

85, Jan 28

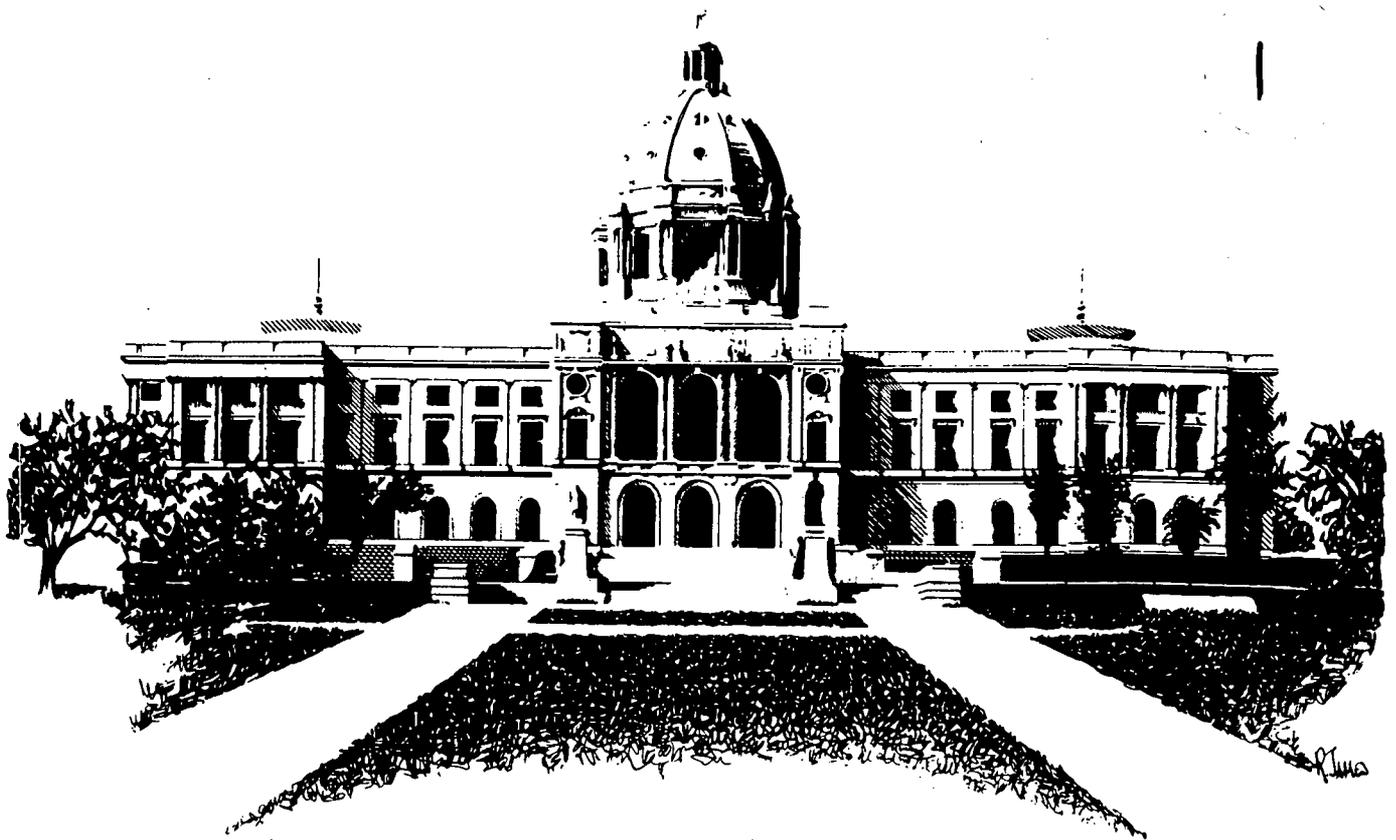
STATE REGISTER



RECEIVED

JAN 29 1985
LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155

STATE OF MINNESOTA



VOLUME 9, NUMBER 31

January 28, 1985

Pages 1669-1708



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 9			
32	Monday Jan 21	Monday Jan 28	Monday Feb 4
33	Monday Jan 28	Monday Feb 4	Monday Feb 11
34	Monday Feb 4	Monday Feb 11	Monday Feb 18
35	Monday Feb 11	Friday Feb 22	Monday Feb 25

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

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

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

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

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

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

Rudy Perpich
Governor

Marsha Storck
Editor

Sandra J. Hale
Commissioner
Department of Administration

Robin PanLener, Paul Hoffman,
Margaret Connelly, Ruth Werness
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Debbie Kobold
Circulation Manager

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 27-31, inclusive 1672

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 27-31, inclusive 1673

EXECUTIVE ORDERS

Executive Order No. 85-2 Providing for an Organization for Oversight and Management of a Statewide Labor Market Information System 1674

PROPOSED RULES

Agriculture Department Planning Division

Proposed Rule Governing Vacuum Processing of Smoked Fish 1676

Commerce Department

Proposed Rule Relating to Unfair Practices in Franchise Agreements 1679

Education Department Elementary Education

Proposed Rule Governing Required Elementary Curriculum Offerings 1680

Municipal Board

Proposed Rules Relating to Municipal Board Procedures 1683

ADOPTED RULES

Agriculture Department Planning Division

Adopted Emergency Rules Relating to Agricultural Resource Loan Guaranty Program 1688

Animal Health Board

Adopted Rules Governing Importation of Horses 1689

Commerce Department

Financial Examinations Division

Adopted Rules Relating to the Operation of Commercial Banks 1689

Human Services Department

Long Term Care Rates Management

Adopted Emergency Rules Governing Rates for Intermediate Care Facilities for the Mentally Retarded 1689

Optometry Board

Adopted Rules Governing Continuing Education and Licensure 1690

OFFICIAL NOTICES

Board of Animal Health

Special Board Meeting on March 6 1690

Special Board Meeting on March 19 1690

Energy and Economic Development Department

Notice of Allocations of Issuance Authority for Calendar Year 1985 1690

Energy and Economic Development Department

Energy and Economic Development Authority

Outside Opinion Sought Concerning a Proposed Rule Administering Loans to Municipalities to Make Qualified Energy Improvements 1692

Energy and Economic Development Department

Energy Finance Division

Outside Opinion Sought Concerning a Proposed Rule Administering Grants to Municipalities to Make Qualified Energy Improvements 1693

Energy and Economic Development Department

Financial Management Division

Notice of Availability of Issuance Authority in Competitive Pool—January 5, 1985 1693

Housing Finance Agency

Public Hearing on Amended Policy Statement 1694

Human Services Department

Division of Social Services

Notice of Publication of Title XX Block Grant for Social Services Activities Report for FFY 1982 1694

Labor and Industry Department

Occupational Safety and Health Division

Notice of Eligibility for Final Approval
Determination of State OSHA Program: Notice of Proposed Revision to State Staffing Benchmarks; and Notice of Comment Period and Opportunity to Request Federal Public Hearing 1694

Labor and Industry Department

Workers' Compensation Division

Outside Opinion Sought Concerning Proposed Amendments to Rules Governing Permanent Partial Disability 1695

Outside Opinion Sought Concerning Rules Governing Payment for Workers' Compensation Medical Services 1696

Pollution Control Agency

Solid and Hazardous Waste Division

Outside Opinion Sought Concerning Amendments to Minnesota Rules Chapter 7045 Governing Hazardous Waste 1696

Outside Opinion Sought Regarding Rules for Solid Waste Management 1697

Transportation Department

Petition of Le Sueur County for a Variance from State Aid Standards for Design Speed 1698

Petition of the City of Duluth for a Variance from State Aid Standards for Street Width 1698

Petition of the City of Minneapolis for a Variance from State Aid Standards for Street Width—Hennepin Avenue 1698

Petition of the City of Minneapolis for a Variance from State Aid Standards for Street Width—West 60th Street 1699

Waste Management Board

Outside Opinion Sought Regarding Proposed Rules Governing Hazardous Waste Processing and Collection Facilities and Services Development Grants 1699

Outside Opinion Sought Regarding Proposed Rules Governing Hazardous Waste Processing Facility Loans 1700

STATE CONTRACTS

Department of Administration

Intergovernmental Information Systems Advisory Council

Request for Proposals for a Study to Determine the Volume, Types, Modes, and Frequency of Data Exchange Between State of Minnesota Governmental Entities and Units of Local Government and to Determine the Standards Being Employed with Each Type of Data Exchange 1700

Department of Administration

Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding 1701

Energy and Economic Development Department

Extension of Deadline on Request for Proposal Concerning Development of Agri-Processing Industry 1702

Energy and Economic Development

Energy Finance Division

Request for Proposals for Analysis and Demonstration of Energy Conservation Financing in the Local Government Sector 1702

Iron Range Resources and Rehabilitation Board

Request for Proposals for District Heating System Evaluation—Eveleth Area 1703

Metropolitan Waste Control Commission

Request for Proposal for Pay Equity Study 1703

Natural Resources Department

Parks and Recreation Division

Request for Qualifications for Redevelopment and Operation of Hydroelectric Generation at Kettle River Dam Near Sandstone, Minnesota 1704

SUPREME COURT

Decisions Filed Friday, January 18, 1985 1704

TAX COURT

Orders Filed January 16, 1985 1705

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** also.

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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The **OFFICIAL NOTICES** section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted **EMERGENCY** (formerly called **TEMPORARY**) **RULES** appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the **MINNESOTA RULES 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
Issues 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1983*.

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR § 1.10111 (adopted) 1555

TITLE 12 SOCIAL SERVICE

**Part 2 Public Welfare Department
(now Human Services)**

12 MCAR §§ 2.05302, 2.05304, 2.05306, 2.05309, 2.05313,
2.05314 [Emer] (adopted) 1689

MINNESOTA RULES AMENDMENTS AND ADDITIONS

DEPARTMENT OF AGRICULTURE

1545.3350 (proposed) 1676
 1580.0100-.1200 [Emer] (adopted) 1688

BOARD OF ANIMAL HEALTH

1700.2300; .2400 (adopted) 0000

DEPARTMENT OF COMMERCE

2605.0100-.0400 [second notice] (proposed) 1607
 2640.0100; .0600; .0700; .1100; .1200; .1300;
 .1500; .1700; .1800; .1900; .2000; 2100; .3200; 3400;
 .3600; .3700; .3800; .3900; .4100 (proposed) 1643
 2675.0200; .0300; .0901; .1100; .1110; .1130-.1150; .1180;
 .2000; .2050; .2100; .2130; .2140; .2170; .2200; .2240;
 .2246; .2250; .2420; .2500 (adopted) 1689
 2675.6100; .6110; .6111; .6120; .6141; .6142;
 .6143; .6180; .6210; .6220; .6230; .6250; .6270;
 .6290; .6301 [second notice] (proposed) 1606
 2725.0100-2725.0240 (proposed) 1537
 2785.0100; .0200; .0300; .0400; .0500; .0600;
 .0700; .0800; .0900; .1000; .1100; .1200; .1300;
 .1400; .1500; .1600 [9 SR 946] (notice) 1543
 2790.0550; .0100; .4600; 2875.1051 (proposed) 1649
 2810.2100; .2150; .2170; .2700; .9940; .9950
 (adopted) 1575
 2810.3200; .9930; .9940 (proposed) 1609
 2860.5400 (proposed) 1679

DEPARTMENT OF CORRECTIONS

2920.0100; .0200; .0500; .0800-.1300; .1800; .1900;
 .2300; .2700; .3200; .3300; .3700; .4000; .4300; .4400;
 .4900-.5500; .5700-.6000; .6200-.6400; .6600; .6700;
 .6900; .7000; .7300-.7600 (adopted) 1656
 2925.0100; .0200; .0500; .0600; .0800; .1000; 1200;
 .1400; .1800-.2900; .3100; .3300; .3500-.3900; .4100
 (adopted) 1657

