residents who are known sexual offenders. (versus the victim) Estimated amount of contract will not exceed \$2,080.00 in one year.

4. Service of a neurologist to provide consultation in neurology to the residents of Cambridge State Hospital estimated amount of contract will not exceed \$6,240.00 for a one year period.

5. Service of a Audiologist to provide consultation to the residents of Cambridge State Hospital. Estimated amount of contract will not exceed \$5,460.00 for one year period.

Responses must be received by May 28, 1984.

Direct inquiries to: Dorothy J. Johnson, Accounting Officer
Cambridge State Hospital
Cambridge, Mn. 55008

Phone (612) 689-2121 ext 206

State Designer Selection Board

Request for Proposal for State Projects

To Architects and Engineers Registered in Minnesota:

The State Designer Selection Board has been requested to select designer for a number of state projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., June 5, 1984, 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.

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

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

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

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

7) **PROJECT—3-84**

Organizational Maintenance Shop
Department of Military Affairs
Appleton, Minnesota

PROJECT DESCRIPTION:

A. **General:** The proposed Organizational Maintenance Shop facility consists of 6,454 gross square feet to be utilized for vehicle maintenance, work/storage rooms and personnel areas; 1,235 square yards of bituminous surfaced vehicle parking area and access roads, 933 square yards of concrete access apron and turning pads, and 75 square yards of hardstand.

B. **Site Location:** Appleton, Minnesota.

C. **Building Construction:** Single story, concrete slab on grade floor; steel joist and steel roof deck; exposed concrete block walls, painted metal doors and door frames; metal clad windows; suspended ceilings where authorized; hot water heat utilizing No. 2 oil fired boilers. Construction to be in accordance with State of Minnesota Building and Energy Codes plus all other

STATE CONTRACTS

applicable codes and standards. Basic room areas include vehicle work bays, office, break, restrooms with locker and shower areas, mechanical, tool, supply, battery and commo/electric rooms. Sanitary sewer, water and electrical services are present adjacent to the site.

D. Estimated Project Construction Cost: \$536,000.00

1. Work to be Performed by the Designer: The work basically includes: Acquisition of the topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents for same; preside at the bid opening; the handling of contract documents; the general supervision of the construction work for the Owner; assist in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assist in final acceptance of the work.

2. Designer's Fee for the Work: Established by the Federal Government at 6.2% of the construction cost of the work. In fulfilling this contract, the designer will be carrying out basic plan designs furnished by the Owner. Preliminary work by the designer will be minimal insofar as trial designs and presentations are concerned. The preliminary drawings for the work will be basically the final working drawings, partially completed. The work does not involve the Corps of Engineers in any way. The specification format will be the designer's normal for commercial work, tailored to the project. The designer for the work will work directly with the Department of Military Affairs' Facilities Management Officer, Major Wayne A. Johnson, Camp Ripley, Little Falls, Minnesota 56345 (telephone (612) 632-6631, Extension 315). All questions relative to this project should be referred directly to him.

8) PROJECT—4-84

Remodel Space for the
Department of Revenue
Centennial Office Building
St. Paul, Minnesota

The proposed remodeling for the consolidation of the Department of Revenue in the Centennial Office Building will involve approximately 700-900 employees and approximately 100.00 square feet in the basement, first, second, and third floors.

A. The Project Scope includes:

1. schematic layouts;
2. developmental plans
3. analysis of existing building systems including HVAC, electrical, electronic, mechanical and structural; and
4. project phasing and scheduling;
5. acoustical requirements;
6. security requirements;
7. furniture and equipment specification;
8. room finish selection assistance; and
9. project inspection and certification.

The total project cost is \$1,500,000.00. In addition, statutory language requires the Department of Revenue to provide a report to the legislature by October 1, 1984. Such report must include the proposed lay-out for the remodeled area.

Questions relative to this project may be referred to Ellsworth F. Kohlmann at 297-2208.

