

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 853

9/22 Fratto requested to send Rules as Adopted ~~Order for rule making~~ S.R. Cert. Compliance rec'd 9/22

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-20-82
DATE FOR REVIEW
DATE DUE 9-27-82

Adopted w/a hearing
Adopted w/o hearing
Temporary rule ✓

Approved ____ Disapproved 9-27-82 Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____ Revisor approved 9/27/82 disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 9.16.82 Date

N/A Notice of Intent to Solicit Outside Opinion

____ Order for rulemaking never existed
____ date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
____ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
8.4.82 At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

this notice + mailing not required — see Laws 82 Ch. 562

✓ Publication in State Register
8.23.82 At least ~~30~~/20 days prior to ~~hearing~~/adoption

not required but done

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
____ Approving H.E.'s Report
____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

____ Certificate of Board's Resolution Adopting Rules

____ Order Approving Incorporation by Reference

____ Statement of Need and Reasonableness

____ Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : ROLF MIDDLETON
Commissioner of Economic Security

DATE: 9/27/82

ATTN : THOMAS R. NELSON, Spec. Ass't. Atty. Gen.

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of a Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR § 4.3012)

The rules in the above-referenced matter have not been approved by this office for the following reason:

1. As noted by Thomas R. Nelson, Special Assistant Attorney General, in his Statement of Compliance with Rulemaking Procuedures and verified by this office, there appears to be no authority to promulgate this temporary rule under Minn. Stat. § 15.0412, Subd. 5 (Supp. 1981). Additionally, the Department of Economic Security has not been granted statutory authority to adopt temporary rules. Further, as required by Minn. Stat. § 15.0412, Subd. 5 (Supp. 1981), the Department is not directed by statute, federal law or court order to adopt a temporary rule without complying with Minn. Stat. § 15.0412, Subds. 4 to 4h.

While the above is the basis for disapproval of these rules, the following points should be noted for your Department's future consideration:

A. Minn. Stat. § 15.0412, Subd. 5 (Supp. 1981) requires that the Notice of Intent to Adopt Temporary Rules specify a period, not to exceed 180 days, during which the temporary rule will be effective. The Notice, published by the Department and presumably sent out to requesting parties, did not state such a period but merely indicated that it would be effective until a permanent rule was adopted.

B. 8 MCAR § 4.3012 sets forth those facilities classified under the "recreational or tourist industry," using the introductory phrase "including, but not limited to." Such phrasing is impermissible because it permits unrestricted discretion in classifying other types of facilities that are not articulated in the rule.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to call me.

TAM:drw

cc: Ms. Kathy Burek
Ms. Theresa Lauterbach
Mr. Duane Harves

Minnesota Department of Economic Security

390 North Robert Street ● St. Paul, Minnesota 55101

UNEMPLOYMENT INSURANCE DIVISION
Phone: 296-3574
Teletypewriter Number: 612/296-3711

September 15, 1982

Mr. J. Michael Miles
Assistant Attorney General
Department of Administration
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: Submittal of Adopted Temporary Rule

Dear Mr. Miles:

I am submitting the enclosed Temporary Rule for your review as to its legality.

Enclosed are two copies of the rule as published in the State Register, with approval of the Revisor of Statute; two copies of the Notice of Intent to Adopt a Temporary Rule; the Order to Adopt a Temporary Rule signed by Commissioner Middleton; a copy of the mailing lists of all persons or associations registered with this agency to receive notice of the rulemaking proceedings for the Unemployment Insurance Program, with a certification that the list was accurate at the time of mailing; and an affidavit that the notice was mailed to those persons or associations on the mailing list.

Sincerely,

Michael J. Fratto
Supervisor
Unemployment Insurance

Enclosure

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Economic Security

TO : Judith Wehrwein
Assistant Attorney General
204 Administration Building

DATE: 9/22/82

FROM : Michael J. Fratto MJF
Supervisor, UI Evaluation
and Analysis

PHONE: 6-3574

SUBJECT: Temporary Rule Regarding Unavailable Wages from Seasonal Employment

I have enclosed, as you requested, two copies of the adopted temporary rule, the August 23, 1982 State Register in which the Temporary Rule was published.

The Certificate of Compliance, which you requested, will be sent directly from our Special Assistant Attorney General, Thomas Nelson.

An Order for Publication was never issued.

If you have any further questions please call.

Department of Economic Security

Adopted Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR S 4.3012)

Rule as Adopted

8 MCAR S 4.3012 Unavailable wages

A. Definitions.

1. For the purpose of Minnesota Statutes, section 268.07, subdivision 2a, and 8 MCAR S 4.3012, the terms defined in 2 to 4 have the meanings given them.

