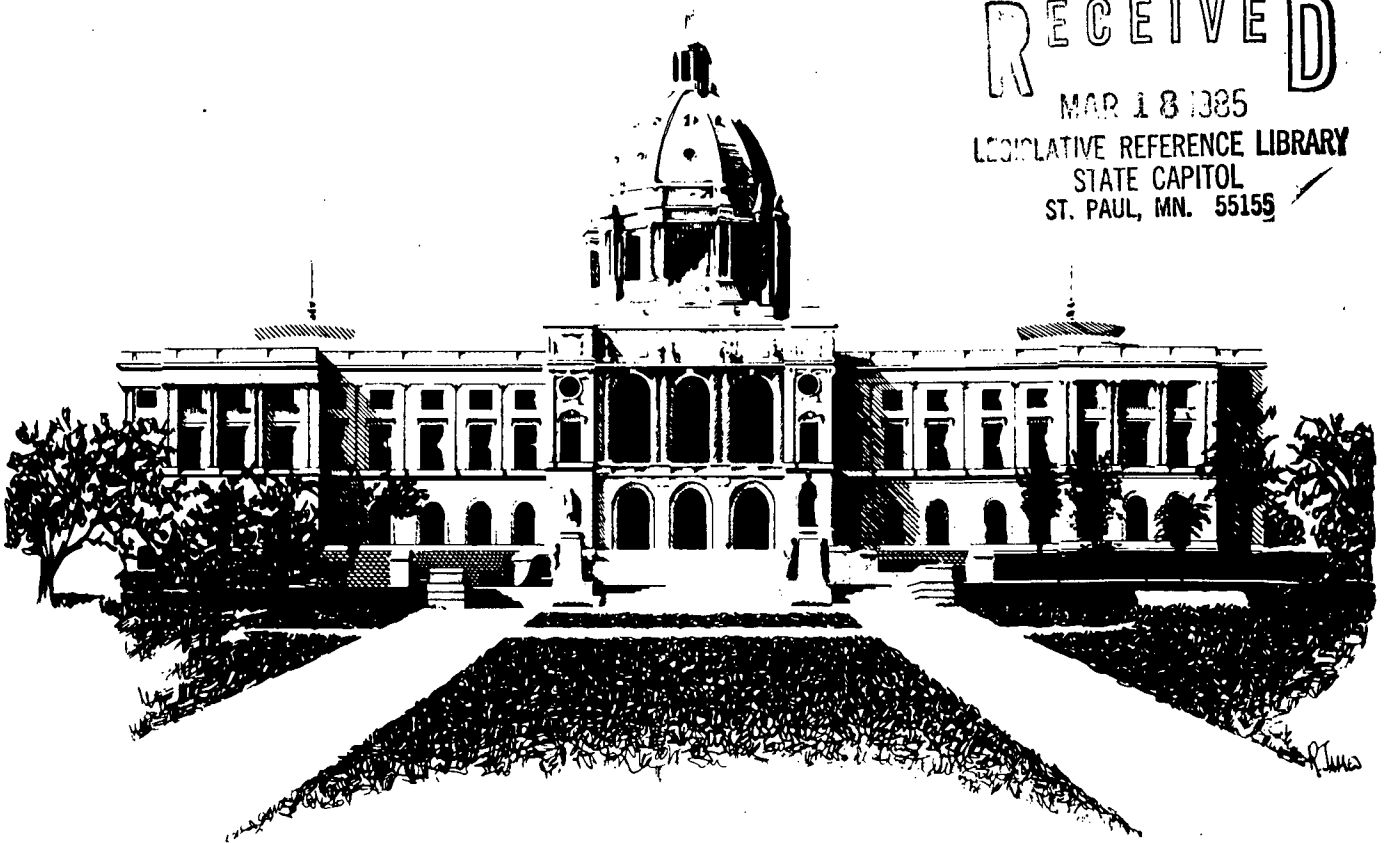


85, March 18

STATE REGISTER

STATE OF MINNESOTA

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VOLUME 9, NUMBER 38

March 18, 1985

Pages 2031-2082



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			
39	Monday Mar 11	Monday Mar 18	Monday Mar 25
40	Monday Mar 18	Monday Mar 25	Monday Apr 1
41	Monday Mar 25	Monday Apr 1	Monday Apr 8
42	Monday Apr 1	Monday Apr 8	Monday Apr 15

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

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

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

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

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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:

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

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

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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 Commerce

Proposed Rules Relating to Uniform Conveyancing Blanks

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, section 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 the Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Scott P. Borchert, 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, section 507.09. 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.

PROPOSED RULES

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat., 14.115, subd. 2. the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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 Scott P. Borchert, Department of Commerce, 500 Metro Square Building, 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 Scott P. Borchert at the above address.

Michael A. Hatch
Commissioner of Commerce

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

Rules as Proposed (all new material)

LIMITED WARRANTY DEEDS

2820.1400 FORM NO. 15-M: INDIVIDUAL(S) TO INDIVIDUAL(S).

LIMITED WARRANTY DEED **Form No. 15-M**
 Individual (s) to Individual (s)

<p>No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____</p> <p>_____ County Auditor by _____ Deputy</p> <p>STATE DEED TAX DUE HEREON: \$ _____</p> <p>Date: _____, 19____</p>	<p>(reserved for recording data)</p>
---	--------------------------------------

FOR VALUABLE CONSIDERATION, _____, Grantor (whether one or more),
 hereby conveys and quitclaims to _____, Grantee (whether one or more),
 real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)
 together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:
 (1) This Deed conveys after-acquired title; and
 (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: _____

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
 COUNTY OF _____ }
 The foregoing instrument was acknowledged before me this _____ day of _____, 19____
 by _____

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantor)

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

2820.1450 FORM NO. 16-M: EXCEPT ASSESSMENTS; INDIVIDUAL(S) TO INDIVIDUAL(S).

LIMITED WARRANTY DEED Except Assessments Form No. 16-M
Individual (s) to Individual (s)

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____ _____ County Auditor by _____ Deputy	(reserved for recording data)
STATE DEED TAX DUE HEREON: \$ _____ Date: _____, 19____	

FOR VALUABLE CONSIDERATION, _____, Grantor (whether one or more), hereby conveys and quitclaims to _____, Grantee (whether one or more), real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)
 together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:
 (1) This Deed conveys after-acquired title; and
 (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: the lien of all unpaid special assessments and interest thereon; and _____

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
 COUNTY OF _____ } ss.
 The foregoing instrument was acknowledged before me this _____ day of _____, 19____
 by _____

NOTARIAL STAMP OR REAL OR OTHER TITLE OR BOND

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
 Tax Statements for the real property described in this instrument should be sent to include name and address of Grantee

THIS INSTRUMENT WAS IMPRINTED BY (NAME AND ADDRESS):

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

2820.1500 FORM NO. 17-M: INDIVIDUAL(S) TO CORPORATION OR PARTNERSHIP.

<p style="text-align: center;">LIMITED WARRANTY DEED Form No. 17-M</p> <p>Individual(s) to Corporation or Partnership</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____</p> </div> <p style="text-align: right; margin-right: 50px;">County Auditor</p> <p>by _____ Deputy</p> <p>STATE DEED TAX DUE HEREON: \$ _____</p> <p>Date: _____, 19____</p>	<p>(reserved for recording data)</p>
---	--------------------------------------

FOR VALUABLE CONSIDERATION, _____, Grantor (whether one or more), hereby conveys and quitclaims to _____, Grantee, a _____ under the laws of _____ real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)

together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:

- (1) This Deed conveys after-acquired title; and
- (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: _____

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
 COUNTY OF _____ } ss.
 The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
 Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee)

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

PROPOSED RULES

2820.1550 FORM NO. 18-M: EXCEPT ASSESSMENTS; INDIVIDUAL(S) TO CORPORATION OR PARTNERSHIP.

LIMITED WARRANTY DEED Except Assessments Form No. 18-M

Individual(s) to Corporation or Partnership

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____ <div style="text-align: right;">County Auditor</div> by _____ Deputy	(reserved for recording data)
--	-------------------------------

STATE DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, Grantor (whether one or more), hereby conveys and quitclaims to _____, Grantee, a _____ under the laws of _____ real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)

together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:

- (1) This Deed conveys after-acquired title; and
- (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: the lien of all unpaid special assessments and interest thereon; and _____

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
 COUNTY OF _____ } ss.
 The foregoing instrument was acknowledged before me this ____ day of _____, 19____ by _____

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
Tax Stamps for the real property described in this instrument should be sent to include name and address of Grantors

THIS INSTRUMENT WAS SHIPPED BY: NAME AND ADDRESS:

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

2820.1600 FORM NO. 19-M: INDIVIDUAL(S) TO JOINT TENANTS.

<p>LIMITED WARRANTY DEED Individual(s) to Joint Tenants</p> <p>No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____</p> <p>_____ County Auditor</p> <p>by _____ Deputy</p> <p>STATE DEED TAX DUE HEREON: \$ _____</p> <p>Date: _____, 19____</p>	<p>Form No. 19-M</p> <p>(reserved for recording data)</p>
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FOR VALUABLE CONSIDERATION, _____, Grantor (whether one or more), hereby conveys and quitclaims to _____, Grantees, as joint tenants, real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)
together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:
(1) This Deed conveys after-acquired title; and
(2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: _____

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
COUNTY OF _____ } ss.
The foregoing instrument was acknowledged before me this _____ day of _____, 19____
by _____

NOTARIAL STAMP OR SEAL, OR OTHER TITLE OR RANK

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
Tax Statements for the real property described in this instrument should be sent to include name and address of Grantee.