STATE BOARD OF EDUCATION

3500.1150 (proposed) 1680
 3505.2510 (proposed) 1506
 3505.3300 (proposed) 1505

DEPARTMENT OF ECONOMIC SECURITY

3325.0010-.0040 (withdrawn) 1612

HIGHER EDUCATION COORDINATING BOARD

4830.0300 (proposed) 1613

MN HOUSING FINANCE AGENCY

4900.0293 (proposed) 1548
 4900.0640 (proposed) 1548
 4900.1700-.1703 [Emer] (extended) 1576

DEPARTMENT OF LABOR AND INDUSTRY

5206.1300; .1400; .1500; .1600; .1700; .1800;
 .1900 [Standards] (proposed) 1551
 5224.2900 [Amend] (adopted) 1619

MN MUNICIPAL BOARD

6000.0100; .0110; .0200; .0400; .0500; .0600; .0700; .0800;
 .0900; .1000; .1150; .1200; .1310; .1400; .1510; .1600;
 .1700; .1900; .2210; .2500; .2600; .3000; .3100; 3400
 (proposed) 1683

DEPARTMENT OF NATURAL RESOURCES

6105.0911 (proposed) 1555

BOARD OF OPTOMETRY

6500.0900-.1100; .1500; .1600; .2000; .2100; .2300; .2400
 (adopted) 1690

MINNESOTA BOARD OF PHARMACY

6800.0400; .1000; .1100; .3500; .4200-.4250 (adopted) 1657

DEPARTMENT OF PUBLIC SAFETY

Driver and Vehicle Services Division

7411.7100; .7200; .7300; .7400; .7500; .7600; .7700
 (proposed) 1653

Bureau of Criminal Apprehension

7510.6200; .6300; .6350; .6910 (proposed) 1508

SMALL BUSINESS FINANCE AGENCY

8300.2500-.2590 (adopted) 1614
 8300.3010-.3030 [Emer] (adopted) 1614
 8300.4100-.4112 [Emer] (proposed) 1544
 8300.4100-.4112 [Emer] [second notice] (proposed) 1612

SOIL AND WATER CONSERVATION BOARD

8400.0100; .0200; .0300; .0400; .0600; .0700; .0900;
 .1000; .1100; .1200; 1300; .1400; .1405; .1500; .1600;
 .1700; .1800; .1950; .2000; .2100; .2200; .2300; .2400;
 .2500; .2600; .2700; .2705; .2800 [Amend] (proposed) 1594

TRANSPORTATION REGULATION BOARD

8900.0100; .0200; .0300; .0400; .0500; .0600;
 .0700; .0800; .0900 (proposed) 1510

EXECUTIVE ORDERS

Executive Order No. 85-2

Providing for an Organization for Oversight and Management of a Statewide Labor Market Information System

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

WHEREAS, Section 125(A) of the Job Training Partnership Act of 1982 requires the Governor of each state to designate an organizational unit to oversee and manage a comprehensive statewide labor market and occupational demand/supply information system; and

WHEREAS, Section 422(b) of the Carl D. Perkins Vocational Education Act requires each state receiving funds under the Act to establish a State Occupational Information Coordinating Committee composed of representatives of the State Board, State Employment Security Agency, State Economic Development Agency, State Job Training Coordinating Council, and State Vocational Rehabilitation Agency; and

WHEREAS, under the new legislation each state is responsible for the design and operation of a cost-effective labor market information system that is not only responsible to user needs, but must meet federal standards stipulated in Chapter 35 of Title 44, United States Code and other appropriate federal standards established by the Bureau of Labor Statistics of the United States Department of Labor; and

WHEREAS, the effective administration of programs under the Job Training Partnership Act, Wagner-Peyser Act, Vocational Education Act, Vocational Rehabilitation Act, and Minnesota's Unemployment Insurance legislation require the standardization of federal and state multi-agency administrative records and the reduction in duplicative surveys to produce data for labor market and economic analysis; and

WHEREAS, the Minnesota Department of Economic Security historically has been responsible for the collection, production, and dissemination of data for labor market and economic analysis to serve the purposes of the Job Training Partnership Act and the Vocational Act.

NOW, THEREFORE, as required under Section 422(b) of the Carl D. Perkins Vocational Education Act and Section 125(A) of the Job Training Partnership Act of 1982, I order:

1. The Department of Economic Security shall establish a Labor Market Information Policy Board to oversee and assess the operation of a labor market information system. The Policy Board will include three private sector representatives and one representative from each of the four post-secondary education systems, seven state administrative agencies, and three state advisory councils or public interest groups.

2. The Minnesota Occupational Information Coordinating Committee shall be a standing committee of the state Labor Market Information Policy Board to assure the coordination of labor market and occupational information programs, and to assure state compliance with Section 422(b) of the Carl D. Perkins Vocational Education Act.

3. The management of Minnesota's statewide labor market information system shall reside in the Department of Economic Security as lead agency for the system with the following responsibilities:

A. Prepare an annual plan and budget proposal describing products and services of the

labor market information system during the coming year for Policy Board action, and submit a report at the end of the year covering system activities.

B. Conduct technical tasks necessary to interface data bases containing labor supply and demand data and other data which would enhance the labor market information system.

C. Promote the standardization of labor market information definitions and measures with other agencies and organizations involved in the production and use of data.

D. Maintain the labor market information system data base and develop plans which will facilitate computerized access to the system.

E. Propose plans and budgets to funding sources for necessary support of the labor market information system with the approval of the Policy Board.

F. Collaborate with other agencies which maintain analytical or econometric models of Minnesota's economy. Cooperate with organizations and institutions which are involved in related labor market research and information development activities.

G. Provide draft copies or summaries for comment to the Policy Board's technical advisory council, prior to publishing major reports including the annual economic forecast, the periodic occupational employment projections, and the annual planning report.

4. The Policy Board will meet not less than four times per year to:

A. Coordinate state and federal support of the system and to establish labor market information system policy. The Board will review the level of federal funding and determine how best to maximize the investment of state funds with all other labor market information resources.

B. Appoint representatives to a "technical advisory council" which will study issues and formulate recommendations on system enhancements and changes for Policy Board action.

C. Establish policies and procedures to guide Labor Market Information Policy Board operations. Education system and state agency heads who will serve by virtue of their positions as heads of the respective agencies will develop the guiding policies and procedures for the Board.

D. Establish the Minnesota Occupational Information Coordinating Committee as a standing committee for the purpose of developing an occupational information system and preparing annual plans and reports in accordance with federal vocational education legislation.

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

IN TESTIMONY WHEREOF I have set my hand this 10th day of January, 1985.



PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

Department of Agriculture Planning Division

Proposed Rule Governing Vacuum Processing of Smoked Fish

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rule without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28 (1982).

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule, and shall have 30 days to do so. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit them to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt this rule is contained in Minnesota Statutes, Section 31.11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as adopted, should submit a written statement of such request to Mr. Heil.

The Department is authorized by Minnesota Statutes, Section 31.11, to adopt rules to protect public health, and prevent fraud and deception in the manufacture, use, and sale of food. The proposed rule will allow vacuum packaging of smoked fish according to methods developed and tested by the National Marine Fisheries Service of the U.S. Department of Commerce. Adoption of the proposed rule will also bring Minnesota into conformity with the Code of Federal Regulations which does not prohibit vacuum packaging of smoked fish.

The proposed rule will have a positive impact on small business as defined in Minnesota Statutes, Section 14.115. Minnesota is one of three major fresh water fish processing states, but the current rules prohibiting vacuum packaging of smoked fish act as a trade barrier because 48 of 50 states allow vacuum packaging of smoked fish. Adoption of this rule will result in potentially new and larger markets in Minnesota, other states, and international trade.

PROPOSED RULES

One free copy of this notice and the proposed rule are available and may be obtained by contacting Mr. Heil.

January 14, 1985

Rollin M. Dennistown
Commissioner of Agriculture

Rules as Proposed (all new material)

1545.3350 VACUUM PACKAGED HOT PROCESSED SMOKED OR HOT PROCESSED SMOKE-FLAVORED SALMON.

Subpart 1. Applicability. Parts 1545.3180 to 1545.3260, 1545.3280, 1545.3290, and 1545.3310 do not apply to air tight or vacuum packaged hot processed smoked or hot processed smoke-flavored salmon which has been processed and packaged in a processing facility in compliance with National Marine Fisheries Service, chapter 2; Code of Federal Regulations, title 50, part 260 and which meets the requirements of this part.

Subp. 2. Defrosting. Defrosting of eviscerated frozen salmon must be carried out in:

A. air at 45 degrees Fahrenheit or below until the salmon is completely thawed and the internal temperature of any part of the salmon does not exceed 45 degrees Fahrenheit; or

B. a continuous water flow tank or spray system until the salmon is thawed. Salmon may not be mixed with other species during thawing. Salmon may not remain in the tank for over four hours after they are completely defrosted and the temperature in any part of the salmon may not exceed 60 degrees Fahrenheit during this period. If longer delays are encountered, the salmon must be returned to temperatures of 38 degrees Fahrenheit or below until the salmon is brined.

Subp. 3. Washing. Both fresh and thawed salmon must be washed thoroughly with a vigorous chlorinated water spray or in a continuous water flow system prior to brining. The chlorine concentration in the water may not exceed 50 parts per million available chlorine.

Subp. 4. Dry-salting; brine. Salmon must be dry-salted at a temperature not to exceed 38 degrees Fahrenheit throughout the salmon, or if brined, the salmon may not be mixed with other species of fish in the same tank and must be brined so that the temperature of the salmon and the brine does not exceed 60 degrees Fahrenheit at the start of brining.

If the brine time exceeds four hours, the brining must take place in a refrigerated room of 42 degrees Fahrenheit or lower. The salmon may not be held above 38 degrees Fahrenheit for more than 48 hours.

Brines may not be reused unless there is an adequate process, such as ultrafiltration, to return the brine to an acceptable microbiological level. Brine tanks that have been used to brine other species of fish must be cleaned and sanitized before being used to brine salmon.

Subp. 5. Sodium chloride, sodium nitrite content. Hot process smoked or hot process smoke-flavored salmon must be brined so that the final sodium nitrite content of the loin muscle of the finished product is not less than 100 parts per million and is not more than 200 parts per million immediately after processing. These same products may not contain less than the minimum concentration of one of the following combinations of water phase salt and sodium nitrite in the deepest part of the loin:

- A. 3.5 percent water phase salt with 100 parts per million nitrite.
- B. 3.4 percent water phase salt with 120 parts per million nitrite.
- C. 3.3 percent water phase salt with 140 parts per million nitrite.
- D. 3.2 percent water phase salt with 160 parts per million nitrite.
- E. 3.1 percent water phase salt with 180 parts per million nitrite.

Subp. 6. Temperature monitoring. Hot process smoked or hot process smoke-flavored salmon must be heated by a controlled heat process that provides a monitoring system, such as calibrated probes or dial thermometers, positioned in as many strategic locations in the oven as necessary to assure that all products reach the minimum internal temperature.

The temperature monitoring devices must be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter, or more frequently if necessary, to ensure their accuracy. Graduations on the

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

PROPOSED RULES

temperature monitoring devices may not exceed two degrees Fahrenheit within a range of ten degrees Fahrenheit of the processing temperature.

Each salmon portion must be heated to an internal temperature of 150 degrees Fahrenheit or higher and maintained at 150 degrees Fahrenheit or higher for 30 minutes or longer.

Subp. 7. Application of smoke. Liquid smoke, generated smoke, or a combination of liquid smoke and generated smoke must be applied to the entire product. If only liquid smoke is used in the process, it may be applied to the product prior to, at the beginning of, or during the process. Liquid smoke added during the process must be applied before the internal temperature of the product exceeds 125 degrees Fahrenheit. The liquid smoke must be prepared by the aqueous process (U.S. Patent 3,106,473) and have a minimum of the following major constituents in its compositions: ten percent titratable acidity, nine milligrams phenol per gram, 12 grams carbonyls per 100 milliliter. The constituents must be used at concentrations of 50 percent or more.