9) PROJECT—5-84

Improvements and Expansion of the
Library, Classrooms, College Center
and Physical Education Facilities
Anoka/Ramsey Community College
Total Project Allocation: \$2,800,000.00

This project involves new construction of 28,700 gross square feet, the addition of a second floor in the college services building, and remodeling of space in the college services and library building.

New construction will include the addition of approximately 9,840 gross square feet to the gymnasium building, the addition of 11,438 gross square feet to the college center building that will involve some food service modifications, the addition of 3,825 gross square feet to the library building, and the addition of 3,600 gross square feet of classrooms. The location of the classroom addition has not been determined.

Questions concerning this project may be referred to Don Wagner at 296-8809.

9) **PROJECT—6-84**

Planning for Library, College Center
Classroom Buildings and Physical
Education Building Addition
Itasca Community College
Grand Rapids, Minnesota
Total Planning Allocation: \$175,000.00

This project involves the preparation of construction documents for a new library building of approximately 10,500 gross square feet, a new college center building of approximately 12,000 gross square feet that will include food services, and the addition of approximately 6,000 gross square feet of classrooms and a faculty office suite. The plans will include the demolition of two old buildings and the relocation of the heating plant. It is anticipated that wood will become the source of fuel.

The estimated construction cost of this project is 3.8 million.

Questions concerning this project may be referred to Don Wagner at 296-8809.

Roger D. Clemence, Chairman
State Designer Selection Board

SUPREME COURT**Decisions of the Court of Appeals Filed Tuesday, April 24, 1984****Compiled by Wayne O. Tschimperle, Clerk**

C6-83-1684 Peoples Natural Gas Company, a Division of InterNorth, Inc., Petitioner v. Minnesota Public Utilities Commission. Minnesota Public Utilities Commission.

Under the circumstances of this case, the PUC had implied authority to order a refund of rates not placed under bond.

A public utility has no protectible property interest in revenues collected in contravention of Minn. Stat. § 216B (1980).

Affirmed. Popovich, C.J.

C7-83-1791 Sara Forsberg, Relator, v. Depth of Field/Fabrics and Commissioner of Economic Security. Department of Economic Security.

Under the circumstances of this case, when the employee voluntarily terminated her employment because she felt uneasy about her job security, she terminated without good cause attributable to the employer and is disqualified from receiving unemployment compensation benefits.

Affirmed. Popovich, C.J.

C5-83-2017 Rodney Dawson, Relator, v. Northland Beverages, Inc. and Commissioner of Economic Security. Department of Economic Security.

Relator's unexplained payment overage raises an inference of theft and is sufficient misconduct to disqualify him from receipt of unemployment benefits under Minn. Stat. § 268.09, subd. 1(2) (1982).

Affirmed. Popovich, C.J.

C6-83-1233 Clarence C. Campion, Jr. v. County of Wright, Appellant. Wright County.

Because of the deference paid to municipal bodies' legislative decisions on rezoning, summary judgment for land owner was inappropriate where issues of fact exist concerning whether the County's Comprehensive Plan would be violated by the proposed rezoning.

Reversed and remanded. Foley, J.

SUPREME COURT

C7-83-1211 Shirlee Marose, Appellant, v. Beverly Hannameyer, et. al. Ramsey County.

Absent of any facts Marose had suffered a permanent injury, or was disabled for more than sixty days as required by the Minnesota No-Fault Act, summary judgment is proper.

Under these facts, dismissal with prejudice is justified.

Affirmed. Wozniak, J.

C2-83-2069 Terrance A. Burtman, Relator v. Dealers Discount Supply and Commissioner of Economic Security, Department of Economic Security.

Where an employee of three days voluntarily terminated his employment due, in part, to his employer's insistence upon conduct the employee considered illegal and immoral, the employee had an obligation to first make his objections known to the employer and his failure to do so rendered his termination voluntary without good cause attributable to the employer.

Affirmed. Wozniak, J.