PROPOSED RULES

2820.1650 FORM NO. 20-M: EXCEPT ASSESSMENTS; INDIVIDUAL(S) TO JOINT TENANTS.

LIMITED WARRANTY DEED Except Assessments Form No. 20-M

Individual(s) to Joint Tenants

<p>No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____</p> <p style="text-align: right;">County Auditor</p> <p>by _____ Deputy</p>	<p>(reserved for recording data)</p>
--	--------------------------------------

STATE DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, Grantor (whether one or more), hereby conveys and quitclaims to _____, Grantees, as joint tenants, real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)

together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:

- (1) This Deed conveys after-acquired title; and
- (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: except the lien of all unpaid special assessments and interest thereon; and _____

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
 COUNTY OF _____ }
 The foregoing instrument was acknowledged before me this _____ day of _____, 19____
 by _____

NOTARIAL STAMP OR SEAL, OR OTHER TITLE OR RANK

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
The statements for the real property described in this instrument should be sent to include name and address of Grantor.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

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

2820.1700 FORM NO. 21-M: CORPORATION OR PARTNERSHIP TO INDIVIDUAL(S).

<p style="text-align: center;">LIMITED WARRANTY DEED</p> <p style="text-align: center;">Form No. 21-M</p> <p>Corporation or Partnership to Individual(s)</p> <div style="border: 1px solid black; padding: 5px;"> <p>No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____ _____, 19____</p> <p style="text-align: right;">County Auditor</p> <p>by _____ Deputy</p> </div> <p>STATE DEED TAX DUE HEREON: \$ _____</p> <p>Date: _____, 19____</p>	<p>(reserved for recording data)</p>
--	--------------------------------------

FOR VALUABLE CONSIDERATION, _____, a _____ under the laws of _____, Grantor, hereby conveys and quitclaims to _____, Grantee (whether one or more), real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)

together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:

- (1) This Deed conveys after-acquired title; and
- (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: _____

Affix Deed Tax Stamp Here

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ and _____ the _____ and _____ of _____, a _____ under the laws of _____, on behalf of the _____

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR RANK

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to include name and address of grantor.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

PROPOSED RULES

2820.1750 FORM NO. 22-M: EXCEPT ASSESSMENTS; CORPORATION OR PARTNERSHIP TO INDIVIDUAL(S).

LIMITED WARRANTY DEED Except Assessments **Form No. 22-M**

Corporation or Partnership
to Individual(s)

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____ _____ <p style="text-align: center;">County Auditor</p> by _____ <p style="text-align: right;">Deputy</p>	<p style="text-align: center;">(reserved for recording data)</p>
--	--

STATE DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, a _____ under the laws of _____, Grantor, hereby conveys and quitclaims to _____, Grantee (whether one or more), real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)
 together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:
 (1) This Deed conveys after-acquired title; and
 (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: the lien of all unpaid special assessments and interest thereon; and _____

Affix Deed Tax Stamp Here

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA }
 COUNTY OF _____ } ss
 The foregoing instrument was acknowledged before me this _____ day of _____, 19____
 by _____ and _____
 the _____ and _____
 of _____, a _____
 under the laws of _____, on behalf of the _____

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR MARK

SIGNATURE OF PERSON MAKING ACKNOWLEDGMENT
 Tax statements for the real property described in this instrument should be sent to transferor's name and address of Treasurer

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

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

2820.1800 FORM NO. 23-M: CORPORATION OR PARTNERSHIP TO CORPORATION OR PARTNERSHIP.

LIMITED WARRANTY DEED Form No. 23-M

Corporation or Partnership to
Corporation or Partnership

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
Certificate of Real Estate Value No. _____, 19____

_____ County Auditor

by _____ Deputy

STATE DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, a _____ under the laws of _____, Grantor, hereby conveys and quitclaims to _____, Grantee, a _____ under the laws of _____, real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)
together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:
(1) This Deed conveys after-acquired title; and
(2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: _____

Affix Deed Tax Stamp Here

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____
by _____ and _____
the _____ and _____
of _____, a _____
under the laws of _____, on behalf of the _____

NOTARIAL STAMP OR SEAL, OR OTHER TITLE OR RANK

SIGNATURE OF PERSON TAKING ACKNOWLEDGEMENT

The Statements for the real property described in this instrument should be sent to include name and address of Grantee.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

2820.1850 FORM NO. 24-M: EXCEPT ASSESSMENTS; CORPORATION OR PARTNERSHIP TO CORPORATION OR PARTNERSHIP.

LIMITED WARRANTY DEED Except Assessments Form No. 24-M

Corporation or Partnership to Corporation or Partnership

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
 Certificate of Real Estate Value No. _____
 _____, 19____

County Auditor
 by _____ Deputy

STATE DEED TAX DUE HEREON: \$ _____
 Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, a _____ under the laws of _____, Grantor, hereby conveys and quitclaims to _____, Grantee, a _____ under the laws of _____, real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)
 together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:
 (1) This Deed conveys after-acquired title; and
 (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: the lien of all unpaid special assessments and interest thereon; and _____

Affix Deed Tax Stamp Here

By _____
 Its _____
 By _____
 Its _____

STATE OF MINNESOTA }
 COUNTY OF _____ } ss.
 The foregoing instrument was acknowledged before me this _____ day of _____, 19____
 by _____ and _____
 of _____ and _____
 under the laws of _____, on behalf of the _____

NOTARIAL STAMP FOR REAL OR OTHER TITLE OR RANK:

THIS INSTRUMENT WAS DRAFTED BY NAME AND ADDRESS:

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
 Tax statements for the real property described in this instrument should be sent to include name and address of Grantee.

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

2820.1900 FORM NO. 25-M: CORPORATION OR PARTNERSHIP TO JOINT TENANTS.

LIMITED WARRANTY DEED Form No. 25-M

<p>Corporation or Partnership to Joint Tenants</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____ _____, 19____</p> </div> <p style="text-align: right; margin-right: 50px;">County Auditor</p> <p>by _____ Deputy</p>	<p style="text-align: center;">(reserved for recording data)</p>
---	--

STATE DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____ a _____ under the laws of _____, Grantor, hereby conveys and quitclaims to _____, Grantees, as joint tenants, real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)

together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:

- (1) This Deed conveys after-acquired title; and
- (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: _____

Affix Deed Tax Stamp Here

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ and _____ the _____ and _____ of _____, a _____, under the laws of _____, on behalf of the _____.

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR RANK

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to include name and address of firm/office

2820.1950 FORM NO. 26-M: EXCEPT ASSESSMENTS; CORPORATION OR PARTNERSHIP TO JOINT TENANTS.

LIMITED WARRANTY DEED Except Assessments Form No. 26-M

Corporation or Partnership to Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____, 19____

County Auditor
by _____ Deputy

STATE DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, a _____ under the laws of _____, Grantor, hereby conveys and quitclaims to _____, Grantees, as joint tenants, real property in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back.)
together with all hereditaments and appurtenances belonging thereto. Grantor covenants and represents that:
(1) This Deed conveys after-acquired title; and
(2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing, EXCEPT: the lien of all unpaid special assessments and interest thereon; and _____

Affix Deed Tax Stamp Here

By _____
Its _____
By _____
Its _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss
The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ and _____, the _____ and _____ of _____, a _____ under the laws of _____, on behalf of the _____.

NOTARIAL STAMP OR SEAL, OR OTHER TITLE OR MARK

SIGNATURE OF PERSON MAKING ACKNOWLEDGMENT
It is necessary for the real property described in this instrument should be well to include name and address of Grantee

THIS INSTRUMENT WAS DRAFTED BY NAME AND ADDRESS

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

2820.5000 FORM NO. 63 1/2-M: AFFIDAVIT BY ATTORNEY-IN-FACT.

AFFIDAVIT BY ATTORNEY-IN-FACT

Form No. 63 1/2-M

**Affidavit By
Attorney-In-Fact**

STATE OF MINNESOTA

COUNTY OF _____

} a.

(reserved for recording data)

being first duly sworn, on oath says that:

1. Affiant is the Attorney-in-Fact (or agent) named in that certain Power of Attorney dated _____, 19____, and filed for record _____, 19____, as Document Number _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota, executed by _____ as Grantor and principal, relating to real property in _____ County, Minnesota, legally described as follows:

(If more space is needed, continue on back.)

2. Affiant does not have actual knowledge and has not received actual notice of the revocation or termination of the Power of Attorney by Grantor's death, disability, incompetence or otherwise, or notice of any facts indicating the same.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

[Empty box for drafter information]

Subscribed and sworn to before me this _____ day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR RANK

[Empty box for notary signature and stamp]

2820.4900 FORM NO. 63-M: POWER OF ATTORNEY TO CONVEY REAL PROPERTY.

POWER OF ATTORNEY TO
CONVEY REAL PROPERTY

Form No. 63-M

Power Of Attorney
To Convey
Real Property

STATE OF MINNESOTA

COUNTY OF _____

} ss

(reserved for recording data)

KNOW ALL BY THESE PRESENTS, that _____

hereby appoints _____, Grantor and principal (whether one or more),

as Grantor's Attorney-in-Fact to sell and convey real property in _____
County, Minnesota, legally described as follows:

(If more space is needed, continue on back.)

Grantor hereby gives the Attorney-in-Fact full authority to perform any other acts necessary or incident to the execution of the powers granted herein including, but not limited to, authority to execute, deliver or accept delivery of listing agreements, purchase agreements, deeds, contracts for deed, mortgages, notes, bills of sale, and closing statements, if any, incident to such sale, and to perform all acts authorized hereby, as fully as the Grantor could do if personally present, with full power of substitution. This Power of Attorney shall not be affected by disability of the principal. This Power of Attorney is granted pursuant to the common law of the State of Minnesota.

Dated: _____, 19____

STATE OF MINNESOTA

COUNTY OF _____

} ss

The foregoing instrument was acknowledged before me this _____ day of _____, 19____
by _____

THIS INSTRUMENT WAS DRAFTED BY: (NAME AND ADDRESS)

[Empty box for drafter name and address]

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARIAL STAMP OR SEAL, OR OTHER TITLE OR NAME

[Empty box for notary signature and stamp]

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 Energy and Economic Development

Proposed Emergency Rules Relating to Waste Tire Recycling Loan Program

Notice of Intent to Adopt Emergency Rules without a Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority is proposing to adopt emergency rules for Waste Tire Recycling Loans. The agency is authorized by Minnesota Statutes, section 116M.08, subdivision 4, to adopt emergency rules for its financial assistance programs.

All interested parties have 25 days from the day of publication of this notice in the *State Register* to submit written comments to the agency in support of or in opposition to the proposed emergency rules, and comments are encouraged. With publication of this notice in the March 18, 1985 *State Register*, written comments must be received by the agency no later than 4:30 p.m. on April 12, 1985. Written comments should be sent to:

Terry Brown
Financial Management Division
Department of Energy & Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: 612/297-1981

Please be advised that the proposed emergency rules may be modified as a result of the comments received. Any written material received by the agency will become part of the record in this matter.

The proposed emergency rules with any modifications adopted by the agency, will be submitted to the Attorney General for review as to form and legality after close of the comment period. Persons wishing to be informed of the date of submission of the proposed emergency rules to the Attorney General should notify the agency of such desire at the address given above. The Attorney General has ten working days to approve or disapprove the rules.

The emergency rules will be effective five working days following approval of the rules by the Attorney General. It is the agency's intent to keep the rules in effect for a period of 180 days, although the proposed emergency rules may be continued in effect for an additional period of up to 180 days if the agency publishes a separate notice to such effect in the *State Register* and mails the same notice to all persons on the agency's list to receive notice of rulemaking proceedings.

A full copy of the proposed emergency rules is available by contacting Terry Brown at the above address.

March 4, 1985

Mark B. Dayton, Commissioner of the Department
of Energy & Economic Development
and Chairman of the Minnesota Energy
and Economic Development Authority

Emergency Rules as Proposed (all new material)

**CHAPTER 8300
DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT
WASTE TIRE RECYCLING LOAN PROGRAM**

8300.3081 [Emergency] PURPOSE.

The purpose of the waste tire recycling loan program is to issue loans to finance acquisition of land, buildings, or equipment, installation of equipment, construction of buildings, and capital improvements for waste tire processing.

8300.3082 [Emergency] DEFINITIONS.