When only generated smoke is used in the process, dense smoke must be applied to the salmon for at least 90 minutes at the beginning of the process. If a drying cycle is used in the smoking process, the air temperature surrounding the salmon may not exceed 110 degrees Fahrenheit and the time period may not exceed 60 minutes at temperatures between 60 degrees Fahrenheit and 110 degrees Fahrenheit before the application of smoke. If temperatures below 60 degrees Fahrenheit are used, the time period may not exceed six hours. Generated smoke must be produced from burning hardwood. If a combination of liquid smoke and generated smoke is used, the procedures for liquid smoke must be followed and the generated smoke may be applied at any stage of the process.

Subp. 8. Cooling; storage and distribution. The finished product must be cooled to a temperature of 50 degrees Fahrenheit or below within five hours after cooking and further cooled to a temperature of 38 degrees Fahrenheit or below within 12 hours after cooking. The finished product must be maintained at 38 degrees Fahrenheit or lower during all subsequent storage and distribution.

Subp. 9. Labeling. Primary packages and master cartons must be clearly marked with a statement to maintain the product below 38 degrees Fahrenheit. If salmon is frozen, the label must clearly direct users to thaw the salmon at refrigerated temperatures and to store the thawed salmon below 38 degrees Fahrenheit.

Subp. 10. Analysis. The finished product must be analyzed chemically with sufficient frequency to assure that the required water-phase salt and sodium nitrite is obtained and the other chemical additives are present at authorized levels. To reduce the possibility of postprocessing contamination with food poisoning bacteria, the product must be vacuum-packaged only within the facility in which it was processed.

Subp. 11. Methods. Samples must be analyzed by the procedures described in the 14th edition of Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC) (Sidney Williams (ed.), 1984), which is incorporated by reference, or by methods which have been demonstrated to be comparable to the AOAC methods. The publication incorporated in this subpart is available at the Saint Paul Public Library and is not subject to frequent change.

A. Water-phase salt analysis method. Determine sodium chloride (NaCl in the following equation) according to AOAC (14th ed.), sections 18.034 and 18.035.

Determine moisture (H₂O in the following equation) according to AOAC (14th ed.), section 24.003(a).

Calculate water-phase salt as follows:

$$\frac{\text{g NaCl in sample} \times 100}{\text{g NaCl} + \text{g H}_2\text{O in sample}} = \text{percent NaCl in water phase}$$

B. Sodium nitrite analysis method. Determine sodium nitrite content according to AOAC (14th ed.) sections 24.044 and 24.045.

Subp. 12. Code marks; records. Permanently legible code marks must be placed on the outer layer of every finished product package and master carton. The marks must identify at least the plant where the product was packed and the date of packing. Records must be maintained at the processing facility for a minimum of six months from the date of processing to provide positive identification of (1) the process procedures, including process time, temperature, and sodium nitrite and water-phase salt levels, used for the manufacture of hot process smoked and hot process smoke-flavored salmon, and (2) the distribution of the finished product.

Subp. 13. Sale in other containers. Salmon meeting the requirements of this part may also be packaged, stored, transported, sold, offered, and exposed for sale in containers which are not air-tight or vacuum-packed.

Department of Commerce

Proposed Rule Relating to Unfair Practices in Franchise Agreements

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, § 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Elizabeth Moran, Staff Attorney, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, §§ 45.023 and 80C.18. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard Gomsrud, General Counsel Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2860.5400 UNFAIR PRACTICES.

The provisions of part 2860.4400 shall not apply. All motor vehicle fuel franchise agreements shall conform to the following provisions. A violation of any of these provisions shall be considered "unfair and inequitable."

A. to J. [Unchanged.]

K. No supplier shall require a dealer to waive any of the dealer's rights under Minnesota Statutes, chapter 80C and the rules adopted under it or United States Code, title 15, sections 2801 to 2806 (1978). Any such waiver is void.

L. No supplier shall include in its franchise agreements a release of any claims that the dealer may have against the supplier. Any such release is void.

M. No supplier shall require or encourage its dealer to violate or conspire to violate any law of the state of Minnesota.

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

PROPOSED RULES

Department of Education Elementary Education

Proposed Rule Governing Required Elementary Curriculum Offerings

Notice of Hearing

Notice is hereby given that a public hearing concerning the proposed rules will be held at the Science Museum of Minnesota (Penthouse), 30 East 10th Street, St. Paul, Minnesota 55101, on March 7, 1985, commencing at 9:00 a.m. and continuing until all interested persons have had 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 comments may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7606, either before the hearing or within five working days after the close of the hearing. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. In addition, following the close of the initial comment period, interested persons and the agency will be allowed to submit responses to any new information submitted in the comments received during the initial comment period. The responses must be filed within three working days of the close of the initial comment period. Additional evidence may not be submitted during this three-day period. The rule hearing procedure is governed by Minn. Stat. §§ 14.02 to 14.57, and by Minnesota Rules Parts 1400.0200-1400.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes all the evidence and argument 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 agency or the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present only a short summary of the Statement of Need and Reasonableness at the hearing but will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The rules, as proposed, will require Minnesota public elementary schools to offer specific curriculum to students in grades K-6 or K-8. In addition, the proposed rule requires a balance in curriculum offerings and other related requirements.

The Board's statutory authority to adopt the proposed rules is provided by Laws 1983, Chapter 314, Article 8, Section 23, Subdivision 2 as amended by Laws 1984, Chapter 463, Article 7, Section 26, Subdivision 2.

The Board estimates that there will be no cost to local bodies in the State to implement the rules for the two years immediately following its adoption within the meaning of Minn. Stat. § 14.11. These proposed rules will not directly affect small businesses within the meaning of Minn. Stat. § 14.115.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Richard J. Mesenburg, 656 Capitol Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door the date of the hearing. If you have any questions on the content of the proposed rules, contact Richard J. Mesenburg, (612) 296-4064.

Notice: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. The agency will give notice of the adoption of and the filing of the rules with the Secretary of State. Any person wishing to have notice of the adoption and filing may so indicate at the hearing or send a written request to the agency.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any one month or more than \$250, not including 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 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, MN 55155, telephone (612) 296-5615.

December 11, 1984

Ruth E. Randall, Secretary
State Board of Education

Rule as Proposed (all new material)

3500.1150 REQUIRED OFFERINGS FOR ELEMENTARY SCHOOLS.

Subpart 1. Curriculum offerings. A school district shall offer broad and balanced elementary school curriculum that is appropriate to the developmental levels of the learners in the physical, social, emotional, and cognitive areas. The curriculum must be based on the philosophy, goals, and objectives developed by the school board and adapted by the board for each elementary school to reflect the individual school needs.

Subp. 2. Required curriculum offerings. The curriculum offerings listed in this subpart are required curriculum offerings or common branches for kindergarten through the last elementary grade in each elementary school.

A. Communications/language arts, including:

- (1) listening/speaking;
- (2) reading/writing;
- (3) children's literature; and
- (4) language study: structure and meaning.

B. Mathematics.

C. Art, including:

- (1) observing;
- (2) producing; and
- (3) valuing and judging.

D. Music, including:

- (1) describing sounds;
- (2) producing sounds; and
- (3) organizing sounds.

E. Science, including:

- (1) earth science;
- (2) life science;
- (3) physical science; and
- (4) process skills.

F. Social studies from local to global, including:

- (1) anthropology;
- (2) economics;
- (3) geography;
- (4) history;

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

PROPOSED RULES

- (5) political science;
- (6) psychology; and
- (7) sociology.

G. Physical education, including:

- (1) body management;
- (2) motor and physical fitness; and
- (3) motor skills.

H. Health, including:

- (1) personal health;
- (2) mental health;
- (3) growth and development;
- (4) chemical and substances use and abuses;
- (5) nutrition; and
- (6) safety.

I. Environmental education.

J. Media and technology, including:

- (1) equipment familiarity and use;
- (2) materials retrieval, selection, and use;
- (3) media production; and
- (4) viewing skills.

Subp. 3. Optional curriculum offerings. Other subjects as determined by the philosophy and goals of the district may be included in the curriculum, such as world languages and cultures, play in kindergarten, industrial arts, and home economics.

Subp. 4. Balance among curriculum offerings: grades 1 to 3. A reasonable balance among required curriculum offerings shall consist of the following distribution at a minimum, yearly in grades 1 to 3: one-half for communications/language arts; one-fourth for mathematics, art, and music; one-fourth for science, social studies, physical education, and health; provided that the curriculum balance may be adjusted to accommodate the educational needs of individual students. Optional curriculum offerings shall not alter the balance among required curriculum offerings.

Subp. 5. Balance among curriculum offerings: elementary grades 4 and above. A reasonable balance among required curriculum offerings shall consist of the following distribution at a minimum, yearly in elementary grades 4 and above. One-third for communications/language arts; one-third for mathematics, art, and music; one-third for science, social studies, physical education, and health; provided that the curriculum balance may be adjusted to accommodate the needs of individual students. Optional curriculum offerings shall not alter the balance among required curriculum offerings.

Subp. 6. Integration of required curriculum offerings. Environmental education and media and technology skills shall be taught in the context of the other required curriculum offerings. Although particular curriculum offerings in subpart 4 are clustered to indicate emphasis in a balanced elementary school curriculum, any curriculum offering may be taught in combination or cluster with any of the other offerings.

Subp. 7. Components. A school district's elementary curriculum must include the components listed in this subpart for each curriculum offering:

- A. a coordinated scope and sequence from kindergarten through the last grade in each elementary school with school district coordination through grade 12;
- B. a means of evaluation of each curriculum offering and its coordinated scope and sequence; and
- C. a process for review on a regular cycle not to exceed eight years, that is used to modify each curriculum offering as necessary.

Subp. 8. Definitions. In subpart 7:

- A. "Scope" means the breadth and depth of a curriculum offering as defined by its content and objectives.
- B. "Sequence" means the arrangement of objectives in a logical and developmental order.

Municipal Board

Proposed Rules Relating to Municipal Board Procedures

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Municipal Board proposes to adopt the above-entitled rules without a public hearing. The Minnesota Municipal Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

Persons interested in these rules are encouraged to submit comments in support of or in opposition to the rules including impact on small business. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. Persons submitting comments shall have 30 days to submit comments on the proposed rules following publication in the *State Register*. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

If twenty-five (25) or more persons make a written request for a public hearing within the 30-day comment period, a public hearing will be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to Patricia D. Lundy, Minnesota Municipal Board, 165 Metro Square Building, St. Paul, Minnesota 55101. Any person requesting a public hearing should state his/her name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes 414.01, subd. 10. A Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

The proposed rules will not adversely affect small business and may enhance small business since the purpose of these rules is to clarify and streamline Municipal Board procedures.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as proposed for adoption will be delivered to the designee of the Attorney General for review as to form and legality, including the issue of substantial change, the agency's authority to adopt the rules and the existence of a rational basis for the need for and reasonableness of the proposed rules.

Persons who wish to be advised of the submission of this material to the Attorney General including any modifications to the rules as originally proposed, or who wish to receive a free copy of the final rules as adopted, should submit a written statement of such request to Starlene Guse, Minnesota Municipal Board, 165 Metro Square Building, St. Paul, Minnesota 55101.

The text of the proposed rules follows this notice in the *State Register*.

Copies of this notice and one free copy of the proposed rules are available and may be obtained by contacting Starlene Guse at the above address.

Patricia D. Lundy
Assistant Director

Rules as Proposed

6000.0100 ~~PETITION-DEFINED~~ DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 6000.0100 to 6000.3500 the ~~term~~ terms defined in this part have the meanings given them.