C4-83-1778 State of Minnesota v. David Allen Sutterfield, Appellant. Washington County.

A state trial court is without jurisdiction to apply a federal statute when defendant is charged with the violation of a state statute.

Reversed. Sedgwick, J.

C9-83-1856, C2-83-1861 State of Minnesota, Appellant, v. Janice Marie Danielski, (C2-83-1861) and State of Minnesota Appellant, v. Dean Anthony Danielski (C9-83-1856). Polk County.

Where the same parental authority that is used to accomplish criminal sexual acts against a child is used to prevent the reporting of that act, the statute of limitations does not begin to run until the child is no longer subject to that authority.

Reversed. Sedgwick, J.

C3-83-1867 William Frank Palbicki, Appellant, v. Commissioner of Public Safety. Hennepin County.

A driver who withdrew his consent to submit to a blood alcohol test because the nurse did not have medical identification and was not dressed in clothing that would identify her as a nurse, did not have reasonable grounds to refuse the blood test. The peace officer was not required to offer the breath test again when it had earlier been refused.

Affirmed. Lansing, J.

C2-83-1875, C3-83-1982, C4-83-2008, C7-84-22 State of Minnesota v. Harry L. Northard, Appellant, (C2-83-1875) State of Minnesota v. Alvin Rozell Stafford, Appellant, (C3-83-1982) State of Minnesota v. James E. Clark, Appellant, (C4-83-2008) State of Minnesota v. Robert Alan Carlson, (C7-84-22). Hennepin County.

The legislative change in the "good time" law, which resulted in the Sentencing Guidelines Commission's reduction of the presumptive duration for mandatory minimum sentences, is retroactive for those inmates sentenced before November 1, 1983.

State v. Northard, C2-83-1875, and State v. Carlson, C7-84-22 Affirmed.

State v. Stafford, C3-83-1982 and State v. Clark, C4-83-2008 Reversed.

Lansing, J.

Decisions of the Supreme Court Filed Friday, April 27, 1984

Compiled by Wayne O. Tschimperle, Clerk

C0-83-529 State of Minnesota v. Carl R. McGee, Appellant. Hennepin County.

Under Minnesota Sentencing Guidelines and Commentary, II.B.1.e. and II.B.106. (1981), each prior conviction should be considered separately in computing the defendant's criminal history score at the time of the sentencing and if there is a 10-year "conviction-free" period following the defendant's release from any of the sentences for his prior convictions, then those prior convictions are deemed to have decayed.

Defendant's conduct was significantly more serious than the conduct typically constituting the offense of criminal negligence resulting in death.

Remanded for resentencing. Amdahl, C.J.

C7-83-608 Joseph F. Berg, et al., v. Steven Carlstrom, Appellant, and City of North Mankato, et al., Steven Carlstrom, Appellant, v. Joseph F. Berg, et al. Brown County.

Reformation to include the names of the proper parties will be granted where the parties intended to convey a valid easement but the deed did not contain the names of the proper grantors.

The doctrine of unclean hands applies to representations made after the original easement grant transaction where those representations related directly to the subject matter of the original agreement.

The doctrine of equitable estoppel applies to take the easement agreement out of the statute of frauds because the easement owner's affirmative statements about limiting the use and about being a man of his word, statements which were reasonably relied upon, were arguably akin to fraud.

Affirmed in part; modified in part and remanded with instructions.

Amdahl, C.J.

C5-83-834 State of Minnesota v. Lester J. Morse, Appellant. Hennepin County.

Trial court erred in computing defendant's criminal history score at three because, under Minnesota Sentencing Guidelines and Commentary, II.B.1.e. and II.B.106. (1981), all of defendant's prior convictions had "decayed."

Remanded for resentencing. Amdahl, C.J.

Cx-82-1404 Frank N. Latenser v. John Latenser & Sons, Inc., Appellant. Hubbard County.