Subpart 1. Scope. For purposes of parts 8300.3081 to 8300.3090 [Emergency], the terms used in those parts have the meanings given to them in Minnesota Statutes, section 116M.03 and this part.

Subp. 2. Act. "Act" means the Minnesota Energy and Economic Development Authority Act.

Subp. 3. Commissioner. "Commissioner" means the commissioner of energy and economic development.

Subp. 4. Eligible borrower. "Eligible borrower" means a person, partnership, firm, or corporation engaged in, and determined by the authority to constitute, a waste tire recycling business.

Subp. 5. Eligible project. "Eligible project" means a project for a waste tire recycling business, proposed by an eligible borrower, that meets the public purpose standards of part 8300.3089 [Emergency], subpart 5.

Subp. 6. Waste tire recycling business. "Waste tire recycling business" means a business engaged in waste tire processing.

8300.3083 [Emergency] ELIGIBILITY FOR LOANS.

A waste tire recycling loan may be made only to an eligible borrower for eligible costs of eligible projects. No waste tire recycling loan may exceed \$500,000 or 40 percent of the eligible project costs, whichever is less. The applicant shall provide the commissioner with written verification that at least ten percent of the eligible project costs have been or will be committed to the project by the applicant. The applicant shall provide the commissioner with a written commitment from the lender who provides the remaining 50 percent financing.

8300.3084 [Emergency] ELIGIBLE PROJECT COSTS.

Eligible costs for financing by the authority include any of the following costs for eligible projects:

- A. land and building acquisition costs;
- B. site preparation;
- C. construction costs;
- D. engineering costs;
- E. authority fees including application fees of the authority;
- F. contingency costs;
- G. interest costs during construction;
- H. legal fees incurred for the purposes of acquisition and construction; and
- I. capital improvements including equipment.

8300.3085 [Emergency] INTEREST RATE.

The interest rate of a loan from the waste tire recycling loan program is five percentage points below a full faith and credit obligation of the United States government of comparable maturity, as of five working days before the day of closing of the loan, as determined by the authority. In the alternative, the authority may set interest rates at a negotiated rate after reviewing market rates and comparable sources of financing available to the applicant at the time the financial assistance is extended.

8300.3086 [Emergency] TERM OF LOAN.

The maximum term of a loan from the waste tire recycling loan program will not exceed the average useful life of the real property, or 80 percent of the useful life of the equipment or machinery, or the following limits, whichever is less:

- A. for real property (land or buildings), ten years;
- B. for equipment or machinery, seven years;
- C. for a combination of items A and B, a weighted average of those years will be used.

8300.3087 [Emergency] SECURITY REQUIREMENTS.

All loans for either real property or equipment must be secured in accordance with the following requirements:

- A. A real property loan must be secured by a second mortgage or other adequate security, as determined by the authority.
- B. Equipment loans must be secured by (i) a second lien on the equipment or other adequate security as determined by the authority; or (ii) the personal guarantee of the principal owners, officers, sole proprietors, partners, major shareholders, corporate officers, or other related entities such as subsidiaries or parent corporations of the borrower.
- C. Additional forms of security may be required by the authority.

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

8300.3088 [Emergency] CONTENTS OF APPLICATION FOR LOANS.

To apply for a waste tire recycling loan, an eligible borrower must submit a completed application to the commissioner on a form provided by the commissioner. The application must contain or be accompanied by:

A. a comprehensive business plan containing information regarding the business including a three-year projection of the balance sheet, an income statement, identification of the source of other funds and a description of the intended use of those funds, an assessment of the potential of the business, and the written commitment of the lender required by part 8300.3083 [Emergency];

B. financial statements, including a profit-and-loss statement, and a source and use of funds statement current to the most recent quarter; when available, audited financial statements (including footnotes) should be provided for the immediate past three years; if audited statements are not available, balance sheets, profit-and-loss statements, and source and use of funds statements from a three-year period shall be provided; borrowers who are sole proprietors of the business may also be required to submit complete copies of their personal tax returns for the time periods specified, in addition to the financial statements required by this part;

C. applications from firms owned by individuals or from closely held corporations must also be accompanied by signed and dated personal financial statements from any officer, shareholder, or other person with at least a 20 percent interest in the company; in addition, if the application is made by an individual, copies of the borrower's personal tax returns for the immediately preceding three years may be requested by the authority; and

D. personal credit references as required by part 8300.3090 [Emergency], subpart 4.

8300.3089 [Emergency] PROCEDURES FOR LOAN APPROVAL.

Subpart 1. Preliminary eligibility review. An application is considered to have been made upon the commissioner's receipt of a completed application with all required documentation and exhibits. The commissioner shall make a preliminary determination whether the application is complete and whether the borrower, project, and costs are eligible for consideration under the statutes and rules of the waste tire recycling program.

Subp. 2. Notification of deficiencies. If an incomplete application is received, the commissioner shall notify the borrower, specifying the deficiencies. The borrower has 60 days from the date of the commissioner's notification to complete such application in accordance with parts 8300.3081 to 8300.3088 [Emergency]. If an application is not made complete within 60 days of the date of the commissioner's notification of deficiencies, the application shall be rejected for processing and the borrower must resubmit the application at a later date if it is to be considered by the authority.

Subp. 3. Approval for processing. When an application is determined to be complete, the commissioner shall review the various components of the application and will assess the ability of the borrower to reasonably repay the loan.

Subp. 4. Evaluation procedures. The evaluation of the application shall be undertaken in accordance with the standards and requirements set forth in part 8300.3090 [Emergency] and the act. Applications which, in the judgment of the commissioner, meet the standards and requirements set forth shall be submitted to the authority with a recommendation for its approval at the earliest possible time. Applications which do not meet the criteria, standards, and requirements of parts 8300.3081 to 8300.3090 [Emergency] and the act shall not be submitted to the authority for its consideration until the application documents have been modified to conform to the standards of the program. If a completed application has not been modified to meet the program financial requirements within 60 days after submission, it is considered rejected and the borrower is required to submit a new application for further consideration. The borrower may in his or her discretion appeal directly to the authority for reconsideration of the commissioner's decision.

Subp. 5. Requirements of public purpose. Loan applications by eligible borrowers for eligible costs shall be recommended for approval by the authority only after the commissioner has determined that the project meets one or more of the following standards of public purpose:

A. that the project and its development is economically advantageous to the state and that energy sources to support the successful operation of the project are adequate;

B. that if the project has the effect of a transfer of jobs from one area of the state to another, that the project is economically advantageous to the state or that the project is necessary to the continued operation of the business enterprise within the state; and

C. that the project will assist in fulfilling the purposes of the act including the preferences in Minnesota Statutes, section 116M.06.

Subp. 6. Priority. The project will be given priority for funding among other loan applicants if:

A. the source of the tire supply is Minnesota tires;

B. the product of the waste tire recycling project is used in Minnesota;

C. if the tires are to be burned, the project is further from violating the air quality standards adopted by the Minnesota Pollution Control Agency than a competing project;

D. the recycling process produces a tangible product which is usable and marketable; or

E. the project produces an alternative energy resource.

Subp. 7. Approval. The authority may reject or disapprove any loan application that does not provide sufficient documentation or otherwise comply with the provisions of the act and parts 8300.3081 to 8300.3090 [Emergency]. If the authority approves a loan application, it shall pass a resolution directing the commissioner to prepare and execute the necessary loan documents.

8300.3090 [Emergency] LOAN STANDARDS.

Subpart 1. General. Loans may be approved by the authority only in accordance with the standards and procedures listed in this part.

Subp. 2. Credit evaluation by commissioner. The commissioner shall review all applications and supporting documents submitted by the borrower. For all loans, the commissioner shall make recommendations to the authority based upon an objective evaluation of the credit worthiness of the borrower, the extent to which the borrower might reasonably be expected to repay the loan, and the extent to which the state will benefit in the form of net new jobs created, expanded state or local tax bases, improvement of economic activities in depressed areas of the state, and the abatement of waste tires.

Subp. 3. General criteria for credit evaluation. Applications will be reviewed in accordance with generally accepted commercial lending practices. Standards for credit worthiness vary from industry to industry. The variation in credit characteristics of firms from one industry to the next means that each application must be evaluated against the standards for the industry which a particular borrower represents. In general, the standards set forth annually in Robert Morris Associates' (Philadelphia, PA) Annual Statements Studies shall be used as a guide in the credit analysis.

Additional credit information available from such private credit rating agencies as Standard and Poors, Dun and Bradstreet, or other reputable credit agencies may be used. Whatever credit information is obtained regarding the borrower that is included in the loan application file is subject to appropriate data privacy statutes.

Subp. 4. Personal credit references. Unless the loan is to be privately insured, credit references are required when a guaranty or pledge of personal assets or property is required as a condition for making a loan. Personal credit information pertaining to individual owners of business entities, partners, or major shareholders of closely held corporations is required in all cases when a loan is not to be privately insured, and the information must be evaluated by the commissioner. The personal credit references and credit information may include personal tax returns, personal credit reports from credit bureaus and other credit reporting agencies, and references from personal bankers.

Subp. 5. Site visit and standard. Loans may be approved by the authority only after a representative from the Department of Energy and Economic Development acting on behalf of the authority has personally visited the site at which the business is located or where the borrower proposes to do business. To the extent feasible, the authority must examine the equipment which the borrower proposes to acquire with the loan proceeds or must otherwise verify that the proceeds of the loan can reasonably be expected to be used in accordance with the plans submitted with the application.

Subp. 6. Technical analysis and standard. In those cases where the commissioner is unfamiliar with the technology associated with the capital expenditure to be financed by the loan, the commissioner may require technical documentation from a reputable testing laboratory, engineering firm, or other source of technical information. This information is required only if it is necessary to verify the claims made by the borrower for the performance of a product manufactured by the borrower, or for a piece of equipment to be acquired by the borrower with the proceeds of a business loan. The commissioner may require documentation of the borrower's claims for the performance of his or her company's products. This documentation may take the form of reports from independent testing agencies such as Underwriters' Laboratories which are generally recognized to have expertise in the area.

The Minnesota Pollution Control Agency will also be sent sufficient information to enable it to determine, and will determine, whether or not the project meets the air quality standards set by the Minnesota Pollution Control Agency.

Subp. 7. Cash flow analysis and standard. Unless it is privately insured, no business loan may be recommended by the commissioner to the authority for approval unless the commissioner or a subcommittee of the authority has performed a financial analysis on data contained in the applicant's loan file. The analysis must demonstrate that the borrower's past performance, combined with its projected financial performance, is adequate to reasonably assure that the loan will be repaid.

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PROPOSED RULES

Peace Officer Standards and Training Board

Proposed Rules Governing Continuing Education, Licensing, Violations of Standards of Conduct and Reimbursement to Local Units of Government

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training (POST) is proposing to adopt the above entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

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

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the evidence, reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, POST will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20. Pursuant to Minn. Stat. 16A.128, no hearing will be held for the fees of the lapsed license restoration process.