Subp. 2. Parties. "Parties" includes petitioners specifically named in the pleadings. The term also includes other persons who file at the hearing an appearance form provided by the board and enter an appearance at the hearing. To be considered

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

PROPOSED RULES

parties, persons who fill out the appearance form must establish that they are residents or taxpayers in the incorporation, annexation, consolidation, or detachment area; or that by the outcome of the proceedings they will be bound and affected either favorably or adversely by an interest particular to these persons as distinguished from an interest common to the public or other taxpayers in general.

Subp. 3. Petition. "Petition" shall ~~include~~ includes: petition, resolution, ordinance, and or notice of intent.

Subp. 4. Property owner. "Property owner" is as defined in Minnesota Statutes, section 414.011, subdivision 5.

6000.0110 COMMENCEMENT OF PETITION.

A "petition," as the term is used in parts 6000.0100 to 6000.3500, may be initiated in accordance with Minnesota Statutes, chapter 414 by the required number of persons or by the municipality, town, or by the board as provided in such that chapter. Where the petition is filed by residents or property owners, the signatures of the required number of petitioners must be attached to required by statute to commence a proceeding must be stated in the petition, and. The petition must clearly show also state on its face the number of petitioners required to sign such who have signed the petition to commence proceedings for incorporation, consolidation, annexation, or detachment, as the case may be, and the method of computing the number of petitioning signatures required. Where the petition is commenced by a municipality or town, such the petition must show include the appropriate action by the governing body, including the citation to the resolution, ordinance, or notice of intent.

The municipality, town, or the persons commencing a petition shall be designated as the "petitioner" or "petitioners."

6000.0200 ~~TITLE~~ FORM OF PETITION.

Subpart 1. Title. The petition ~~shall be designated~~ must be titled as follows:

In the matter of the Petition of (Certain Persons ~~(,~~ or the City or Town of _____) for (incorporation, consolidation, annexation, or detachment as the case may be pursuant to Minnesota Statutes, section).

Subp. 2. Body. The title must be followed by a brief description of the subject matter to which the petition relates. No petition shall be dismissed, impaired, or prejudiced because incorrectly entitled, or the parties thereto incorrectly designated, but. Opportunity shall be given in such these cases to correct the error by amendment, giving due consideration to any person who may have been misled by the error.

Sample petition forms will be provided by the board upon request.

6000.0400 REPRESENTATION.

The parties A party may appear either in person or may be represented by an attorney. Where a petition is by property owners, one of the petitioners may represent the group. A corporation cannot government official may appear in person on behalf of a party that is a county, municipality, or town or government agency.

When any party has appeared by an attorney, or a person representing a group service upon such attorney or chosen representative shall be deemed service upon the party and all members of the group.

6000.0500 PLEADINGS.

The pleadings before the board shall be the petition. Objections filed pursuant to Minnesota Statutes, chapter 414, are jurisdictional documents and not responsive pleadings. No answer, reply, protest, or petition to intervene responsive pleading as necessary to become a party of record to the proceeding. A petition may be amended upon motion to the board. A party may in writing notify the board of an interest in the petition for the purpose of obtaining a copy of any proposed findings of fact or other documents or any final order required to be served by statute or by the board rules of procedure.

6000.0600 PETITION AS EVIDENCE.

The petition shall contain a statement of all the facts which must be found by the board before the board can enter an order pursuant to Minnesota Statutes, chapter 414. If these facts are not controverted by opposing parties at the hearing on the petition, The petition shall be prima facie evidence of such the facts, except that contained in the petition if not controverted by opposing parties at the hearing. The board may from appropriate public records or documents determine whether or not such are independently verify the accuracy of the facts. The petitioners shall prove such facts by competent evidence. Public records are admissible without foundation except proof that they are public records in establishing the facts required in Minnesota Statutes, chapter 414.

6000.0700 AMENDMENTS.

Formal petitions A petition may be amended at the discretion of the board at any time before the record has been closed after public hearings required by law upon motion and upon board has rendered a final decision on the petition. Notice is required to

all parties to the proceeding ~~(which entitled to original notice. Amendments may be done proposed and granted at public hearings) except that.~~ Where the petition is by property owners, the petition cannot be amended to include an area different than the one described in the petition signed by such the property owners, subject to the statutory authority of the board to alter the boundaries proposed in the petition unless the amendment or a waiver is signed by all the property owners who signed the original petition.

6000.0800 SERVICE FILING OF PETITION.

Any petition pursuant to Minnesota Statutes ~~1971~~, chapter 414 must be filed with the board together with the following:

A. Filing fee (see part 6000.3400). No petition will be accepted or acted upon unless the filing fee is received.

B. A certification showing that the petition was served upon the proper parties when the statute indicates such necessity and the date filed. ~~Under the section for annexation by ordinance, the board will accept or a waiver from the township stating it has no objections to a proposed annexation and waiving the 60 days before an ordinance can be adopted authorized by Minnesota Statutes, section 414.033.~~

C. A map showing the property proposed for consideration and its relationship to any surrounding municipality. All distance references should be given by ~~both length and points of.~~ Beginning points should be definite land survey monuments with care to and the description must close the boundaries of the description. References to roads or railroads should be to survey lines such as centerline or known right-of-way line. The intent to include or exclude highway, railroad, and street right-of-ways surrounding platted blocks or lots should be ~~carefully considered and~~ clearly stated.

~~D. The petitioner is required to provide and pay for any necessary publication of notices of hearing pursuant to the appropriate section of the statute.~~

~~E. Any proposed amendments to the petition must be served upon all attorneys and parties of record. When any party has appeared by an attorney, service upon such attorney shall be deemed service upon the party.~~

6000.0900 CONTINUANCES AND EXTENSIONS OF TIME.

~~For cause shown,~~ Continuances and extensions of time will be granted or denied by the board in its discretion for cause shown, or upon the board's own initiative. ~~Where a motion for continuance or extension of time is made other than at a public hearing, if such motion is granted, the public hearing shall nevertheless convene for the purpose of announcing the date to which such hearing is continued.~~

6000.1000 STIPULATIONS.

Parties may, by stipulation in writing filed with the board or presented at the hearing, agree upon stipulate to any facts involved in the proceedings. It is desired that the facts be thus agreed upon so far as and whenever practicable. ~~Where facts are stipulated, any party entering an appearance of record subsequent to the stipulation may controvert such facts by evidence, but it shall be the obligation of such party to determine what facts have been stipulated, but where any person or municipality becomes a party of record subsequent to any stipulation of facts does not appear from the record that such facts have been stipulated or does not controvert them by evidence, the board may find such to be the facts in entering its final order~~ Parties who do not enter into the stipulation and who do not present controverting evidence concerning facts contained in the stipulation are bound by the facts stipulated.

6000.1150 PREHEARING CONFERENCE.

The board may, in its discretion, hold an informal prehearing conference conducted by a designated representative of the board. The purpose of the prehearing conference is to simplify the issues, to stipulate facts for testimony or exhibits, to consider the proposed witnesses, to consider such other matters as may be necessary or advisable, and, if possible, to reach a settlement without the necessity for a hearing. Agreements on issues may be put in the form of stipulations and entered on the record. Any final settlement may be set forth in a settlement agreement and made a part of the record.

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

PROPOSED RULES

6000.1200 PUBLIC HEARINGS.

The petitioner shall notify the board at least seven days prior to the hearing of any personal knowledge of controversy regarding the hearing. Public hearings shall be held by the board as to any petition filed pursuant to Minnesota Statutes, chapter 414 in accordance with the provisions as to hearings of such chapter Minnesota Statutes, section 414.09.

The board may hear the facts or evidence of any person or organization. Any person may note an appearance for the record. No person becomes, or is considered to be, a party to the proceeding solely by reason of presenting facts or evidence or entering an appearance at the hearing.

The petitioner must pay for the publication of notices of hearings required by Minnesota Statutes, section 414.09.

6000.1310 EXAMINATION OF WITNESSES.

Witnesses shall testify before the board. The party calling the witness shall examine the witness first. Every witness is subject to direct examination by nonadverse parties and cross-examination by adverse parties. The board may question a witness. All parties shall have the opportunity to submit rebuttal evidence. Cross-examination of a witness by a party not an attorney shall be submitted to the presiding officer, and the presiding officer shall ask the question of the witness if it is considered admissible.

6000.1400 EXHIBITS.

Unless the chairman or presiding officer of the hearing shall otherwise direct otherwise, persons offering exhibits offered to the board at any hearing or conference in a contested case shall be one submit a single copy only, and a reasonable number of copies shall be furnished to parties in attendance. Where possible, parties should offer an exhibit in 8-½ by 11-inch size.

6000.1510 ORDER OF PROCEDURE.

Unless the presiding officer of the hearing directs otherwise, the order of procedure at a hearing shall be as follows:

- A. the petitioner shall begin the presentation of evidence;
- B. adverse parties shall present testimony; and
- C. nonadverse parties shall present testimony.

6000.1600 FAILURE TO APPEAR.

If a petitioner the initiating party fails to appear at a proceeding, the hearing may be dismissed with or without prejudice at the discretion of the board; or the board may, in its discretion, approve the petition request upon the basis of a verified statement of proof and affidavits, if any, filed in the case, which in all cases shall be considered as having been offered in evidence at the hearing by the petitioner, but the board shall not approve the petition upon such a showing if any person appearing at the hearing who qualifies as a party to the proceeding shall object thereto. The board may allow the record to remain open for receipt of stipulated facts which the board may use in reaching its decision.

6000.1700 ADMISSION OF EVIDENCE.

In a contested case, The board may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent men persons in the conduct of their affairs. It shall give effect to rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial, and repetitious evidence. Public records are admissible without foundation except proof that they are public records in establishing the facts required in Minnesota Statutes, chapter 414.

6000.1900 EVIDENCE IN A CONTESTED CASE PROCEEDING.

Subpart 1. Notice of certain facts. All evidence in a contested case, including records and documents in the possession of the board of which it desires to avail itself, shall be offered and made a part of the record in the case proceeding, and no other factual information or evidence shall be considered in the determination of the case proceeding, except that the board may take notice of appropriate facts, public documents, or records of a general, scientific, or technical nature by appropriate notice to all parties of record limiting. The time within which such the parties may object to the accuracy of the facts sought to be proved from such the documents or records shall be limited by the board.

Subp. 2. Record of proceedings. The board shall record all proceedings. Testimony before the board shall be taken by electrical recording device or by official court reporters. A transcript shall be furnished upon request at the expense of the requester.

6000.2210 SUBPOENAS.

Subpart 1. Generally. A request for a subpoena, whether for an individual or for the production of books, papers, or documents, shall be in writing to the executive director of the board. The party requesting the subpoena shall prepare the subpoena for the board's signature. A request for the production of documentary evidence must be verified and must specify as nearly as possible the books, papers, or documents desired.

Subp. 2. Fees for witnesses. Witnesses who are subpoenaed are entitled to the same fees that are paid in district courts of Minnesota. The fees are to be paid by the party requesting the subpoena.

Subp. 3. Service. Service of subpoenas shall be the same as service of subpoenas for the district courts of Minnesota.

6000.2500 REQUESTS FOR BRIEFS WRITTEN OR ORAL ARGUMENTS.

If briefs Requests for written or oral arguments are desired by any of the parties to the proceeding, they shall notify the chairman or presiding officer before or must be made at the hearing or the parties waive their rights to submit written or oral arguments. If such a request is made, the presiding officer shall allow all parties to file briefs submit written or make oral arguments, or he may permit both. He The presiding officer shall also prescribe the time for service and filing of briefs written arguments or making of oral argument arguments.

6000.2600 FILING AND SERVICE OF BRIEFS WRITTEN ARGUMENTS.

All briefs for presentation written arguments presented to the board must be filed with the secretary executive director accompanied by written evidence of certification showing service upon opposing counsel, party, or all parties.