2. "Recreation or tourist industry" is that industry which provides services directly to the consumer or customer including, but not limited to, those provided in recreational hotels, seasonal hotels, ski lodges and resorts, summer resort hotels, tourist courts or cabins, winter resort hotels, boys' or girls' camps, sporting and recreational camps, dude ranches, fishing camps, hunting camps, amusement parks, professional sports enterprises, racing activities, sport instruction camps or schools, boat rental, carnival, circuses, golf courses, and seasonal theaters. Enterprises which manufacture, distribute, or sell goods for use in tourism or recreation are not, because of those activities, within the recreation or tourist industry.

3. "Employer" means an employer in the recreation or tourist industry who provides services directly to a consumer. Where the operations, functions, or services of an employer may be divided into a severable and distinct operation, the severable operation may be an employer for purposes of Minnesota Statutes, section 268.07, subdivision 2a, and 8 MCAR S 4.3012.

4. "Seasonal employment" means work with an employer which, due to the employer's limited period of operation in the recreation or tourist industry, is available for 15 consecutive weeks or less.

B. Application of unavailable wage provisions. Wage credits and credit weeks earned in seasonal employment as defined in

Minnesota Statutes, section 268.07, subdivision 2a, shall be unavailable for benefit purposes if:

1. the employer is engaged in seasonal employment in the tourist or recreation industry;

2. the wage credits and credit weeks were earned by performing direct services to customers or consumers during an employer's established, regularly recurring, and definite seasonal employment period of 15 consecutive weeks or less; and

3. the individual earning the wage credits was employed solely for the purpose of performing services in one period of seasonal employment and was not employed with the employer in nonseasonal work.

C. Wages seasonably unavailable. For the purpose of Minnesota Statutes, section 268.07, subdivision 3, clause (5), seasonal wages may be used for claim purposes in combination with wages from nonseasonal employment only if:

1. the employer has resumed seasonal employment and work is not offered or available to the claimant due to no fault of the claimant's; or

2. the employer is no longer an employer offering seasonal employment.

D. Determinations of unavailable wages. Information necessary for the applicability of Minnesota Statutes, section 268.07, subdivision 2a, is not available to the Department of Economic Security. Therefore, any employer who wishes to protest the validity of a claim based on the unavailability of wages by application of Minnesota Statutes, section 268.07, subdivisions 2a or 3 shall make the protest within the time prescribed for filing a protest under Minnesota Statutes, section 268.10. If an employer files a late protest within the time limits of Minnesota Statutes, section 268.10, subdivision 2, clause (2), and the protest results in a redetermination of validity, the claimant shall not be required to repay any benefits received prior to the date of filing of the late protest and the employer shall be charged for benefits paid prior to the date of filing the late protest.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Department of Economic Security AR0246

Division:

Agency Contact: Mike Fratto 296-3574

Rule Numbers: 8 MCAR S 4.3012

Title: Adopted Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment

Type of Rules: Temporary

Incorporations by Reference: None
Rule Number: Material Incorporated:

Duplication of Statutory Language: None
Rule Number: Statutory Section Duplicated:

The attached rules are approved as to form, subject to the following editorial changes:

Page 1, line 8, after "4.3012" insert "[Temporary.]"

Page 1, line 8, after "wages" insert a period

Steven C. Cross

Revisor of Statutes

JCF / Paul Maurice

John C. Fuller

Assistant Revisor

Phone: 296-0955

Date: 9/23/82

Rules as Proposed (all new material)

AG copy

8 MCAR S 4.3012 Unavailable wages

A. Definitions.

1. For the purpose of Minnesota Statutes, section 268.07, subdivision 2a, and 8 MCAR S 4.3012, the terms defined in 2 to 4 have the meanings given them.

2. "Recreation or tourist industry" is that industry which provides services directly to the consumer or customer including, but not limited to, those provided in recreational hotels, seasonal hotels, ski lodges and resorts, summer resort hotels, tourist courts or cabins, winter resort hotels, boys' or girls' camps, sporting and recreational camps, dude ranches, fishing camps, hunting camps, amusement parks, professional sports enterprises, racing activities, sport instruction camps or schools, boat rental, carnival, circuses, golf courses, and seasonal theaters. Enterprises which manufacture, distribute, or sell goods for use in tourism or recreation are not, because of those activities, within the recreation or tourist industry.

? no indication of criteria for inclusion

3. "Employer" means an employer in the recreation or tourist industry who provides services directly to a consumer. Where the operations, functions, or services of an employer may be divided into a severable and distinct operation, the severable operation may be an employer for purposes of Minnesota Statutes, section 268.07, subdivision 2a, and 8 MCAR S 4.3012.

4. "Seasonal employment" means work with an employer which, due to the employer's limited period of operation in the recreation or tourist industry, is available for 15 consecutive weeks or less.