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

Mark K. Shields
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

The Board's authority to adopt the proposed rules is contained in Minn. Stat. 16A.128, 214.06, 214.12, 626.843, Subd. 1(1), 626.843, Subd. 3(d), 626.845, Subd. 1(i), and 626.86. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the board upon request.

You are advised, pursuant to Minn. Stat. Section 14.115 "Small business consideration in rulemaking," that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

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 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 date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request for the same to the above address.

Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, Subd. 11, defines a lobbyist as any individual: engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions as to this requirement should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155. Telephone (612) 296-5615.

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

Mark K. Shields, Executive Director
Minnesota Board of Peace Officer
Standards and Training

Rules as Proposed**6700.0900 CONTINUING EDUCATION.**

Subpart 1. and 2. [Unchanged.]

Subp. 3. Criteria for course approval. For the purpose of this rule, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. to G. [Unchanged.]

H. The board will approve the course for continuing education credit hours based on each ~~contact~~ hour of proposed training. ~~A contact~~ An hour shall consist of no less than one 50 minute class session 50 minutes of learning activities.

I. [Unchanged.]

Subp. 4. to 10. [Unchanged.]

Subp. 11. [See Repealer.]

Subp. 12. [Unchanged.]

6700.1000 LICENSE RENEWAL.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Lapse of license. A license shall lapse when the requirements of subpart 3 are not met.

Subp. 6. License lapsed less than three years. The executive director shall restore a license and issue a certificate of renewal for a license which has been lapsed for less than three years when the licensee submits:

A. the appropriate license renewal fee for a lapsed license; and

B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

Subp. 7. License renewal fee. For the purposes of subparts 6 and 9, the appropriate license renewal fee for a lapsed license is as follows:

A. lapsed peace officer license is \$45; or

B. lapsed part-time peace officer license is \$37.50; or

C. lapsed constable license is \$45.

Subp. 8. Continuing education after license is restored. Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.

Subp. 9. License lapsed more than three years. When a license has been lapsed for more than three years, the executive director shall restore the license when:

A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for a lapsed license.

Subp. 10. Licensing examination. For the purposes of subpart 9, the appropriate licensing examination is as follows:

A. the academic and skills licensing examination for a peace officer;

B. the part-time peace officer licensing examination for a part-time peace officer; or

C. the constable licensing examination for a constable.

Subp. 11. Appeals. Any contested case which arises from subpart 3, 6, or 9 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings.

6700.1600 VIOLATIONS OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

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PROPOSED RULES

- A. the conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;
- B. the use of deadly force when not authorized by Minnesota Statutes, section 609.066;
- C. the making of any false material statement under oath to the board which the peace officer does not believe to be true;
- D. the making of any false material statement to the board while obtaining or renewing a license;
- E. ~~failure to comply with the board's continuing education requirements as set forth in part 6700.1000, subpart 3;~~
- F. ~~failure to pay the appropriate license renewal fee;~~
- G. any violation of a board rule set forth in parts 6700.0100 to 6700.1900; or
- H. ~~E.~~ any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700.

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. ~~Part-time Share for peace officer shares officers working part-time.~~ A share may be awarded when a peace officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

Subp. 4. Application forms. The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. ~~The board shall also provide a list of the peace officers or constables, or both, who, according to the board's records, were employed by the local unit as of July 1. When applying for reimbursement, a local unit shall provide a list of the peace officers or constables for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's list, or that a correction should be made and the amount of reimbursement should be adjusted in accordance with the correction rules.~~

Subp. 5. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 45 60 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

Subp. 6. [Unchanged.]

REPEALER. Minnesota Rules, part 6700.0900, subpart 11, is repealed.

Pollution Control Agency Air Quality Division

Proposed Rules Relating to Noise Control

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

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt without a public hearing, in accordance with the provisions of Minn. Stat. § 14.22-14.28 (1984), amendments to Minn. Rules Parts 7010.0100-7010.0700 (Minn. Rules NPC 1 and 2), State Noise Standards.

The proposed rule amendments are authorized by Minn. Stat. § 116.07, subd. 4 (1984). A copy of the proposed rule amendments is enclosed. One free copy of the rule amendments is available on request from the Agency. Please contact the person whose name and address appears below.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available and may be obtained by contacting:

David Kelso
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7372

Interested persons have until 4:30 p.m. on April 19, 1985, to submit comments on the proposed rule amendments. Comments should be submitted to David Kelso at the address stated above. The proposed rule amendments may be modified if the data and views received by the Agency before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed amendments.

Upon adoption of the amendments by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rule amendments as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as adopted, should submit a written statement of such request to David Kelso at the address previously stated.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small business considerations in rulemaking," that while the rules as a whole may have an impact on small business, the amendments which are being proposed at this time do not change the impacts which the existing rules may have on small business.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

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

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

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

THOMAS J. KALITOWSKI
Executive Director

Rules as Proposed (all new material)

7010.0010 INCORPORATION BY REFERENCE.

For the purpose of chapter 7010, American National Standard Institute, Acoustical Terminology, S1.1-1960 (R1976) and Specification for Sound Level Meters, S1.4-1983 are incorporated by reference. These publications are available from the American National Standard Institute, 1430 Broadway, New York, N.Y. 10013 and can be found at the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113 and the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454. These documents are not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-IR (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113 and the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454. This document is not subject to frequent change.

7010.0020 DEFINITIONS.

Subpart 1. Application. The terms used in chapter 7010 have the meanings given them in this part.

Subp. 2. A-weighted. "A-weighted" means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.1.

Subp. 3. Daytime. "Daytime" means those hours from 7:00 a.m. to 10:00 p.m.

Subp. 4. dB(A). "dB(A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

Subp. 5. Decibel. "Decibel" has the meaning given it in American National Standard Institute S1.1-1960 (R1976), section 2.3.

Subp. 6. L_{dn} . " L_{dn} " (day, night sound level) means the equivalent A-weighted sound level during a 24-hour time period with a ten decibel weighting applied to the equivalent sound level during nighttime.

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PROPOSED RULES

Subp. 7. L_{eq} . “ L_{eq} ” (equivalent sound level) means the constant sound level that, in 60 consecutive minutes, would convey the same sound energy as the actual time-varying A-weighted sound level.

Subp. 8. Nighttime. “Nighttime” means those hours from 10:00 p.m. to 7:00 a.m.

Subp. 9. Person. “Person” has the meaning given it in part 7000.0100, subpart 9.

Subp. 10. Sound pressure level. “Sound pressure level” has the meaning given it in the American National Standard Institute S1.1-1960 (R1976), section 2.6.

7010.0030 NOISE CONTROL REQUIREMENT.

No person may violate or allow any act that results or will result in violation of the standards established in part 7010.0040.

7010.0040 NOISE STANDARDS.

Subpart 1. Scope. Noise standards are expressed in terms of sound pressure level and apply to sounds that have a duration of at least 200 milliseconds. Noise standards in subpart 2 apply to all sources. For airports, the additional noise standards in subpart 3 also apply.

Subp. 2. Noise standards.

Noise Area Classification	Daytime	Nighttime
1	63 L_{eq}	53 L_{eq}
2	68 L_{eq}	68 L_{eq}
3	78 L_{eq}	78 L_{eq}

Subp. 3. Additional airport noise standards. An L_{dn} of 63, 68, and 78 for NAC 1,2,3, respectively, also applies to airports.

7010.0050 NOISE AREA CLASSIFICATION.

Subpart 1. Applicability. The noise area classification is based on the land use activity at the location of the receiver and determines the noise standards applicable to that land use activity unless an exception is applied under subpart 3.

Subp. 2. Noise area classifications. The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities
1	Residential, educational, medical, and dedicated nature areas; includes all types of nontransient housing, schools, churches, medical facilities providing nighttime care, such as hospitals and nursing homes, and nature preserves.
2	Commercial, entertainment, and recreational; includes office buildings, retail stores and services, transient lodging, medical facilities not providing nighttime care, parks, and athletic fields.
3	Industrial; includes manufacturing, utilities, transportation, and agriculture.

Subp. 3. Exceptions. The noise area classification for a land use may be changed in the following ways if the applicable conditions are met.

A. The daytime standards for noise area classification 1 shall be applied to noise area classification 1 during the nighttime if the land use activity does not include overnight lodging.

B. The standards for a building in a noise area classification 2 shall be applied to a building in a noise area classification 1 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 20 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

C. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 1 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

D. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 2 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 20 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

7010.0060 MEASUREMENT METHODOLOGY.

Subpart 1. Measurement location. Measurement of sound must be made at or within the receiver's property line at the point of human activity which is nearest to the noise source.

Subp. 2. Equipment specifications. All sound level measuring devices must be certified to meet Type I, II, or S specifications under American National Standard Institute S1.4-1983.

Subp. 3. Calibration. All sound level measuring devices must, at a minimum, be recertified or cross-referenced according to American National Standard Institute S1.4-1983 annually. The equipment must be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level.

Subp. 4. Measurement procedures. The following procedures must be used to obtain representative sound level measurements:

A. Measurements must be made between three and five feet off the ground or surface and away from natural or manmade structures which would diminish the sound level.

B. Measurements must be made using the A-weighting and fast response characteristics of the sound measuring device as specified in American National Standard Institute S1.4-1983.

C. Measurements must not be made in sustained winds greater than 12 miles per hour or in precipitation.

D. Measurements must be made using a windscreen.

Subp. 5. Methods for determination of hourly L_{eq} . For this determination of an hourly L_{eq} , measurements must be made using the measuring devices as required under subpart 2 and used according to the manufacturer's recommendations.

A. Hand held measuring devices must use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) for determination of hourly L_{e1} .

B. Automated or integrating measuring devices may use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) or be operated in accordance with the manufacturer's recommendations for determination of hourly L_{eq} .

C. Methods equivalent to those described in subpart 5, items A and B may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

Subp. 6. Calculation of L_{dn} . L_{dn} shall be calculated using the following formula:

$$L_{dn} = 10 \log_{10} 1/24 [(15 \times 10^{L_d/10}) + 9 \times 10^{L_n/10}]$$

where

L_d = Ten times the \log_{10} of the average energy for the hours from 7:00 a.m. to 10:00 p.m.

L_n = Ten times the \log_{10} of the average energy for the hours from 10:00 p.m. to 7:00 a.m.

Subp. 7. Data documentation. A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements. At a minimum, the summary sheet shall include:

- A. date;
- B. time;
- C. location;
- D. noise source;
- E. wind speed and direction;

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PROPOSED RULES

- F. temperature;
- G. humidity;
- H. make and model of measuring equipment;
- I. field calibration results;
- J. monitored levels; and
- K. site sketch indicating noise source, measurement location, directions, distances, and obstructions.

7010.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.

Subpart 1. Purpose. Sound level measurements made for assessing sound attenuation as specified in part 7010.0050, subpart 3, item B, C, or D, shall be made according to the requirements of this part.

Subp. 2. Equipment. The equipment shall meet the requirements specified in part 7010.0060, subpart 2.

Subp. 3. Calibration. The equipment must meet the calibration requirements specified in part 7010.0060, subpart 3.