6000.3000 PETITIONS REQUEST FOR FURTHER ADDITIONAL HEARING.

Before the final submission of any proceeding, any party thereto desiring a further hearing may file a petition therefor with the board, which said petition A party may submit a written request for an additional hearing at any time prior to the board's final decision. The request shall clearly set forth the grounds relied upon for a further reasons for the additional hearing; and if it is proposed to produce additional testimony, the testimony so to be produced shall be briefly summarized include a brief summary of additional evidence proposed to be submitted. No further additional hearing will be granted where it appears that the evidence to be adduced submitted will be merely cumulative incompetent, irrelevant, immaterial, cumulative, or repetitious. Such petition The request shall be served upon all parties to the proceeding. An adverse A party shall have ten seven days from the date of the service of such petition within which the request to answer thereto make a written response. No reply to such answer the response will be permitted. The board may grant or deny such petition the request without hearing or, in its discretion, set hold a hearing on such petition the request.

6000.3100 PETITION REQUEST FOR REHEARING, AMENDMENT, VACATION, RECONSIDERATION, REARGUMENT.

Within ten seven days from the date of the mailing by the executive director of the final decision or board's order, any party may petition for a rehearing, or for submit a written request for an amendment or vacation of the findings of fact, decision or conclusions of law, and order, or for reconsideration or reargument. If such petition be for a further hearing, rehearing, vacation, reconsideration, or reargument, the grounds relied upon The request shall be specifically set forth and the reasons for the amendment, any claimed errors clearly stated, and any proposed amendments to the findings of fact, conclusions of law, and order. If such petition be for an amendment of the findings of fact, decision, or order, such petition shall contain the desired proposed amendments, and the reasons therefor shall be clearly stated. Such petition The request shall be served upon all parties to the proceeding. An adverse A party shall have ten has seven days from the date of the service of such petition the request to answer thereto, and respond. No reply will be permitted. The board may grant or deny such petition the request without a hearing, or, in its discretion set, hold a hearing thereon on it. Pending the decision of the board on such petition, the board may vacate and set aside said decision or order. No such petition will request shall extend the time of appeal from said decision or the findings of fact, conclusions of law, and order. If a request is for amendment to only change the date in the findings of fact, conclusions of law, and order, the relief may be sought informally by telegram or otherwise upon notice to all parties.

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

PROPOSED RULES

6000.3400 SCHEDULE OF FILING FEES.

Subpart 1. Incorporation of a municipality. A petition for incorporation of a municipality must be accompanied by a filing fee of \$600 when filed with the board.

Subp. 2. ~~Consolidation~~ Annexation proceedings for municipality and an entire town. A petition for ~~consolidation~~ annexation of a municipality and an entire town must be accompanied by a filing fee of \$200.

Subp. 3. Annexation of unincorporated property by board order. A filing fee of \$4 per acre must accompany a petition to annex unincorporated property by board order. The minimum fee is \$100 and the maximum fee is \$600. ~~Where the petition is initiated by property owners, the filing fee will be reimbursed by the annexing municipality if annexation is successful.~~

Subp. 4. Orderly annexations ~~within a designated area.~~ A filing fee of \$1 per acre must accompany the joint resolution ~~or petition for designation.~~ The minimum fee is \$25 and the maximum fee is \$200. ~~Thereafter,~~ Requests for the initiation of annexation of any part of the designated area shall be accompanied by a filing fee of \$1 per acre with a minimum fee of \$25 and a maximum fee of \$200.

Subp. 5. Annexation by ordinance. A filing fee of \$4 per acre must accompany the initial petition, ~~resolution, or ordinance~~ submitted to the board, ~~with a.~~ The minimum of fee is \$100 and a the maximum of fee is \$600, before a file will be opened on the proceeding.

Subp. 6. Consolidation of two or more municipalities. A fee of \$200 must accompany a petition for consolidation of a ~~municipality two or more municipalities to an adjoining municipality when filed with the board.~~

Subp. 7. Detachment of property from a municipality. A filing fee of \$4 per acre must accompany a petition to detach property from a municipality. The minimum fee is \$100 and the maximum fee is \$600.

Subp. 8. Concurrent detachment and annexation of incorporated land. A filing fee of \$4 per acre must accompany the concurrent resolutions with a minimum fee of \$100 and a maximum fee of \$600.

Subp. 9. Waiver of fees. Where the strict application of the filing fee requirements would unfairly impose a burden on the petitioner, the board, in its discretion, may waive the filing fee.

REPEALER. Minnesota Rules, parts 6000.0300, 6000.1100, 6000.1300, 6000.1500, 6000.1800, 6000.2000, 6000.2100, 6000.2200, 6000.2300, 6000.2400, 6000.2700, 6000.2800, 6000.2900, 6000.3200, 6000.3300, and 6000.3500, are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture Planning Division

Adopted Emergency Rules Relating to Agricultural Resource Loan Guaranty Program

The rules proposed and published at *State Register*, Volume 9, Number 18, pages 874-881, October 29, 1984 (9 S.R. 874) are adopted as proposed.

Board of Animal Health

Adopted Rules Governing Importation of Horses

The rules proposed and published at *State Register*, Volume 8, Number 50, pages 2646-2647, June 11, 1984 (8 S.R. 2646) are adopted as proposed.

Department of Commerce Financial Examinations Division

Adopted Rules Relating to the Operation of Commercial Banks

The rules proposed and published at *State Register*, Volume 9, Number 19, pages 960-967, November 5, 1984 (9 S.R. 960) are adopted with the following modifications:

Rules as Adopted

2675.0901 REAL ESTATE LOANS—DOCUMENTATION.

Each real estate secured loan file shall include the following documentation and evidence where the loan is in an amount over \$7,500 or not otherwise exempt from the definition of real estate in Minnesota Statutes, section 48.19, subdivision 4:

A. An attorney's opinion, or a title insurance policy, or, in the case of Torrens title property, the mortgagee's a duplicate certificate of title with memorial of the bank's mortgage thereon is required on all real estate loans which shall describe the status of fee title, the validity of the bank's lien, and the position of the lien.

2675.2170 OTHER REAL ESTATE.

Other real estate:

E. "Other real estate" shall be documented with an attorney's opinion or equivalent evidence to reflect title and all encumbrances. Adequate property and liability insurance shall be carried, and taxes shall be kept current. Insurance must be maintained where necessary and taxes must be kept current if the "other real estate" is carried as an asset.

Department of Human Services Long Term Care Rates Management

Adopted Emergency Rules Governing Rates for Intermediate Care Facilities for the Mentally Retarded

The rules proposed and published at *State Register*, Volume 9, Number 19, pages 980-984, November 5, 1984 (9 S.R. 980) are adopted with the following modifications:

Temporary Rules as Adopted

12 MCAR § 2.05314 [Temporary] General reporting requirements and submittal procedures.

I. Audits and adjustments.

2. Adjustments. An adjustment to a payment rate determined according to 12 MCAR §§ 2.05301-2.05315 [Temporary] shall be made according to a.-i. if a desk or field audit of the facility's accounting and statistical records, cost reports, or amended cost reports identifies errors or omissions or if the commissioner approves a program staff change for the facility under Minnesota Statutes, section 252.28 and 12 MCAR § 2.185. For the purposes of this rule a program staff change is an increase or decrease in program staff due to an alteration in the individual program plans of the greater of two residents or 20 percent of the facility's residents.

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

ADOPTED RULES

d. A provider who has a program staff change approved by the commissioner which will result in an increase or decrease of program staff salary costs of at least ~~\$10,000~~ 25 cents per resident day over the remainder of the facility's rate year must file an amendment to the cost report to adjust the facility's payment rate. The amendment to the cost report must be filed within 30 days of the date the commissioner approved the program staff change. The provider must submit a copy of the commissioner's letter approving the program staff change, a schedule of total program staff hours showing staffing changes due to the program staff change, and a breakdown of the additional program staff costs on a per hour basis with the amendment.

Board of Optometry

Adopted Rules Governing Continuing Education and Licensure

The rules proposed and published at *State Register*, Volume 9, Number 14, pages 690-693, October 1, 1984 (9 S.R. 690) are adopted as proposed.

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.

Board of Animal Health

Special Board Meeting on March 6

A Special Meeting of the Board of Animal Health has been scheduled for Wednesday, March 6th 1985 at the Board office, 160 Agriculture Building, 90 West Plato Blvd., St. Paul, MN at 9:30 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Dr. Thomas J. Hagerty
Executive Secretary

Board of Animal Health

Special Board Meeting on March 19

A Special Meeting of the Board of Animal Health has been scheduled for Tuesday, March 19th, 1985 at the Technical Institute, University of Minnesota, Waseca, MN at 10:00 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Dr. Thomas J. Hagerty
Executive Secretary

Department of Energy and Economic Development

Notice of Allocations of Issuance Authority for Calendar Year 1985

Notice to all Industrial Development Bond Issuers and Interested Parties:

The Department of Energy and Economic Development has determined the amounts of issuance authority for calendar year 1985 allocated to entitlement issuers who re-submitted certifications of previous use to the Department in August, 1984, after enactment of a federal limitation act pursuant to Minnesota Laws 1984, ch. 582 § 15, to be codified as Minn. Stat. 474.18,

subd. 2 and Minn. Laws 1984, ch. 584 § 12, to be codified as Minn. Stat. 474.25, and who chose not to withdraw as entitlement issuers for the year 1985 by December 31, 1984.

The Department of Energy and Economic Development has determined the amounts of issuance authority allocated to entitlement issuers based upon the following:

1. The allocations for entitlement issuers and procedures set forth in Minn. Laws 1984, ch. 582 § 15;
2. The state ceiling for private activity bonds of \$150 multiplied by the most recent census estimate of the resident population of the State of Minnesota published by the Bureau of the Census in 1984 which is 4,144,000; and
3. The re-certifications of previous use submitted to the Department by entitlement issuers.

The Department used the following formula to determine the final amounts of issuance authority allocated to entitlement issuers set forth below:

INDIVIDUAL ALLOCATIONS TO ENTITLEMENT ISSUERS

\$420,780,000 (Total state allocation to Entitlement Issuers)

\$663,504,771 (Combined 3 year high average for all Entitlement Issuers)

equals 63.417780608% × \$_____ 3 year high average for Entitlement Issuer

equals \$ allocation

1985 ENTITLEMENT ISSUERS

Issuer	Allocation	Issuer	Allocation
Albert Lea	\$2,822,091	Golden Valley	\$2,784,041
Alexandria	\$928,436	Grand Rapids	\$1,025,254
Apple Valley	\$3,139,191	Hastings	\$940,697
Austin	\$1,743,989	Hibbing	\$761,013
Baxter	\$668,001	Hopkins	\$1,962,780
Becker	\$23,168,629	Hutchinson	\$2,512,401
Beltrami County	\$1,691,141	Lakeville	\$3,430,902
Blaine	\$2,647,692	Le Sueur	\$2,435,666
Bloomington	\$10,871,922	Little Canada	\$1,196,482
Brainerd	\$1,693,255	Long Prairie	\$782,153
Brooklyn Center	\$7,240,197	Luverne	\$739,874
Brooklyn Park	\$5,097,733	Mankato	\$3,937,187
Burnsville	\$11,712,841	Maple Grove	\$1,767,242
Cambridge	\$2,600,129	Maplewood	\$5,320,963
Cannon Falls	\$1,049,564	Mendota Heights	\$3,143,408
Chanassan	\$687,026	Minneapolis	\$49,466,317
Cloquet	\$1,940,584	Minnetonka	\$13,245,860
Columbia Heights	\$3,385,453	Montevideo	\$781,096
Coon Rapids	\$4,344,118	Moorhead	\$956,974
Cottage Grove	\$2,018,800	New Brighton	\$2,060,444
Dawson	\$1,198,596	New Hope	\$1,945,869
Duluth	\$11,016,725	New Prague	\$1,442,755
Eagan	\$10,012,399	New Ulm	\$835,001
East Grand Forks	\$1,162,659	Owatonna	\$993,545
East Gull Lake	\$739,874	Park Rapids	\$1,247,216
Eden Prairie	\$9,342,948	Pipestone	\$813,862
Eveleth	\$898,419	Plymouth	\$2,967,952
Fairmont	\$2,959,496	Princeton	\$724,020
Faribault	\$1,870,825	Proctor	\$4,206,713
Farmington	\$643,690	Red Wing	\$2,762,901
Fergus Falls	\$2,600,129	Richfield	\$3,646,522
Fridley	\$8,228,457	Rochester	\$2,636,066

OFFICIAL NOTICES

Issuer	Allocation	Issuer	Allocation
Rogers	\$881,507	South Saint Paul	\$1,678,457
Rosemount	\$4,800,726	Springfield	\$672,228
Saint Cloud	\$4,618,928	Stillwater	\$1,703,613
Saint Louis Park	\$2,830,547	Vadnais Heights	\$2,045,223
Saint Paul	\$88,906,021	Waite Park	\$1,384,622
Sartell	\$4,566,080	West Saint Paul	\$830,773
Sauk Rapids	\$855,083	White Bear Lake	\$2,814,693
Savage	\$1,269,413	Willmar	\$2,087,925
Shakopee	\$2,598,015	Winona	\$3,755,390
Shoreview	\$1,476,577	Woodbury	\$981,919
Silver Bay	\$26,424,075	Totals	\$420,780,000

CERTIFICATION OF ENTITLEMENT ALLOCATIONS

I, the undersigned, am the Deputy Commissioner of the Department of Energy and Economic Development and hereby certify under penalty of perjury that the allocations of issuance authority for industrial development bonds awarded to entitlement issuers for the calendar year 1985, were not made in consideration of any bribe, gratuity, or direct or indirect contribution to any political campaign.