Where, in a mortgage foreclosure action in Minnesota, the defendant demands arbitration as previously agreed to in Nebraska and stipulates thereto, said defendant is bound by said arbitration award and judgment entered therein, and cannot then raise the constitutional defense of the lack of minimum contacts by the defendant with Minnesota, having clearly waived that right.

Affirmed. Scott, J.

C3-82-1437 State of Minnesota v. Margaret Mary Kinsky, Appellant. Winona County.

The trial court did not abuse its discretion by denying defendant's motion for a change of venue or continuance.

The evidence was sufficient to support defendant's second-degree murder conviction under Minn. Stat. § 609.19(1) (1982).

The offense of concealing birth (Minn. Stat. § 617.22 (1982)) is not a lesser included offense of second-degree murder and, therefore, the trial court did not err by refusing to instruct the jury on that offense.

The trial court did not err in refusing to depart from the presumptive sentence established by the sentencing guidelines.

Affirmed. Scott, J.

C9-82-390, C7-82-520 Green-Glo Turf Farms, Inc. et al., Appellants, v. State of Minnesota (C7-82-520). Douglas P. Lawrence, Appellant, v. State of Minnesota (C9-82-390). Anoka County.

Minnesota Statutes § 3.736, subd. 3(h) (1982) constitutionally immunizes the state from tort liability for damages to property caused by the operation of outdoor recreational areas, and the trial court properly granted summary judgement for the state under that statute.

The trial court did not abuse its discretion in allowing the taxation of the expense of depositions as necessary disbursements of the prevailing party.

Affirmed. Wahl, J.

Dissenting, Scott, J., Amdahl, C.J., Todd, J., & Yetka, J.

C5-83-297 State of Minnesota v. Donald R. Amos, Appellant, Hennepin County.

The evidence sustains the jury's finding of intentional and premeditated murder.

Declaring an 8-year-old witness competent to testify was not outside a proper exercise of the trial court's discretion, nor was the admission of testimony corroborative of the child's testimony. Nor did the trial court err in excluding other testimony as lacking sufficient probative value.

The trial court's admission of prior convictions for impeachment was not improper, nor was it incumbent on the trial court, in the absence of a request, to give a cautionary instruction with respect to the prior convictions.

There was no evidence of racial discrimination in selection of the jury.

SUPREME COURT

Failure to instruct on first-degree manslaughter was not error, nor was defendant denied a fair trial and a proper defense by any inadequacy in his trial counsel's representation.

Affirmed. Simonett, J.

C3-83-511 Willard R. Hield v. Edwin R. Thyberg, Appellant. Hennepin County.

Where the parties have entered into a written contract, complete and unambiguous on the consideration to be paid, but it is claimed that the consideration was not as stated so that the contract might be used to mislead or deceive a third party, parol evidence is usable; but the party seeking to vary the terms of the written contract in this situation has the burden of establishing his claim by clear and convincing evidence.

Reversed and remanded for a new trial. Simonett, J.

C1-81-955 In the Matter of the Application for the Discipline of Harold D. Kimmel, Jr., an Attorney at Law of the State of Minnesota. Supreme Court, State of Minnesota.

Reinstated. Amdahl, C.J.

TAX COURT

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

State of Minnesota Tax Court

Carl L. Thompsen, Appellant, v. The Commissioner of Revenue, Appellee, Docket No. 3773

Findings of Fact, Conclusions of Law, and Order for Judgement

The above entitled matter was heard at the Blue Earth County Courthouse in Mankato, Minnesota, on November 15, 1983, before the Honorable John Knapp, Chief Judge of the Minnesota Tax Court. At issue was the applicability of sales tax to Appellant for Appellant's alleged sales at retail of cocaine during 1982. Both sides submitted post-trial briefs.

Robert H. Chesley, Esq., attorney at law, appeared for Appellant.