Subp. 4. Measurement procedure. The measurement procedure described in FHWA-DP-45-1R, section 8 must be used for determination of the sound attenuation.

Subp. 5. Equivalent methods. Methods equivalent to those described in subpart 4 may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

REPEALER. Minnesota Rules, parts 7010.0100, 7010.0200, 7010.0300, 7010.0400, 7010.0500, 7010.0600, and 7010.0700 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 Rules for Administration of Agricultural Development Grants

The rules proposed and published at *State Register*, Volume 9, Number 26, pages 1396-1401, December 24, 1984 (9 S.R. 1396) are adopted with the following modifications:

Rules as Adopted

CHAPTER 1552
DEPARTMENT OF AGRICULTURE
AGRICULTURAL DEVELOPMENT GRANTS

1552.0020 DEFINITIONS.

Subp. 3. Agricultural products. "Agricultural products" means ~~animal~~ animals and animal products, services which contribute to the health, management, and growth of animals and animal products, dairy products, poultry or poultry products, fruit, vegetables, horticultural crops, grain, bees and apiary products, and products of aquaculture, horticulture, and silviculture grown, raised, produced, fed, or processed within the state of Minnesota.

Department of Human Services

Adopted Emergency Rules Governing Medical Assistance Prepaid Demonstration Project

The rules proposed and published at *State Register*, Volume 9, Number 10, pages 488-500, September 3, 1984 (9 S.R. 488) are adopted with the following modifications:

Emergency Rules as Adopted

9500.1450 [Emergency] DEFINITIONS.

Subp. 3. Case management. "Case management" means a method of health care provision in which one individual or organization or an interdisciplinary team coordinates the provision of all health care services to a consumer.

9500.1451 [Emergency] INTRODUCTION.

Subp. 2. Purpose. the MAPDP shall be administered to determine if public expenditures for the medical assistance program can be better planned, utilized, and controlled while ensuring that all participants receive necessary health care in a coordinated fashion by implementing a budgeted, prepaid ~~reimbursement~~ payment system.

9500.1454 [Emergency] ADDITIONAL ELIGIBILITY FACTORS.

Subp. 2. Personal care attendants. Persons currently receiving the services of a personal care attendant shall not be eligible for MAPDP.

Subp. 3. Current residents of institutions. Current residents of state institutions shall not be eligible for MAPDP.

Subp. 4. Refugees. Refugees who are currently recipients of the Refugee Assistance Program shall not be eligible for MAPDP.

9500.1460 [Emergency] FREE CHOICE OF PROVIDER.

Subpart 1. Free choice. Under MAPDP, consumers shall choose among the Medicaid health plans offering a health plan in their county. At the Medicaid health plan, a case manager responsible for the coordination of an individual's health care shall assist the consumer in planning his or her health care and in choosing among the providers offered by the Medicaid health plan. The county government in Dakota and Itaska counties, being the sole Medicaid health plan in its respective county, counties acting as umbrella organizations for any of the medical assistance covered services shall ensure access and choice for consumers by including a majority sufficient number of providers in the county in ~~its~~ their Medicaid health plan.

Subp. 2. Criteria for suspension of current reimbursement system. The current reimbursement system shall not be suspended in demonstration counties unless the following criteria are met:

- A. the total capacity of the MHP is equal to or greater than 110 percent of the medical assistance eligibles in that county;
- B. the travel time to an MHP's primary care facility is not greater than 30 minutes; and
- C. medical assistance recipients will have a choice of at least two MHPS.

These criteria may be enacted by population type.

9500.1469 [Emergency] SERVICES COVERED BY MAPDP.

Subp. 2. Inpatient hospital services. "Inpatient hospital services" are those items and services ordinarily furnished by a hospital for the care and treatment of inpatients; and which are provided under the direction of a physician or dentist in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases; and which is licensed or formally approved as a hospital by the Minnesota Department of Health; and which is qualified to participate under title XVIII of the Social Security Act or is determined currently to meet the requirements for such participation; and which has in effect a utilization review plan applicable to all patients who receive medical assistance under title XIX of the Social Security Act which meets applicable federal requirements, unless a waiver has been granted by the secretary of the Department of Health, Education, and Welfare. All inpatient hospitals certified for participation under medicare (title XVIII) are eligible to participate in MAPDP upon completion of a provider an agreement with a participating MHP or county umbrella organization.

Subp. 5. Other licensed practitioners. The MAPDP shall include medical and remedial care or services, other than physi-

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ADOPTED RULES

cians' services, provided by a practitioner currently licensed under Minnesota law and performed within the scope of practice as defined by state law.

C. Optometrists shall be currently licensed by the Board of Optometry. ~~Ophthalmologists shall be currently licensed by the state.~~ Also eligible for participation are opticians who are normally associated with the fabrication or dispensing of materials, and out-of-state providers in one of the above classifications licensed by the state of service.

Eye-glasses are lenses (including frames when necessary) and other aids to vision prescribed by a physician skilled in diseases of the eye or an optometrist to aid or improve vision.

D. Psychologists ~~are individuals currently licensed by the Minnesota Board of Examiners of Psychologists to practice as licensed psychologists or licensed consulting psychologists in the appropriate service areas shall be currently licensed as consulting psychologists or psychologists by the Board of Psychology, and shall practice only within their individual areas of competence as stated to the Board of Psychology.~~

Subp. 8. Home health care services. "Home health care services" are any of the services in items A to ~~D~~ E when they are prescribed by a licensed physician to a patient in his or her place of residence, but excluding residence in a hospital, skilled nursing facility, or intermediate care facility:

D. services of a home health aide under the supervision of a professional nurse assigned by a home health agency; and

E. rehabilitative and therapeutic services.

Subp. 9. Medical supplies. The term "medical supplies" as used in this part includes the most cost effective nondurable medical supplies, durable medical equipment, prostheses, orthoses, and oxygen. Medical supplies must be prescribed by a physician or other licensed medical practitioner within the scope of his or her profession as defined by state law. Medical supplies must be necessary and reasonable for the treatment or diagnosis of an illness or injury or to improve a physical impairment or maintain the functioning of a malformed the affected body member part.

C. "Prostheses" and "orthoses" mean replacement, corrective, or supportive devices for the purpose of artificially replacing a missing portion of the body or to prevent or correct physical deformity or malfunction or to support a weak or deformed portion of the body, including hearing aids and associated batteries.

Subp. 12. Rehabilitative and therapeutic services in long-term care facilities. Such services must be provided in accordance with applicable federal regulations, state law, and Department of Human Services rules.

A. Physical therapy means those services ~~prescribed~~ ordered by a physician and provided to a patient by a qualified physical therapist. In addition, other qualified rehabilitative personnel, including physical therapy assistants physical therapy aides, and physical therapy orderlies may assist the physical therapist in performing physical therapy services and in the performance of duties that do not require a qualified physical therapist's knowledge and skill. The full responsibility for the patient's instruction or treatment remains with the qualified physical therapist in consultation with the attending physician. When services of support personnel are utilized, there must be direct, on-site observation and supervision by the qualified physical therapist. A qualified physical therapist is a graduate of a school of physical therapy approved by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association, and who has a valid Minnesota certificate of registration.

Subp. 13. Speech pathology, audiology, and physical therapy provided by independent practitioners. Such services are of a diagnostic, screening, preventive, or corrective nature and provided to individuals with speech, hearing, and language disorders, or physical impairments. Such services must be provided in accordance with the applicable federal regulations, state law, and Department of Human Services rules.

C. Physical therapy means those services ~~prescribed~~ ordered by a licensed physician and provided to a patient by a qualified physical therapist in independent practice. A qualified physical therapist in independent practice is a graduate of a program of physical therapy approved by the Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association, has a valid Minnesota Certificate of Registration, and has been federally certified as an independent practitioner by through the Minnesota Department of Health.

Subp. 14. Rehabilitation agencies. A "rehabilitation agency" is an agency which provides an integrated multidisciplinary program designed to upgrade or maintain the physical function of handicapped, disabled individuals. At a minimum, a rehabilitation agency must provide physical therapy or speech pathology services, and a rehabilitation program that in addition to physical therapy or speech pathology services, includes social or vocational adjustment services. Eligible providers include all rehabilitation agencies participating in the Medicare program (title XVIII). "Rehabilitation agency services" are those medically necessary services provided by certified rehabilitation agencies in accordance with applicable federal regulations, state law, and Department of Human Services rules and defined as follows:

B. Psychological services are those services provided to a patient by a psychologist licensed to practice ~~in the appropriate service areas, when medically necessary~~ within his or her individual area of competence.

D. Physical therapy means those services ~~prescribed~~ ordered by a licensed physician and provided to a patient by a qualified physical therapist. Other personnel may assist physical therapists in performing physical therapy services and in the performance of duties that do not require professional therapy knowledge and skill. The full responsibility for patient instruction or treatment remains with the qualified physical therapist in consultation with the attending physician. When services of support personnel are utilized, there must be direct on-site observation and supervision by the qualified physical therapist.

Subp. 16. Pharmacy services. A pharmacy is a facility licensed by the State Board of Pharmacy in which prescriptions, drugs, medicines, chemicals, and poisons are compounded, dispensed, vended, or sold on a retail basis. Prescribed drugs are any simple or compounded substance or mixture of substances prescribed for the care, mitigation, or prevention of disease or for health maintenance, by a physician, dentist, or other licensed medical practitioner within the scope of his practice as defined by state law. The MAPDP covers prescribed drugs and nutritional supplements obtained from a licensed pharmacy or from a hospital in which drug dispensing is under the supervision of a licensed pharmacist.

Subp. 17. Early periodic screening, diagnosis, and treatment (EPSDT). The MAPDP includes early and periodic screening and diagnosis of individuals under the age of 21 to ascertain physical or mental defects and for health care, treatment, and other measures to correct or improve defects and chronic conditions detected. Services rendered by providers other than licensed physicians are included within MAPDP only if the Minnesota Department of Health has previously approved the screening activities.

In order to comply with federal and state EPSDT requirements, local welfare agencies shall:

- A. notify in writing on an annual basis all recipients eligible for EPSDT services of the existence of the services;
- B. provide or arrange for provision of screening services when they are requested;
- C. arrange for corrective treatment; and
- D. maintain adequate EPSDT records and report activities as required by the commissioner.

In order to comply with federal and state EPSDT requirements, ~~providers~~ MHPs shall follow required EPSDT billing and reporting procedures.

Subp. 18. Other medical care. The MAPDP includes other medical care as follows:

- A. Transportation only when furnished by an enrolled medical provider licensed by the Minnesota Department of Health.

The following services rendered by medical transportation providers are not included by the MAPDP: any routine service determined by the local welfare agency not to be medically necessary and unnecessary ambulance service.

- B. Emergency hospital or physician services which are necessary to prevent the death or serious impairment of the health of an individual.

- E. Services for children with handicaps.