January 2, 1985

Edward J. Meyer, Jr.
Deputy Commissioner of Financial Management

Department of Energy and Economic Development Minnesota Energy & Economic Development Authority

Outside Opinion Sought Concerning a Proposed Rule Administering Loans to Municipalities to Make Qualified Energy Improvements

Notice is hereby given that the Minnesota Energy & Economic Development Authority is seeking information or opinions from interested or affected persons or groups in preparing to promulgate emergency and/or permanent rules governing administration of the Qualified Energy Improvements Loan Program. Promulgation of these rules is authorized by M.S. 116M.13, Subd. 1. These rules would not govern loans for waste-to-energy facilities.

The Minnesota Energy & Economic Development Authority requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Claudia Anderson
Minnesota Department of Energy & Economic Development
900 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-1220 and in person at the above address.

All statements of information and comments shall be accepted until April 30, 1985. Any written material received by the authority shall become part of the record in the event the rules are promulgated.

Mark Dayton
Chairman
Minnesota Energy & Economic
Development Authority

**Department of Energy & Economic Development
Energy Finance Division**

**Outside Opinion Sought Concerning a Proposed Rule Administering Grants to
Municipalities to Make Qualified Energy Improvements**

Notice is hereby given that the Minnesota Department of Energy & Economic Development is seeking information or opinions from interested or affected persons or groups in preparing to promulgate permanent rules governing administration of the Qualified Energy Improvements Grant Program. Promulgation of these rules is authorized by M.S. 116J.36, Subd. 11. These rules would not govern grants for waste-to-energy facilities.

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

Claudia Anderson
Minnesota Department of Energy & Economic Development
900 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101

Oral Statements will be received during regular business hours over the telephone at (612) 297-1220 and in person at the above address.

All statements of information and comments shall be accepted until April 30, 1985. Any written material received by the department shall become part of the record in the event the rules are promulgated.

Mark Dayton
Commissioner

**Department of Energy and Economic Development
Financial Management Division**

Notice of Availability of Issuance Authority in Competitive Pool—January 5, 1985

Pursuant to Minn. Laws 1984, ch. 582 § 17, subd. 2, to be codified as 474.20, the Department gives notice that the amount of Industrial Development Bond issuance authority available in the Competitive Pool as of January 5, 1985, is

\$37,520,000.00,

and will be available to qualifying Industrial Development Bond Issuers submitting qualification criteria applications by January 21, 1985. Pursuant to Minn. Laws 1984, ch. 582 § 16, to be codified as 474.19, non Entitlement Issuers must submit an application, a preliminary resolution, and an application document and any other supporting documents required.

Balance of Competitive Pool on January 1, 1985 — \$104,820,000.00

Add:

Unused Entitlement Allocations as of Aug. 31, 1984:	\$	N/A
Returned Allocations:	\$	None
Total Pool Available as of January 5, 1985:		\$104,820,000.00

Allocations awarded from the Competitive Pool during the month ending January 5, 1985, are:

<u>Issuer</u>	<u>Project</u>	<u>No. of Points</u>	<u>Amount</u>
County of Anoka	Resource Recovery	n/a	\$48,500,000.00
City of St. Charles	No. Star Foods, Inc.	11	1,000,000.00
City of Pelican Rapids	West Central Turkeys	8	2,500,000.00
City of Chaska	IXI Laboratories	7	4,000,000.00
City of Roseville	Oakcrest Office Plaza	7	3,800,000.00
City of Waconia HRA	Medallion Kitchens	7	1,150,000.00
City of Chaska	1st Nat'l Bank of Chaska	6	1,250,000.00
City of Paynesville	Medical Clinic	6	250,000.00

OFFICIAL NOTICES

<u>Issuer</u>	<u>Project</u>	<u>No. of Points</u>	<u>Amount</u>
City of Long Lake	Leekley	5	2,400,000.00
City of Long Lake	Lake Engineering, Inc.	5	1,200,000.00
City of North	Oakcrest Office Plaza	7	3,800,000.00
Total Allocations Awarded:			\$67,300,000.00
Amount of Issuance Authority Available as of January 5, 1985			\$37,520,000.00

Housing Finance Agency

Public Hearing on Amended Annual Policy Statement

The Minnesota Housing Finance Agency will hold a public hearing pursuant to Section 103A(j)(5) of the Internal Revenue Code of 1954, as amended, on February 15, 1985 at 1:00 p.m., in the Fifth Floor Conference Room, 333 Sibley Street, Saint Paul, Minnesota 55101. The subject of this hearing is amended Annual Policy Statement as described in Section 103A(j)(5) of the Internal Revenue Code of 1954, as amended.

All persons interested will be given an opportunity to express their views. Persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes.

A draft of the report can be obtained by submitting a written request to Colleen Steglich, Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, MN 55101.

The report is a statement of the policies with respect to housing, development and low-income housing assistance which the Agency is to follow in issuing qualified mortgage bonds and mortgage credit certificates in 1985. The proposed report is a statement of the housing, development and low-income policies the Agency will follow in its proposed homeownership, home improvement and home energy loan programs. Further, the report is a statement of the policies the Agency will follow in providing financing for the acquisition of residences and providing financing for qualified home improvement loans. In addition, the report is a statement of the policies the Agency will follow with respect to target areas as described in Section 6a 103A-2(b)(3) and the policies the Agency will follow for low-income housing assistance.

James J. Solem, Executive Director
Rudy Perpich, Governor

Department of Human Services Division of Social Services

Notice of Publication of Title XX Block Grant for Social Services Activities Report for FFY 1982

The Minnesota Department of Human Services has published a Title XX Block Grant for Social Services Activities Report for Federal Fiscal year 1982. This report compares each county's intended use report with its purchase of service claims for Title XX clients and services. A copy of this report can be obtained by writing:

Department of Human Services
Division of Social Services
Centennial Office Building
St. Paul, MN 55155

Department of Labor and Industry Occupational Safety and Health Division

Notice of Eligibility for Final Approval Determination of State OSHA Program; Notice of Proposed Revision to State Staffing Benchmarks; and Notice of Comment Period and Opportunity to Request Federal Public Hearing

On January 16, 1985, the Federal Occupational Safety and Health Administration published a notice in the *Federal*

Register giving notice of: (1) the eligibility of the Minnesota Occupational Safety and Health Plan for a determination under Section 18(e) of the Occupational Safety and Health Act of 1970 as to whether final approval of the plan should be granted; and (2) the proposed revision of the compliance staffing benchmarks applicable to the Minnesota plan. If an affirmative determination is made, Federal enforcement authority will no longer apply to issues covered by the Minnesota plan.

The *Federal Register* notice also announced that federal OSHA is soliciting written public comment from interested persons who wish to present their views regarding whether or not the revised compliance staffing benchmarks for Minnesota should be approved and final State plan approval granted. Interested persons may submit written data and comments or requests for a public hearing to Federal OSHA on or before February 20, 1985. Written comments and requests for hearing must be submitted in quadruplicate to the Docket Office, Docket No. T-011, Room S-6212, U. S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210.

A complete copy of the January 16, 1985 *Federal Register* notice may be obtained by contacting:

Patricia Lorentz
Occupational Safety & Health Division
Department of Labor and Industry
444 Lafayette Road
St. Paul, Mn. 55101
(612) 297-3254.

In addition, all information and data presently available relating to the Minnesota 18(e) proceeding and the proposed revised compliance staffing benchmarks for Minnesota have been made a part of the record in this proceeding. The contents of the record are available for inspection and copying at the above address.

Charles E. Curren
Assistant Commissioner

Department of Labor and Industry Workers' Compensation Division

Outside Opinion Sought Concerning Proposed Amendments to Rules Governing Permanent Partial Disability

Notice is hereby given that the Minnesota Department of Labor and Industry, Workers' Compensation Division, is seeking information or opinions from sources outside the agency in preparing to amend rules governing permanent partial disability, 8 MCAR § 1.9001-1.9025. These rules are authorized by Minn. Stat. § 176.105 (1984).

The Minnesota Department of Labor and Industry, Workers' Compensation Division, requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit written or oral information. Written statements should be addressed to:

Steve Keefe, Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

Any written material received by the Minnesota Department of Labor and Industry, Workers' Compensation Division, will become part of the record in the event that the amendments to the rules are promulgated.

Oral statements will be received during regular business hours over the telephone at (612) 296-2342 and in person at the above address.

Information will be accepted until March 1, 1985.

January 18, 1985

Steve Keefe
Commissioner of Labor and Industry

**Department of Labor and Industry
Workers' Compensation Division**

**Outside Opinion Sought Concerning Rules Governing Payment for Workers'
Compensation Medical Services**

Notice is hereby given that the Minnesota Department of Labor and Industry, Workers' Compensation Division, is seeking information or opinions from sources outside the agency in preparing to amend rules governing the maximum fees payable to providers of health care services to injured workers. These amendments are authorized by Minn. Stat. § 176.136 (1984).

The Minnesota Department of Labor and Industry, Workers' Compensation Division, requests information and comments concerning the subject matter of these amendments. Interested or affected persons or groups may submit written or oral information. Written statements should be addressed to:

Steve Keefe, Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

Any written material received by the Minnesota Department of Labor and Industry, Workers' Compensation Division, will become part of the record in the event that the amendments are promulgated.

Oral statements will be received during regular business hours over the telephone at (612) 296-2342 and in person at the above address.

Information will be accepted until March 1, 1985.

January 18, 1985

Steve Keefe
Commissioner of Labor and Industry

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

**Outside Opinions Sought Concerning Amendments to Minnesota Rules Chapter 7045
Governing Hazardous Waste**

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding possible amendments to the rules governing hazardous waste.

Consideration is being given to amending the rules governing hazardous wastes in the following areas:

1. Rules governing hazardous wastes which are recycled or reused, small quantity generator requirements, and transporter storage requirements. Such amendments could include additional storage and waste management requirements for facilities recycling or reusing hazardous waste, and small quantity generators and transfer facilities storing hazardous waste.

2. Clarification of the applicability of various rules governing hazardous waste management.

3. Incorporation of the requirements set forth in the 1984 amendments to the Resource Conservation and Recovery Act (RCRA). Such amendments may be required by the U.S. Environmental Protection Agency (EPA) for states seeking or having received final authorization of their hazardous waste program under RCRA.