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

From the evidence adduced at trial and from the files and records herein, the Court now makes the following:

FINDINGS OF FACT

1. Appellant's appeal was filed in a timely manner; this Court has jurisdiction over the persons and subject matter of this appeal.
2. In the spring of 1982, Blue Earth County Law Enforcement executed a search warrant on a residence in Blue Earth County and seized quantities of cocaine and marijuana. A person arrested at this residence became an informant and gave the officers information regarding drug activity in Mankato.
3. The informant explained to the officers that drugs were acquired through the use of a "courier" who purchased drugs from a source and resold them to the informant.
4. After a thorough investigation, law enforcement officers verified the informant's information and determined that the source of the drugs was Carl Thompsen, the Appellant.
5. In the process of the investigation, law enforcement officers followed the Appellant from Mankato to Minneapolis, to Denver, Colorado, to Aspen, Colorado and back.
6. Based on the officers' information, a search warrant was issued on June 4, 1982, authorizing the search of the Appellant's apartment, motor vehicles, and person and seizure of any and all controlled substances.
7. This search warrant was executed on June 5, 1982.

8. Law enforcement officers found and seized, among other things, 1.64 pounds of cocaine and over \$32,000 in cash. This was the largest drug arrest in Blue Earth County history.

9. The cocaine which was found in the possession of the Appellant was of the following amounts and purities:

<u>Amount</u>	<u>Purity</u>
712.17 grams	88%
35.5 grams	60%

10. The following Monday, June 7, 1982, the Commissioner of Revenue caused three documents to be served upon Appellant. The effect of these documents was to (1) demand that Appellant file sales tax returns on that day; (2) notify Appellant that because he failed to file such tax returns, the Commissioner would prepare the returns for him; and (3) notify Appellant that the Commissioner would immediately enforce collection of the taxes due on the returns prepared as provided by law.

11. On June 8, 1982, a tax lien was filed with the County Recorder of both Nicollet and Blue Earth Counties on Appellant's property.

12. The sales tax returns originally prepared by the Commissioner for March, April, May and June of 1982 indicated that Appellant owed sales taxes of \$56,000, penalties of \$4,400, interest of \$590.24, for a total amount due of \$60,990.24. Those returns were based on the assumption that Appellant sold two pounds of cocaine a week at a price of \$2,500 per ounce. Shortly before trial, the Commissioner filed an amended return showing sales tax due of \$11,250, penalties of \$5,625 and interest of \$3,787.39, for a total of \$20,662.39. The amended return covered the months of January and February of 1982 in addition to March, April, May and June of 1982. No explanation regarding this amended return was given at trial.

13. Neither of the parties in this case called any witnesses whose testimony provided direct evidence regarding the amount of sales made or whether such sales were made for resale or "at retail".

14. The only direct evidence in this file regarding the amount of sales made or whether such sales were made for resale or "at retail", is Appellant's sworn answers to the Commissioner's Interrogatories, dated April 22, 1983.

15. Based on Appellant's answers to the Commissioner's Interrogatories, the amount of cocaine seized by law enforcement officers, the high level of the cocaine's purity, the interstate contacts that the Appellant apparently maintained, and the method by which a known drug dealer obtained drugs from Appellant through an intermediary, it appears that Appellant occupied a high position in the drug distribution system.

16. In the sentencing of Appellant for his criminal conviction, the Honorable Miles B. Zimmerman specifically found that Appellant not only occupied a high position in the drug distribution network, but the sales he made were for resale.

17. Appellant sold controlled substances at retail four or five times to each of two people during the period in question, selling approximately one-half gram of cocaine on each occasion for \$80 per gram.

CONCLUSIONS OF LAW

1. Any cocaine sold by Appellant during the period in question, with the exception of those sales admitted by Appellant to be "resales", was not sold "at retail" within the meaning of Minn. Stat. § 297A.01, subd. 4.

2. The Commissioner of Revenue shall recalculate the amount of sales tax owed by Appellant based upon those sales admitted by the Appellant in his answers to interrogatories.

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

April 24, 1984

By the Court,
John Knapp, Chief Judge

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