Subp. 19. Mental health ~~centers~~ services. "Mental health centers" are centers currently receiving grant-in-aid who are operating in accordance with parts 9520.0010 to 9520.0230. Services provided by mental health centers must be provided under the direction of a psychiatrist licensed to practice medicine in the United States or Canada or a licensed consulting psychologist, currently enrolled as an eligible provider under the medical assistance program. The MAPDP includes mental health center services provided to residents of long-term care facilities only if the attending physician assisted the development of the plan of treatment and periodically reviews that plan.

Other mental health services must be provided by participating MHPs and county umbrella organizations as specified in the contracts with the Department of Human Services.

9500.1470 [Emergency] CAPITATION POLICIES.

Subpart 1. Rates. In designated demonstration areas, all medical assistance payments for services included in the project will be paid for through contract with the Medicaid health plan or county umbrella organization. Capitation rates must be developed on a historical cost basis. Base rates must be determined by calculating a county average per capita cost. Presuming increased efficiency through provider-managed utilization, the actual rate offered (contractual rate) must be a specified percentage of the county average per capita cost.

Subp. 3. Aggregate loss-sharing. Under aggregate loss-sharing, the Department of Human Services and Medicaid health plan

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ADOPTED RULES

shall share the loss if the allowable costs exceed the aggregate payment provided through the capitation. The MAPDP is intended to demonstrate the shifting of financial risk from the Department of Human Services to the Medicaid health plans, and aggregate loss-sharing shall be phased out over the three-year implementation period, ~~under~~. The following risk sharing arrangement will be used unless otherwise specified in the contract between the state and the MHP:

Subp. 4. Individual stop-loss coverage. Stop-loss coverage must be provided for 80 percent of the cost of hospital claims exceeding \$15,000 for AFDC enrollees and \$30,000 for the aged, blind, or disabled enrollees and over 90 days of nursing home care, ICF/MR care, or equivalent home health or personal care attendant services unless otherwise specified in the contract between the state and the MHP. For individual stop-loss, claims must be calculated according to medical assistance allowable charges.

9500.1471 [Emergency] PROVIDER CRITERIA.

Subp. 2. Service array. Medicaid health plans shall be encouraged to serve as many medical assistance eligible populations as possible. A Medicaid health plan may design services for a single population limited to aged, blind, or disabled. If a plan elects to serve AFDC, it must serve at least one other medical assistance population.

Each Medicaid health plan shall provide or ensure provision of the full array of medical assistance benefits and services as set forth in part 9500.1469 [Emergency], subpart 1, to its enrollees.

With the exception of emergency services, the Medicaid health plan shall not be liable for payment for unauthorized services rendered outside of the plan.

There shall be no copayments or deductibles charged to medical assistance consumers enrolled in a MAPDP for any medical assistance covered service or a service delivered as a substitute for medical assistance covered services.

Subp. 4. Membership. Each Medicaid health plan shall demonstrate capacity for servicing new members or enrollees.

The contract between the Department of Human Services and each Medicaid health plan must specify maximum and minimum number of enrollees based on physical and financial capabilities of Medicaid health plans.

Each Medicaid health plan shall accept all Medicaid eligible applicants wishing to enroll in its program, from the population categories or geographic areas it is targeted to serve regardless of health condition, within the enrollment capacity.

Subp. 8. Data-information requirements. Each Medicaid health plan shall provide necessary information and data to the Department of Human Services and Federal Health Care Financer Administration as set forth in the MAPDP contract to meet the project needs for:

- A. administration;
- B. payment;
- C. quality assurance;
- D. evaluation;
- E. Health Care Financer Administration requirements; and
- F. fraud and abuse detection.

Each Medicaid health plan shall make immediately available to the Department of Human Services upon demand after required notice of the Department of Human Services, information on medical assistance related medical records and financial information for quality assurance and evaluation purposes and for instances of suspected fraud and abuse.

OFFICIAL NOTICES

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

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

Department of Human Services Support Services Bureau Long Term Care Rates Division

Public Notice Regarding Changes in Rate Setting Procedures for Intermediate Care Facilities for Mentally Retarded Persons

Notice is hereby given to all providers and recipients of Minnesota Medical Assistance, and to the public, of changes in the rate setting method for intermediate care facilities for the mentally retarded (ICF/MRs).

The purpose of the proposed amendment is to bring the provisions of rules 12 MCAR §§ 2.05301-2.05315 (Temporary) into compliance with Section 2314 of the Deficit Reduction Act (DEFRA) of 1984.

Information on implementation of these provisions will be sent as needed to local welfare agencies via instructional and informational bulletins and to health care providers enrolled in the Medical Assistance Program via provider bulletins. Copies of these materials may be reviewed at the county welfare or social services department. Written comments and questions on the rate setting method for ICF/MRs may be addressed to:

Long Term Care Rates Division
Fourth Floor Centennial Office Building
St. Paul, Minnesota 55155
Phone: 612/297-3583

Comments and suggestions received from the public may be viewed at the same address during normal working hours.

This notice is being published pursuant to federal regulations which govern administration of the Medical Assistance Program, 42 CFR 447.205 (1981).

Fiscal Impact of Changes: The Department of Public Welfare estimates that these changes in the rate-setting method will decrease expenditures in the Medical Assistance Program by approximately \$65,000 during the 1985-86 biennium.

POLICY CHANGE

The historical capital cost of the capital assets can no longer be adjusted for a change in ownership which occurs as a result of the death or disability of a principal owner who has 50 percent or more ownership interest in the facility. No depreciation shall be recaptured following a sale of an asset or termination from the Medical Assistance Program.

RATIONALE

These changes bring the provisions of rules 12 MCAR §§ 2.05301-2.05315 (Temporary) into compliance with Section 2314 of the Deficit Reduction Act (DEFRA) of 1984.

DEFRA amends the federal law regarding reimbursement under Medicaid and Medicare for capital related costs. The federal Medicaid revision which adds section 1902 (A) (13) (B) to the Act, specifies that a State must provide assurances satisfactory to the Secretary that the payment methodology utilized by the State for payments to hospitals, skilled nursing facilities and intermediate care facilities can reasonably be expected not to increase such payments, solely as a result of a change of ownership, in excess of the increase which would result from the application of the Medicare requirements at section 1861 (v)(1)(0) of the Act. The changes delete those sections of the rule which are out of compliance with section 2314 of the Deficit Reduction Act of 1984.

Pollution Control Agency

Public Meeting on Acid Deposition

In the January 21, 1985, *State Register* (9 S.R. 1657) the Minnesota Pollution Control Agency (Agency) gave notice of public meetings to be held at various locations around the state on the subject of the development of an acid deposition standard to protect sensitive resources in Minnesota. One of these public meetings was scheduled for Duluth on March 5, 1985, but because of inclement weather, the March 5 public meeting was cancelled and a new date for the Duluth meeting is now being noticed.

OFFICIAL NOTICES

THEREFORE, PLEASE TAKE NOTICE that a public meeting will be held in Duluth, Minnesota, in the Commissioners' Boardroom in the St. Louis County Courthouse on Wednesday, April 3, 1985, to solicit public comments on the subject of acid deposition. The meeting will commence at 2:00 p.m. and continue again at 7:00 p.m.

The public meeting will be conducted by Allan W. Klein, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 S. 4th Avenue, Minneapolis, Minnesota, 55415, telephone (612) 341-7609.

At the public meeting Agency staff will make a presentation to explain the status of research and investigations regarding acid deposition impacts in Minnesota and the adoption of a proposed standard. The staff will also outline the Agency's schedule for adopting an acid deposition standard.

Following the presentation by the Agency staff, the public will be provided with an opportunity to state its views and present information that would be helpful to the Agency in developing an acid deposition standard. All oral comments received will be recorded by a court reporter and a transcript will be made. Written comments may also be submitted to the Administrative Law Judge at the address given above. The information received will become part of the official rulemaking record when a specific acid deposition standard is proposed.

Any questions about the procedure to be followed at the meeting can be directed to Administrative Law Judge Klein. Questions about the Agency's progress in developing an acid deposition standard and a control plan may be directed to David Thornton, MPCA acid rain coordinator, at the MPCA offices in Roseville, phone (612) 296-7336.

March 11, 1985

Michael Robertson
for
Thomas J. Kalitowski
Executive Director

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612)296-2805. Application deadline is April 9, 1985.

BOARD OF ELECTRICITY has 1 vacancy open for an "A" master electrician and electrical contractor. The board licenses electricians and inspects all new electrical wiring. Members are appointed by the Governor. Members must file with EPB. Monthly meetings; members receive \$35 per diem plus expenses. For specific information contact the Board of Electricity, Griggs Midway Bldg., Room N191, 1821 University Ave., St. Paul, 55104; (612)297-2111.

MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE has 1 vacancy open for a consumer representative. The task force shall review and report on the health care needs of mothers and children throughout the state of Minnesota. Also, review and report on the type, frequency and impact of existing maternal and child health programs, including programs administered by the Commissioner of Health. No members shall be employees of the State Board of Health. Members receive expenses. For specific information contact the Maternal and Child Health Advisory Task Force, Dept. of Health, Community Services Division, 717 Delaware St. S.E., Mpls. 55440; (612)623-5265.

Department of Transportation

Petition of the City of Burnsville for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the City Council of Burnsville 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 Southcross Drive (M.S.A.S. 113) from Burnhaven Drive to C.S.A.H. 5.

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 design speed of 25 instead of the required 30 miles per hour.

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.

March 7, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation Technical Services Division

Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Thursday, March 28, 1985 at 9:00 A.M. in Room 410A, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by Minnesota Rules for State Aid Operations § 8820.3400 Subp. 3 adopted pursuant to Minnesota Statutes Chapters 161 and 162.

The agenda will be limited to these questions:

1. Petition of the City of Minneapolis for a variance from Standards for street width on M.S.A.S. 199 (West 60th Street) from Xerxes to Penn Avenue South.
2. Petition of the City of Minneapolis for a variance from Standards for street width on M.S.A.S. 313 and T.H. 5 (Hennepin Avenue) from Washington Avenue to 16th Street.
3. Petition of the Cities of Minneapolis, Edina and St. Louis Park for a variance from Standards for street width and for traffic lanes on France Avenue from 49½ Street to Excelsior Boulevard.
4. Petition of the County of LeSueur for a variance from Standards for design speed on C.S.A.H. 36 from C.S.A.H. 23 to the South Limits of LeSueur.
5. Petition of the County of Stearns for a variance from Standards for design speed for replacing Bridge No. 194 on C.S.A.H. 65 over the Burlington Northern with Bridge No. 73538 and approaches.
6. Petition of the City of Austin for a variance from Standards for street width on C.S.A.H. 23 (4th Street Southwest) from 4th Avenue Southwest to a point 800 feet South.
7. Petition of the County of Nicollet for a variance from Standards for design speed for the replacement of Bridge No. 89447 and approaches on County Road 71.
8. Petition of the County of Aitkin for a variance from Standards for recovery area width on C.S.A.H. 14 from T.H. 65 to 2.40 miles Northeast.
9. Petition of the City of Shakopee for a variance from Standards for recovery area width on M.S.A.S. 108 (Fourth Avenue) from County Road 83 to Shenandoah Drive.
10. Petition of the City of Northfield for a variance from Standards for design speed and bridge width on Water Street and Third Street from the Fourth Street Bridge to T.H. 3.
11. Petition of the City of Marshall for a variance from Standards for design speed on "E" Street from Lyon Street to East Main Street.