4. The use of "master manifests" or other shipping documents for use when a single transporter is collecting similar wastes from a number of generators during a single day and shipping those wastes to a single facility for use, reuse, recycling or reclamation, and the use of "recycled material" manifests which could be used by generators in shipping wastes to be used, reused, recycled or reclaimed. This manifest could be useful for generators who have found that out-of-state recycling/reuse facilities are reluctant to accept shipments of material accompanied by a hazardous waste manifest as is currently required by Minnesota rules. No amendments are intended which would modify or exempt generators from EPA or U.S. Department of Transportation requirements regarding transportation of hazardous waste.

5. Based on comments received, the MPCA may consider amending other provisions of the hazardous waste rules.

The MPCA requests information and comments concerning the subject matter of the proposed amendments. Written or oral information or comments will be accepted until February 28, 1985. Written statements should be addressed to Karen Ryss, Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota 55113. Oral statements will be received during regular business hours at 612/297-1793.

January 21, 1985

Thomas J. Kalitowski
Executive Director

Pollution Control Agency Solid and Hazardous Waste Division

Outside Opinion Sought Regarding Rules for Solid Waste Management

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA for the purpose of revising the State's solid waste rules pursuant to Minnesota Statutes, section 116.07 as amended by the 1984 legislative session.

The legislative amendments mandate the establishment of requirements for the closure and post-closure care of solid waste disposal facilities and requirements for proof of financial capability of owners or operators of solid waste disposal facilities. A certificate of need process is required for new capacity at mixed-municipal land disposal facilities located outside the metropolitan area. The revisions will also include changes to rules on county solid waste management plans, resource recovery facilities, ground water protection, design and operation of solid waste management facilities, and ground water monitoring systems. These rules will pertain to mixed-municipal solid waste and nonhazardous industrial waste. Preliminary draft copies of these rules will be mailed, as they are completed, to those interested parties on the MPCA rules mailing list.

The MPCA invites all interested persons or groups to submit information or comments on these subjects to the following staff members:

County Solid Waste Management Plans and Certificate of Need	Cathy Berg Moeger	612/296-7247
Financial Assurance	Robert J. McCarron	612/296-7353
Design and Operation of Solid Waste Management Facilities	Myrna M. Halbach	612/297-1791
Ground Water Protection and Monitoring	Donald L. Jakes	612/296-7375
Industrial Waste/Codisposal	Carol M. Rogers	612/296-7247

Oral statements will be accepted by the appropriate staff member during regular business hours over the telephone. Written comments may be sent to the appropriate staff member at:

Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113

Any written material received by the MPCA by April 1, 1985 shall become part of the background record regarding these rules.

January 18, 1985

Thomas J. Kalitowski
Executive Director

Department of Transportation

Petition of Le Sueur County for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the County Board of Le Sueur County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on CSAH 36 from CSAH 23 to the South Limits of Le Sueur.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9914 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a design speed of 30 instead of the required 40 miles per hour on three vertical curves.

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

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

January 18, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Duluth for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of Duluth has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on MSAS 171 (Superior Street) from 6th Avenue West to 4th Avenue East.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a Street Width of 56 feet instead of the required 62 feet, and 44 feet instead of the required 52 feet street width.

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

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

December 18, 1984

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Minneapolis for a Variance from State Aid Standards for Street Width—Hennepin Avenue

Notice is hereby given that the City Council of Minneapolis has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on Hennepin Avenue (MSAS 313 & TH 5) from Washington Avenue to 16th Street.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a street width of 61 instead of the required 64 feet, and 36 feet with a 1-foot median instead of the required 39 feet with a 4-foot median.

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

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

January 18, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Minneapolis for a Variance from State Aid Standards for Street Width—West 60th Street

Notice is hereby given that the City Council of Minneapolis has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on West 60th Street (MSAS 199) from Xerxes to Penn Avenues South.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit street width of 40 instead of the required 44 feet.

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

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

January 18, 1985

Richard P. Braun
Commissioner of Transportation

Waste Management Board

Outside Opinion Sought Regarding Proposed Rules Governing Hazardous Waste Processing and Collection Facilities and Services Development Grants

Notice is hereby given that the Waste Management Board is seeking information or opinions from sources outside the Board in preparing to adopt rules governing the administration of the hazardous waste processing and collection facilities and services development grants. The adoption of these rules is authorized by Minnesota Statutes Section 115A.06 Subd. 2. and 115A.156.

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

Waste Management Board
Jerry Johnson
123 Thorson Center
7323 58th Avenue North
Crystal, MN 55428

Oral statements will be received by Mr. Johnson during regular business hours over the telephone at the Board (536-0816) or in person at the above address.

All statements of information and comment will be accepted until February 15, 1985. Any written material received by the Waste Management Board shall become part of the record in the event that the rules are adopted.

Robert G. Dunn, Chairman
Waste Management Board

OFFICIAL NOTICES

Waste Management Board

Outside Opinion Sought Regarding Proposed Rules Governing Hazardous Waste Processing Facility Loans

Notice is hereby given that the Waste Management Board is seeking information or opinions from sources outside the Board in preparing to adopt rules governing certification by the Board of applications for hazardous waste processing facility loans. The adoption of these rules is authorized by Minnesota Statutes Section 115A.06 Subd. 2. and 115A.162.

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

Waste Management Board
Jerry Johnson
123 Thorson Center
7323 58th Avenue North
Crystal, MN 55428

Oral statements will be received by Mr. Johnson during regular business hours over the telephone at the Board (536-0816) or in person at the above address.

All statements of information and comment will be accepted until February 15, 1985. Any written material received by the Waste Management Board shall become part of the record in the event that the rules are adopted.

Robert G. Dunn, Chairman
Waste Management Board

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 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Intergovernmental Information Systems Advisory Council

Request for Proposals for a Study to Determine the Volume, Types, Modes, and Frequency of a Data Exchange Between State of Minnesota Governmental Entities and Units of Local Government and to Determine the Standards Being Employed with Each Type of Data Exchange

The Intergovernmental Information Systems Advisory Council (IISAC), Department of Administration, is issuing a Request for Proposal for a study to determine and report on the nature of data exchange between State of Minnesota governmental entities and units of local government. This study will also document the types of standards being complied with by each type of data exchange. The study will include 22 State entities and 16 units of local government. There has been a preliminary data gathering activity, involving 10 State agencies, in which a tentative data gathering questionnaire was developed. The purpose of the study is to help determine if changes should be made to the data exchange process between State entities and units of local government, either on an individual or on a collective basis. Before recommendations on improving the process can be developed, the State needs a better understanding of the current methods of data interchange.

STATE CONTRACTS

The deadline for receipt of submitted proposals is February 22, 1985. The maximum amount of funds available for this effort is \$12,000.00.

The RFP has been sent to all firms known to have an interest in this type of project. Anyone having an interest who has not received the RFP is asked to contact Roger Sell, Executive Director of IISAC, at 612/297-2172.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-100-900 Various	1985 Traffic Marking Paint Requirements	Transportation	Various	Contact buyer
29-004-06063	Radio Transmitters	Natural Resources	Madelia	Contact buyer
79-000-46395	Level Meters	Transportation	St. Paul	Contact buyer
79-000-46373	Signmaker System	Transportation	N. St. Paul	Contact buyer
Contract	Security Service	Anoka State Hospital	Anoka	Contact buyer
21-200-09214, 5427	Application Card Non Veteran	Economic Security	St. Paul	Contact buyer
22-400-00683, 5474	Spring/Summer Calendar of Events 1985	Tourism	St. Paul	Contact buyer
07-700-33204, PD 5514	Printed Envelopes	Public Safety	St. Paul	Contact buyer
79-000-46374	Screen Printers	Transportation	N. St. Paul	Contact buyer
Contract	Tools; Pliers, Snips, Adjustable Wrenches, etc.	Various	Various	\$5,000-\$8,000
Contract	Paint Rollers & Misc. Paint Supplies	Various	Various	\$16,000-\$17,000
Contract	Laundry Service	MN Correctional Facility	Red Wing	\$11,000-\$12,000
79-100-A	Aggregates	Transportation	Duluth	Contact buyer
79-100-03208	Glare Screen	Transportation	Duluth	Contact buyer
02-514-44254	Car	Administration— Central Motor Pool	St. Paul	Contact buyer
79-909-00283	Chain & Access.	Transportation— Central Shop	St. Paul	Contact buyer
29-005-07584	Used Tractor	Natural Resources	Altura	Contact buyer
79-000-46357	Used Truck	Transportation	St. Paul	Contact buyer
55-303-10600	Sheets	Faribault State Hospital	Faribault	Contact buyer
79-700-A	Aggregates	Transportation	Mankato	Contact buyer
79-000-46093	Brush Cutters	Transportation	St. Paul	Contact buyer
79-990-00278, etc.	Pintle Hooks and Fenders	Transportation	St. Paul	Contact buyer
79-000-45058	Soil Drilling Machine	Transportation	St. Paul	Contact buyer
Sch-152 Alum.	Alum. Sign Bolts, Nuts & Washers	Transportation	Various	Contact buyer
79-750-B	Plant Mix Bituminous	Transportation	Windom	Contact buyer
Sch-113-F	Trucks	Various	Various	Contact buyer
Sch-170-LC (Contract)	Ladders, Stepladders, & Extension	Various	Various	Contact buyer
Contract	Single Line Telephones	Various	Various	\$150,000-\$190,000
26-070-10736	Purchase of Photocopy Machines	Bemidji State University	Bemidji	Contact buyer
29-001-08159	Crawler Tractor with Dozer	Natural Resources	Bemidji	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-072-09175	Zoom Ellipsoidal Spotlight	Moorhead State University	Moorhead	Contact buyer
Contract	Refrigerant Gas, Freon	Various	Various	\$20,000-\$25,000
79-000-46406	Hydraulic Univ. Testing Machine	Transportation	St. Paul	Contact buyer
79-000-46420	Pavement Condition Recorder	Transportation	Bemidji	Contact buyer
12-200-83056	Microscope	Health	Minneapolis	Contact buyer
26-074-09798	Spectrophotometer	Winona State University	Winona	Contact buyer
78-630-06248	Hematology Analyzer	MN Correctional Facility	Oak Park Heights	Contact buyer
55-103-03411	Rental TDX Machine	Moose Lake State Hospital	Moose Lake	Contact buyer
78-620-20697	Conveyor Chain	MN Correctional Facility	Stillwater	Contact buyer
79-300-B	Plant Mix Bituminous	Transportation	Brainerd	Contact buyer
79-350-B	Plant Mix Bituminous	Transportation	St. Paul	Contact buyer
Contract	Carpenters & Misc. Hand Tools	Various	Various	Contact buyer
79-300-A	Aggregates	Transportation	Brainerd	Contact buyer
79-450-B	Plant Mix Bituminous	Transportation	Morris	Contact buyer
29-000-37085	Motorcycles	Natural Resources	St. Paul	Contact buyer
79-200-02463	Diamond Core Bits	Transportation	Bemidji	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Energy and Economic Development

Extension of Deadline on Request for Proposal Concerning Development of Agri-Processing Industry

The Department of Energy and Economic Development is extending the deadline on the Request for Proposal relating to development of the agri-processing industry in Minnesota. DEED is seeking guidance in its efforts to:

1. Develop the agri-processing industry in Minnesota.
2. Develop a strategy for alerting the department to opportunities in the agri-processing field.

The deadline for submitting proposals has been extended because of minor changes in the original RFP.

All proposals must be sent to and received by:

Minnesota Department of Energy Economic Development
 900 American Center Building
 150 East Kellogg Boulevard
 St. Paul, Minnesota 55101

No later than 4:30 p.m. on February 6, 1985.

The original RFP was published in the *State Register* on December 24, 1984, on page 1487. No more than \$65,000 may be spent for one year. The contract will be negotiated for six months initially (based on available state funds) and be extended for an additional six months if anticipated federal funds become available.