OFFICIAL NOTICES

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee:

9:00 A.M.—Minneapolis
9:20 A.M.—Minneapolis
9:40 A.M.—Minneapolis, Edina & St. Louis Park
10:00 A.M.—LeSueur County
10:20 A.M.—Stearns County
10:40 A.M.—Austin
11:00 A.M.—Nicollet County
11:20 A.M.—Aitkin County
11:40 A.M.—Shakopee
12:00 Noon—Lunch
1:00 P.M.—Northfield
1:20 P.M.—Marshall

March 5, 1985

Richard P. Braun
Commissioner of Transportation

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

Request for Proposals for Consultant to Assist with Selection of a Director of Materials Management

The Department of Administration is seeking proposals for a consultant to assist with the selection of a Director of Materials Management. This position will provide common leadership for Procurement, Inventory Management, Federal Surplus Property, and Contract Management.

Specific tasks of the consultant will be the following:

- Conduct a position analysis.
- Assist with advertising and recruitment.
- Develop interview protocol.
- Assessment of final candidates.

Approximately \$5,000 is budgeted for this project.

Proposals must be submitted by April 1, 1985 to:

Connie Robinson
Assistant Commissioner
Department of Administration
200 Administration Building
St. Paul, Minnesota 55155
(612) 296-6940

**Department of Administration
Procurement Division**

Commodities Contracts and Requisitions Currently Open for Bidding

<u>Requisition #</u>	<u>Item</u>	<u>Ordering Division</u>	<u>Delivery Point</u>	<u>Estimated Dollar Amount</u>
26-073-17320	Tektronix, Oscilloscope	St. Cloud State University	St. Cloud	Contact buyer
26-072-09210	Water System	Moorhead State University	Moorhead	Contact buyer
26-073-17309	Multi Function Meter	St. Cloud State University	St. Cloud	Contact buyer
29-002-10638	Ground Application of Herbicide	Natural Resources	Grand Rapids	Contact buyer
55-106-05834	Mobile Chart Rack	Willmar State Hospital	Willmar	Contact buyer
26-071-14945	Centrifuge	Mankato State University	Mankato	Contact buyer
07-300-33239	Fingerprint Detection Systems	Public Safety—Crime Bureau	St. Paul	Contact buyer
26-073-17347	Rapid Digester	St. Cloud State University	St. Cloud	Contact buyer
02-310-13661	Versamode	Oak Terrace Nursing Home	Minnetonka	Contact buyer
27-155-44142	Oscilloscope	Rainy River Community College	International Falls	Contact buyer
12-200-83771	Spectrophotometer	Health	Minneapolis	Contact buyer
04-361-26746	Gas Chromatograph	Agriculture	St. Paul	Contact buyer
26-072-09197	Spectrometer	Moorhead State University	Moorhead	Contact buyer
07-300-33238	Intoxilyzer	Public Safety—Crime Bureau	St. Paul	Contact buyer
07-300-33237	Gas Chromatograph	Public Safety—Crime Bureau	St. Paul	Contact buyer
12-200-83429	Meters	Health	Minneapolis	Contact buyer
Miscellaneous	Herbicides	Miscellaneous	Miscellaneous	Contact buyer
78-620-20741	Dental Equipment	MN Correctional Facility	Stillwater	Contact buyer
79-000-46537	Purchase of Personal Computer System	Transportation	St. Paul	Contact buyer
02-520-44412	Electric Straddle Stacker	Administration	St. Paul	Contact buyer
21-200-6605&6, 09390	Benefit Payment Author. Assembly w/Check	Economic Security	St. Paul	Contact buyer
55-000-6647, 90859	Household Report Form	Human Services	St. Paul	Contact buyer
21-200-6515, 09384	Separation Notices	Economic Security	St. Paul	Contact buyer
55-000-90793-90794	Vending Machines	Human Services—Services for the Blind	Fridley	Contact buyer
79-500-02817	Treated Wood & Lumber	Transportation	Minneapolis	Contact buyer
Sch. 93A	L.P. Gas	Various	Various	Contact buyer
77-000-09101	6 x 8 Shelter	MN Zoological Garden	Apple Valley	Contact buyer
29-000-37575, 6565	1985 Resident Deer Firearms License	Natural Resources	St. Paul	Contact buyer
02-511-41523, 6505	Employee's Bi-Weekly Time Report		St. Paul	Contact buyer
29-000-37577, 6567	1985 Resident Bow & Arrow Deer License	Natural Resources	St. Paul	Contact buyer
Contract	16mm Projectors	Various	Various	\$8,000-10,000

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-46354 Contract	Industrial Sweeper Wheel Bolts	Transportation MN Correctional Facility	Windom Stillwater	Contact buyer \$15,000-20,000
Sch. 195C 02-307-45524 Contract	Tractors, Loaders, & Mowers Grilles, Linear Printed Letterhead, Envelopes, Business Cards, etc.	Various Administration State Arts Board	Various St. Paul St. Paul	Contact buyer Contact buyer 6,000-10,000
02-310-13761, 02- 310-13762 Sch. 160-B Contract	Lounge Area Furniture Steel Chain & Accessories Non-Disposable Laboratory Glassware	Faribault State Hospital Transportation Various	Faribault Various Various	Contact buyer Contact buyer \$15,000-25,000
79-400-B 92-BG 79-900-02917, etc. Sch. 169-H	Plant Mix-Bituminous Gasohol (Bulk) Nursery Stock Safety Caps & Liners	Transportation Various Transportation Transportation	Detroit Lakes Various Various Various	Contact buyer Contact buyer Contact buyer Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Energy and Economic Development Energy Division

Request for Proposals to Develop Energy Audit Forms and Factsheets, Auditor Training Curriculum and Certification Exam for the Commercial and Apartment Conservation Service

Notice is hereby given that the Department of Energy and Economic Development, Energy Division intends to engage the services of a contractor to develop audit materials for use in the federally mandated Commercial and Apartment Conservation Service. Items to be developed include: Audit forms and factsheets related to energy conservation measures identified in the State Plan, development of the auditor training curriculum and the auditor certification exam. CACS is a program in which major gas and electric utilities offer energy audits to their large residential (multi-family) and small commercial customers. The actual delivery of audit services will either be provided directly by the utilities or through private energy service firms. The request for proposals will include detailed tasks to be performed under this contract. The Energy Division does not expect this contract to exceed \$30,000. All work must be performed by July 1, 1985.

The full request for proposals is available upon request. Inquiries and requests should be directed to:

Dan Flaherty
Audit Programs Coordinator
Residential Programs Activity
Department of Energy and Economic Development
150 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 297-3293

Proposals must be received by the Department of Energy and Economic Development, Energy Division, no later than 4:00 p.m., April 7, 1985.

Department of Health Emergency Medical Services Section

Request for Proposals for Regional Emergency Medical Services Maintenance Grants—Northwest, Northeast, Central, Southwest, and Metro Regions

The Commissioner of Health is requesting proposals for one year regional emergency medical services (EMS) maintenance grants for the following Minnesota EMS regions: Northwest, Northeast, Central, Southwest and Metro. Regional EMS maintenance grants will provide funding for on-going EMS system maintenance for EMS regions that have substantially completed the regional EMS development process at an annual rate of \$25,000.

This request for proposal (RFP) does not obligate the commissioner to fund the projects and the commissioner reserves the right to modify or cancel the solicitation if she considers it to be in the best interest of the state to do so.

I. Scope of the Project.

The purpose of these grants is to maintain regional EMS programs in the aforementioned regions of the state.

II. Objective.

The ultimate objective of these grants is to reduce death and disability due to medical emergencies by promoting the prevention of medical emergencies and by improving the quality of emergency medical care. In particular, improvements are expected in the cost-effective care of trauma and out-of-hospital cardiac arrest patients.

III. Grantee Qualifications.

Applications will be considered from not-for-profit corporations or governmental entities. Proprietary corporations are ineligible as the primary grantee under the federal block grant legislation which supports this program. The regional EMS project must provide services in all counties in the region, and will have demonstrated support of most local boards of health, CHS agencies and other organizations and agencies that are actively involved in EMS in the region.

IV. Proposal Contents.

Respondents must include the following minimum contents in proposals.

A. 1. Project Administration/Management

- a. Administrative structure
- b. Qualifications of:
 - (1) Project Staff
 - (2) Medical Director
 - (3) Clinical Consultants (trauma, cardiac)
- c. Regional Advisory Committees

B. Budget

1. Program Budget (task and line item breakdown)
2. Budget Narrative

C. Updated Regional EMS Plan

1. Updated regional EMS plans should address the following EMS program components as identified in the State EMS plan:

- a. Trained personnel (physicians, nurses, EMT's, EMT-I's, paramedics, first responders, dispatchers)
- b. Transportation
- c. Public safety coordination
- d. Communications
 - (1) Systems access (911)
 - (2) Regional EMS radio communications planning
 - (3) Regional medical control
 - (4) Medical control resource hospital

STATE CONTRACTS

- e. Public involvement
- f. Facilities access (addresses critical care systems planning for trauma and cardiac illness)
- g. System management (including plans for on-going system operations)

The updated regional EMS plan should reference the most current version of a regional EMS plan, identifying those areas of the plan requiring maintenance level activities.

The updated regional EMS plan will become the basis and serve as the justification for developing a workplan by addressing the following elements: current status; desired status; needs/problems; steps in progress; objectives; and evaluation measures for the program components listed above.

Maintenance level grantees will not necessarily be expected to develop objectives for each program component listed above but should address each of them in the updated plan. Grantees will be expected to identify those program elements which require maintenance level activity.

V. Submission of Proposals.

Interested parties must submit proposals no later than April 22, 1985 except that parties interested in responding with a proposal for the Metropolitan region need not submit a proposal until October 1, 1985. Proposals should be addressed directly to Mr. Carr in the EMS Section. Three copies of the proposals should be submitted to the Minnesota Department of Health. Prices and terms of the proposal as stated must be valid for the length of the program.

VI. Department Contact.

Prospective responders who have questions regarding this RFP may call or write:

Peter Carr, Chief
Emergency Medical Services Section
Minnesota Department of Health
717 Delaware S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5284

Department of Health Emergency Medical Services Section

Request for Proposals for Regional Emergency Medical Services Implementation Grants—South Central, Southeast, and West Central Regions

The Commissioner of Health is requesting proposals for one year regional emergency medical services (EMS) implementation grants for the following Minnesota EMS regions: South Central, Southeast, and West Central. Regional EMS implementation grants will provide funding to continue the development of regional systems of emergency care for EMS regions at an annual rate of \$100,000.

This request for proposal (RFP) does not obligate the commissioner to fund the projects and the commissioner reserves the right to modify or cancel the solicitation if she considers it to be in the best interest of the state to do so.

I. Scope of the Project.

The purpose of these grants is to continue implementing regional EMS programs in the aforementioned regions of the state.

II. Objective.

The ultimate objective of these grants is to reduce death and disability due to medical emergencies by promoting the prevention of medical emergencies and by improving the quality of emergency medical care. In particular, improvements are expected in the cost-effective care of trauma and out-of-hospital cardiac arrest patients.

III. Grantee Qualifications.

Applications will be considered from not-for-profit corporations or governmental entities. Proprietary corporations are ineligible as the primary grantee under the federal block grant legislation which supports this program. The regional EMS project must provide services in all counties in the region, and will have demonstrated support of most local boards of health, CHS agencies and other organizations and agencies that are actively involved in EMS in the region.

IV. Proposal Contents.

Respondents must include the following minimum contents in proposals.

A. 1. Project Administration/Management

- a. Administrative structure
- b. Qualifications of:
 - (1) Project Staff
 - (2) Medical Director
 - (3) Clinical Consultants (trauma, cardiac)
- c. Regional Advisory Committees

B. Budget

1. Program Budget (task and line item breakdown)
2. Budget Narrative

C. Updated Regional EMS Plan

1. Updated regional EMS plans should address the following EMS program components as identified in the State EMS plan:
 - a. Trained personnel (physicians, nurses, EMT's, EMT-I's, paramedics, first responders, dispatchers)
 - b. Transportation
 - c. Public safety coordination
 - d. Communications
 - (1) Systems access (911)
 - (2) Regional EMS radio communications planning
 - (3) Regional medical control
 - (4) Medical control resource hospital
 - e. Public involvement
 - f. Facilities access (addresses critical care systems planning for trauma and cardiac illness)
 - g. System management (including plans for on-going system operations)

The updated regional EMS plan should reference the most current version of a regional EMS plan, identifying those areas of concentration of the grantee will address in its efforts to implement a region-wide EMS system.

The updated regional EMS plan will become the basis and serve as the justification for developing a workplan by addressing the following elements: current status; desired status; needs/problems; steps in progress; objectives; and evaluation measures for the program components listed above.

Implementation level level grantees will not necessarily be expected to develop new objectives for each program component listed above but must address and update, if applicable, each existing element of the current plan. Grantees will be expected to identify those program elements which require maintenance level activity.

V. Submission of Proposals.

Interested parties must submit proposals no later than April 22, 1985. Proposals should be addressed directly to Mr. Carr in the EMS Section. Three copies of the proposals should be submitted to the Minnesota Department of Health. Prices and terms of the proposal as stated must be valid for the length of the program.

VI. Department Contact.

Prospective responders who have questions regarding this RFP may call or write:

Peter Carr, Chief
Emergency Medical Services Section
Minnesota Department of Health
717 Delaware S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5284

STATE CONTRACTS

Minnesota Historical Society

Availability of Contracts for Services for National Register Nominations and Historic Preservation Surveys

It is anticipated that the Minnesota Historical Society will require the services of qualified contractors or consultants to conduct and administer cultural resource (standing structures only) surveys of Beltrami, Clearwater, and Hubbard counties. The three counties listed above will constitute one contract for an estimated amount of \$14,000. The contract will extend from approximately May 1 to December 30, 1985.

The second contract will be to prepare nominations to the National Register of Historic Places for selected buildings owned by the State of Minnesota. This contract will be for approximately \$4,000 and extend from about April 15 to August 31, 1985.

The contractor on the survey contract will be responsible for all aspects of the survey including enlisting and documenting the assistance of identified local organizations.

Requirements:

1. A graduate degree in history, architectural history, art history, historic preservation, or closely related field; or a bachelor's degree in history, architectural history, art history, historic preservation or closely related field plus one of the following:
 - a. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency museum, or other professional institution; or
 - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history or American Architectural history.
2. A valid Minnesota driver's license.
3. Demonstrated experience in researching, identifying, locating and documenting historic standing structures in Minnesota.
4. Have successfully prepared a National Register form for property that has been placed on the Register within the last five years.

Qualified contractors/consultants should send proposal(s) (proposals should include a dollar bid and a proposed schedule, and should be limited to a maximum of two pages), resume, and completed national register form to Gloria A. Thompson, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101, no later than April 5, 1985. Call the Contract Officer at 296-8378 for further details. Award of any and all contracts is contingent upon availability of federal funds. The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. Contractors who have their nomination forms on file with the Society's Contract officer do not need to submit another.

Lawyer Trust Account Board

Notice of Grant Cycle, July 1, 1985 to June 30, 1986

The Minnesota Supreme Court has established a program to use the interest on lawyer trust accounts to improve the delivery of legal services to the poor, to promote the development of law-related education for the public, and to develop programs to enhance the administration of justice.

The Lawyer Trust Account Board has announced a grant program to distribute funds to projects in any of three program areas. The Board will support not only traditional approaches, but will encourage projects which show innovative approaches to recognized needs throughout the state. The Board is soliciting proposals. For application information, contact the Executive Director, 318 Capitol, St. Paul, MN 55155. The application deadline is April 15, 1985.

Supreme Court Legal Services Advisory Committee

Request for Proposals for Legal Services for Low Income People

The Legal Services Advisory Committee is requesting proposals for legal services and alternative dispute resolution programs for low income people.

Grant funds are contingent on the extension by the Legislature of the civil filing fee surcharge.

Inquiries should be directed to:

J. L. Rehak
230 State Capitol
St. Paul, MN 55155
(612) 296-6822

Application Deadline: May 15, 1985.

SUPREME COURT**Decisions Filed Friday, March 8, 1985**

Compiled by Wayne O. Tschimperle, Clerk

C8-83-309 Federated Mutual Insurance Co., Appellant, v. Concrete Units, Inc.; Conger Construction Company; Brownsdale Cooperative Association. Mower County.

The "diminution in value" of property as discussed in *Hauenstein v. St. Paul-Mercury Indemn. Co.*, 242 Minn. 354, 65 N.W.2d 122 (1954) is not "property damage" as defined in the 1973 revision of the standard comprehensive general liability policy.

Coverage is provided for consequential damages which are causally related to an item of "property damage" which satisfies a definition of that term in the 1973 revision of the standard comprehensive general liability policy.

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

Took no part, Coyne, J.

C4-83-1568 State of Minnesota, v. Mary Ann Jackson, Petitioner, Appellant. Court of Appeals.

The evidence was sufficient to support defendant's convictions.

Section 609.04 bars multiple convictions under different sections of a criminal statute for acts committed during a single behavioral incident.

Affirmed in part, reversed in part. Todd, J.

C6-83-1295 Telephone Associates, Inc., et al., Appellants-Respondents, v. St. Louis County Board, et al. Court of Appeals.

By inserting the average of the high and the low bids for maintenance of a telephone system into another bid for the telephone system, the county violated competitive bidding procedures.

Although lost profit is not recoverable, and rebidding impractical, the party challenging the award may recover in promissory estoppel attorney fees and expenses incurred while diligently challenging the award.

Affirmed and remanded. Todd, J.

Took no part, Yetka, J.

C8-83-1668 Robert D. Pierce v. Robert D. Pierce, Ltd., and Hartford Insurance Company, Relators-Respondents, and Travelers Insurance Company State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

When an employee settles a claim for temporary total disability and medical expenses against his former employer in Alaska and then seeks similar compensation benefits from his subsequent employer in this state based on the same disabling condition, the Minnesota employer-insurer is entitled to have the proceeds of the Alaska settlement credited against the compensation awarded employee in the Minnesota proceeding.

Reversed. Kelley, J.

CX-83-1252 In Re: the Marriage of: Katherine E. Grein, Petitioner, Appellant, v. Phillip D. Grein. Lyon County.

Proof of a persistent and unwarranted denial of or interference with duly authorized visitation as provided in Minn. Stat. 518.175, subd. 4 (1984) is to be considered by the trial court along with Minn. Stat. 518.18(d)(1984) in determining change of custody petitions.

Affirmed. Kelley, J.

SUPREME COURT

C9-84-118 Charles Wilken and LaVerle Wilken, Plaintiffs, v. International Harvester Company, Traffic Transport Engineering, Inc., v. Clark Transport Company, Inc. United States District Court.

A negligent employer's contribution liability under *Lambertson v. Cincinnati Corp.*, 312 Minn. 114, 257 N.W.2d 679 (Minn. 1977), includes not only workers' compensation benefits paid but also those benefits payable in the future.

The employer's future contribution is reduced to its present value and the contribution claim is to be paid in a single, lump sum payment. These calculations, for the most part, are to be made by the trial court in ruling on the contribution claim.

Supplementary benefits, whether already paid or to be paid in the future, are not to be included as part of the employer's contribution liability.

It is not necessary under the facts of this case that there be a separate workers' compensation proceeding to determine whether the employee's total disability is permanent before the trial court decides if the employer's taking of the government disability offset under Minn. Stat. § 176.101, subd. 4 (1982), was proper.

Certified questions answered. Simonett, J.

C8-83-990 Jerald W. Vacura, et al., Appellants, v. Haar's Equipment, Inc., et al.; Borg-Warner Acceptance Corporation, d.b.a. Borg-Warner Leasing, Appellants, and Allis-Chalmers Credit Corporation, et al., Defendants and Third-party Plaintiffs, v. Jim Pohlman, Allis Chalmers Credit Corporation, et al., Defendants, Third-Party Plaintiffs and Fourth-Party Plaintiffs, v. Harry Marks. Jackson County.

Authority may be inferred when an agent regularly exercises some power not expressly given to him and the principal, knowing of the practice, tacitly sanctions its continuance.

Under Minn. Stat. § 336.9-318(3) (1984), notification of an assignment will not cut-off the account debtor's right to pay his original creditor unless the debtor is also explicitly directed to make payment to the assignee.

When a secured party consents to the sale of the collateral, the collateral is transferred free of the claims of the secured party even though consent was conditioned on the debtor remitting the proceeds of the sale to the creditor and the proceeds were not remitted.

It is not the subjective intent of the grantor of a security interest but his manifest intent which is determinative of the validity of the security interest.

The "security interest created by his seller" as used in Minn. Stat. § 336.9-307(1) (1984), refers only to a security interest given by the seller as debtor and does not include any other security interest even though it was created in an agreement to which the seller was a non-debtor party.

It is impermissible for a judge to issue any order relating to the merits after he has removed himself from the matter.

Reversed and remanded. Coyne, J.

ERRATA

Department of Human Services

Correction in Proposed Rules on Licensure of Family and Group Family Day Care

An incorrect number was printed in *The State Register* on page 896, in rule part 9545.0367 B.(1) governing staff ratios for Group Family Day Care Homes. The number printed for total children under first grade was 6; the correct number should have been 8.

Rule parts 9545.0315 to 9545.0445 governing the licensure of Family and Group Family Day Care Homes were proposed on Oct. 29, 1984 (9SR 887).

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