Minnesota Department of Energy & Economic Development Energy Finance Division

Request for Proposals for Analysis and Demonstration of Energy Conservation Financing in the Local Government Sector

Proposals are requested for conducting a research and demonstration project on various energy conservation financing

options available to local governments, from firms and organizations that specialize in financial analysis of energy conservation projects and/or providing technical assistance to local governments on energy investments. This project will be conducted for the State of Minnesota under a grant from the U.S. Department of Energy. The project will include working with small local government units (cities and/or counties) to identify appropriate energy conservation projects, analyzing the feasibility of several financing options and assisting the communities in trying to put a financing package together. A final report will be prepared that documents the entire project. Contractor duties are specified in detail in the request for proposal (RFP). The formal RFP may be requested from and inquiries should be directed to:

Michael Roelofs
Energy Finance Division
Minnesota Department of Energy & Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 297-2545

Total cost of this project is not expected to exceed \$45,000. The deadline for submission of proposals will be 4:30, February 22, 1985. Late or incomplete proposals will not be accepted.

This notice of Request for Proposal does not obligate the State to complete this project, and the State reserves the right to cancel this solicitation if it is considered to be in the best interest of the State.

Special note: Firms or organizations which provide energy conservation financing, energy conservation products and/or design services may submit a proposal for this project, but they must be willing to disqualify themselves from providing their products and/or services to selected local government case studies for energy conservation projects identified during the conduct of this project.

Iron Range Resources and Rehabilitation Board

Request for Proposals for District Heating System Evaluation—Eveleth Area

The Iron Range Resources and Rehabilitation Board is seeking a qualified consultant to investigate the feasibility of installing alternate energy boilers at the Eveleth Area Vocational Technical Institute and providing district heating for the AVTI and Eveleth Schools complex, as well as businesses adjacent to the AVTI and along U.S. Highway #53.

The consultant shall examine the project from the standpoint of the costs of creating a new district heating system, the cost of heat and the supply and conversion costs to existing buildings.

Estimated cost of the study should not exceed \$30,000. Final date for submission of proposals is February 15, 1985.

A complete RFP may be obtained from:

Mr. Donald N. Grubich
Iron Range Resources and Rehabilitation Board
P.O. Box 441
Highway #53 South
Eveleth, MN 55734
Telephone: (218) 744-2993

Metropolitan Waste Control Commission

Request for Proposal for Pay Equity Study

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting proposals for a pay equity study to assist MWCC in complying with the state statute which requires local jurisdictions to establish equitable compensation relationships among their employees.

The general purpose of the request is to obtain consulting services to review the current compensation and classification system, develop equitable compensation relationships based on comparable work values, assist in a timetable for implementation of pay equity and assist in developing the estimated cost of such implementation.

STATE CONTRACTS

The MWCC has over 900 employees located in fourteen wastewater treatment plants. It has labor agreements with seven unions representing over 90% of the employees. There are approximately 120 job classes covering a broad range of administrative, clerical, managerial, operating engineers, professional, technical and trades. Job descriptions for these classes are in various stages of updating and/or completion.

MWCC does not have in place a formal job evaluation system. It is the agency's desire in determining comparable work done to 1) develop a job evaluation system OR 2) "use the system of some other public employer in the state" i.e. job match. The consultant proposal is to address either or both alternatives.

Six (6) copies of the proposal are to be submitted to the Metropolitan Waste Control Commission by 5:00 p.m. on February 9, 1985. Interested parties may contact Peter Fleming, Personnel Manager, at 350 Metro Square Bldg., St. Paul, MN, 55101, 222-8423, to receive a copy of the Request for Proposal.

Louis J. Breimhurst
Chief Administrator

Department of Natural Resources Parks and Recreation Division

Request for Qualifications for Redevelopment and Operation of Hydroelectric Generation at Kettle River Dam Near Sandstone, Minnesota

Notice is hereby given to request qualifications from interested developers for the purpose of redeveloping hydroelectric power at the Kettle River Dam. An evaluation of the qualifications will be made and the developer/developers found to be qualified (not to exceed three) will then be asked to submit a formal development proposal.

The developer will be required to finance, design, construct and operate the facility as run-of-river under a lease and royalty agreement with the Department of Natural Resources, Parks and Recreation Division.

Contact Person: Milton Krona
Minnesota Department of Natural Resources
Parks and Recreation Division
500 Lafayette Road
St. Paul, MN 55146
Phone: 612/296-4778

Submission Deadline: 4:30 p.m., February 22, 1985.

Interested persons may obtain a project information package from and submit qualifications to the above stated contact person.

SUPREME COURT

Decisions Filed Friday, January 18, 1985

Compiled by Wayne O. Tschimperle, Clerk

C2-83-998 Duluth Firemen's Relief Association, et al., Appellants v. City of Duluth, et al., Duluth Retired Firefighters Association, et al. St. Louis County.

Duluth City Council Resolution No. 81-0887R, enacted December 14, 1981, which spread an additional retirement benefit to retired as well as active firefighters, was not prohibited by the language of Minn. Stat. § 423A.04 (1982), nor was it untimely. The resolution is not an unconstitutional impairment of active firefighters' asserted constitutional rights.

Affirmed. Peterson, J.

C6-83-1992 State of Minnesota v. Alan Ray Christianson, Appellant. Dakota County.

Defendant's right to a fair trial was not violated by the admission of certain evidence, by prosecutorial improprieties, or by the trial court's refusal to instruct the jury on first degree manslaughter.

Affirmed. Todd, J.

C2-83-1956 Rolland David Boom, Appellant, v. Eleanor Lois Boom. Court of Appeals.

Dismissal of an appeal for noncompliance with the Rules of Civil Appellate Procedure is an inappropriate sanction when the failure to follow the rules does not affect the jurisdiction of the appellate court and neither prejudices the other party or parties nor delays the appeal.

Reversed and remanded. Coyne, 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
Regular Division****Northwest Territories Gold and Silver Exchange, Incorporated, Appellant, v.
Commissioner of Revenue, Appellee, Docket No. 3562****Findings of Fact, Conclusions of Law, and Order for Judgment Dated January 16, 1985**

The above matter was tried on October 24, 25 and 26, 1984 by the Minnesota Tax Court, Judge Carl A. Jensen presiding, at the Court Room of the Tax Court in St. Paul, Minnesota. Briefs were subsequently filed by the parties.

George May of Hertogs, Fluegel, Sieben, Polk, Jones and LaVerdiere, P.A., appeared on behalf of appellant.

James Neher, Special Assistant Attorney General, appeared on behalf of appellee.

Syllabus

All gross receipts from the sales of personal property are presumed to be subject to the sales tax until the contrary is established. The seller has the burden of proving that a sale is not subject to the tax but an exemption certificate taken in good faith will conclusively relieve the seller from collecting and remitting the tax. The question of whether or not the exemption certificate was taken in good faith is a matter of fact to be determined by the court.

Findings of Fact

1. Appellant is a Minnesota corporation engaged in the sale of gold and silver coins and other items known generally as "precious metals." Appellant makes both retail and wholesale sales.
2. For the period January 1, 1978, to March 30, 1980, pursuant to an invoice-by-invoice audit, the Commissioner of Revenue assessed additional sales tax in the amount of \$92,355.02 plus statutory interest on certain sales by appellant.
3. The transactions at issue in this appeal are sales made by appellant for which it has exemption certificates in its possession. Appellant has conceded liability with respect to those sales for which it does not have exemption certificates.
4. Appellant concedes that the sales at issue would be taxable sales unless they were exempt under the provisions of the statute providing exemption for sales where the seller receives an exemption certificate from the purchaser and the seller has taken the certificate in good faith.
5. With respect to the sales in question, appellant prepared the exemption certificates for the purchasers and the purchasers signed the certificates at appellant's place of business. It appeared that in most cases, the purchasers had not previously applied to the Minnesota Department of Revenue for a sales and use tax number.

TAX COURT

6. Appellant provided purchasers with an explanation relative to sales tax liability which was introduced into evidence as petitioner's exhibit No. 2 and which is attached hereto as Appendix A.

7. Most, if not all, of the exemption certificates at issue in this matter are signed by an individual and the purchaser's business name is indicated to be that same individual.

8. From the evidence presented at trial, this Court concluded that the purchases at issue were purchases for investment purposes with the intention of reselling for a profit when the price of precious metals went up. All parties agreed that such sales were subject to the sales tax.

9. All of the purchases involved in this matter were made by persons who were buying and selling for investment purposes and profits to be made by the increase in value of precious metals or the increase in value of rare coins. Such purchases made for such investment purposes are subject to the Minnesota Sales Tax.

10. In 1977, prior to the sales in question, appellant contacted the Minnesota Department of Revenue relative to sales taxes. Jay Anderson, President of appellant, testified that he was told by the department that they had to collect sales tax on sales of coins except where they were shipped out of state and where they had exemption certificates from dealers. He did not recall the party to whom he had spoken.

11. Anderson testified that he had consulted with Attorney Kenneth Anderson for legal advice. No written evidence of what advice had been given was provided.

12. The exemption certificates which were taken by the appellant relative to the sales involved in this matter were not taken in good faith.

13. It was agreed by Stipulation dated November 30, 1984 that sales to Antiques Unlimited (Gary Houdak) and M. B. Simons and Associates, Ltd. were exempt because the purchases were shipped outside the state of Minnesota.

Conclusions of Law

1. The Order of the Commissioner of Revenue involved in this matter assessing additional sales taxes for the period January 1, 1978 to March 30, 1980 involving sales during that period is hereby affirmed except that amounts relative to the sales of Antiques Unlimited (Gary Houdak) and M. B. Simons and Associates, Ltd., because of purchases shipped out of state, are to be deducted.

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

January 16, 1985

By the Court,
Carl A. Jensen, Judge
Minnesota Tax Court

ORDER FORM

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

- _____ Annual subscription \$130.00
- _____ Trial subscription (13 weeks) \$40.00
- _____ Single copies \$3.25 each

Minnesota Guidebook to State Agency Services 1984-85. A 623-page guide to services provided by Minnesota agencies.

- _____ Single copy: \$12.50 + \$.75 tax = \$13.25* each

Minnesota Statutes 1984. 10-volume set.

- _____ Set: \$129.00 + \$7.74 = \$136.74.*
 - _____ Each volume: \$13.00 + \$.78 = \$13.78.
- No handling charge.

Minnesota Rules Supplement—1984. All rules adopted between 8/1/83-8/31/84.

- _____ \$15.00 + \$.90 = \$15.90.*
- No handling charge.

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

Please enclose full amount for items ordered; prepaid orders only. Make check/money order payable to "State of Minnesota." (Phone orders are taken only with a Mastercard/VISA charge number.)

EACH ORDER MUST INCLUDE \$1.50 POSTAGE AND HANDLING FEE.

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

- _____ *State Register Binder* \$6.50 + \$.39 tax = \$6.89* each

State Register Index. Contains cumulative findings aids to Volume 7 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

- _____ Single copy \$5.00

Worker's Compensation Decisions. Volume 36. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates.

- _____ Annual subscription \$80.00

Minnesota Outdoors Catalog—1984. Complete listing of material on the Minnesota outdoor activities. Bikeways, canoeing, county, lake and other maps. Books, charts, rules, laws, posters and more.

- _____ FREE COPY

Name _____

Attn of: _____

Street _____

City/State/Zip _____

Telephone # _____

CHANGE OF ADDRESS NOTICE

Please notify us as soon as your address changes so that we can continue to serve you.

OLD ADDRESS

NEW ADDRESS

Publication(s) you are receiving from us: _____

FOR LEGISLATIVE NEWS

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

SENATE

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Contact: Senate Public Information Office
 B29 State Capitol, St. Paul, MN 55155
 (612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
 Room 8 State Capitol, St. Paul, MN 55155
 (612) 296-2146

Legislative Reference Library
Room 111 Capitol
Interoffice