B. Application of unavailable wage provisions. Wage credits and credit weeks earned in seasonal employment as defined in Minnesota Statutes, section 268.07, subdivision 2a, shall be unavailable for benefit purposes if:

1. the employer is engaged in seasonal employment in the tourist or recreation industry;

2. the wage credits and credit weeks were earned by performing direct services to customers or consumers during an

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

employer's established, regularly recurring, and definite seasonal employment period of 15 consecutive weeks or less; and

3. the individual earning the wage credits was employed solely for the purpose of performing services in one period of seasonal employment and was not employed with the employer in nonseasonal work.

C. Wages seasonably unavailable. For the purpose of Minnesota Statutes, section 268.07, subdivision 3, clause (5), seasonal wages may be used for claim purposes in combination with wages from nonseasonal employment only if:

1. the employer has resumed seasonal employment and work is not offered or available to the claimant due to no fault of the claimant's; or

2. the employer is no longer an employer offering seasonal employment.

D. Determinations of unavailable wages. Information necessary for the applicability of Minnesota Statutes, section 268.07, subdivision 2a, is not available to the Department of Economic Security. Therefore, any employer who wishes to protest the validity of a claim based on the unavailability of wages by application of Minnesota Statutes, section 268.07, subdivisions 2a or 3 shall make the protest within the time prescribed for filing a protest under Minnesota Statutes, section 268.10. If an employer files a late protest within the time limits of Minnesota Statutes, section 268.10, subdivision 2, clause (2), and the protest results in a redetermination of validity, the claimant shall not be required to repay any benefits received prior to the date of filing of the late protest and the employer shall be charged for benefits paid prior to the date of filing the late protest.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

July 29, 1982
RD246

Agency Department of Economic Security

Division

Agency Contact Michael J. Fratto Phone Number 296-3574

Title: Unemployment Compensation; Unavailable Wages

Type of Rules: Permanent X Temporary

Incorporations by References: None

Rule Number	Material Incorporated
	Author
	Title
	Place
	Publisher
	Date
	Cost
	Places Available

See Additional references on back Yes No X

Duplication of Statutory Language None

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: John C. Fuller

Title: Assistant Revisor

Phone: 296-0955

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of a Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR 4.3012)

FINDING OF FACT, CONCLUSIONS, AND ORDER TO ADOPT A TEMPORARY RULE

A Notice of Intent to Adopt a Temporary Rule on Unavailable Wages from Seasonal Employment was published in the Minnesota State Register on August 23, 1982, Volume 7, Number 8, page 229. At that time all interested parties were given the opportunity to submit data and views on the temporary rule.

No response was received from any person or association. Therefore, the department finds no reason to modify the rule as published.

Therefore, I ORDER THE ADOPTION of the Temporary Rule on Unavailable Wages from Seasonal Employment as published in the State Register.

Dated: 9/16/82

Rolf Middleton, Commissioner

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of a Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR 4.3012)

NOTICE OF INTENT TO ADOPT A TEMPORARY RULE

Notice is hereby given that the Department of Economic Security, Unemployment Insurance Division has proposed the following temporary rule for the purpose of implementing the provisions of Laws of 1982, First Special Session, Chapter 001, governing benefit availability from seasonal employment as authorized by Minn. Stat. §§ 15.0412, Subd. 5 (1982), pending completion of a full adoption of a permanent rule.

All interested parties may submit data and views on the proposed temporary rule for a period of 20 days immediately following publication of this material. All submissions must be in writing and addressed to:

Michael J. Fratto
Supervisor, UI Evaluation and Analysis
Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

The temporary rule may be revised on the basis of data and views received. Any written material received will become part of the record and will be submitted to the Attorney General.

Rolf Middleton, Commissioner

In the Matter of the Proposed Adoption of a Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR 4.3012)

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Michael J. Fratto, being first duly sworn deposes and says:

That on the 4th day of August, 1982, at the city of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt a Temporary Rule and a copy of the temporary rule on Unavailable Wages from Seasonal Employment by depositing in the State of Minnesota Central Mail System for United States Mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Economic Security for the purpose of receiving notice of the proposed adoption of rules by the Division of Unemployment Insurance.

Michael D Fratto

Subscribed and sworn to before me

this 15th day of September 1982.

Helen Eckl

HELEN ECKL
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 16, 1987

In the Matter of the Proposed Adoption of a temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR 4.3012)

CERTIFICATE

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

I hereby certify that the list of persons, associations, and other interested groups who have requested, persuant to Minnesota Statute Section 15.0412, Subdivision 4, that their names be placed on file with and maintained by the Department of Economic Security for the purpose of receiving notice of the proposed adoption of rules by the Unemployment Insurance Division of this department is accurate and complete as of 8:00 A.M., this 4th day of August, 1982.

Mary Ellen Hennen
Office of Procedures Development
Minnesota Department of
Economic Security

UI (18)

effective 4/2/82

Herbert W. Meyer
City Manager's Office
2215 W. Old Shakopee Rd.
Bloomington, MN 55431

Marlene Robertson
Personnel Admin.
City of Bloomington
2215 W. Old Shakopee Rd.
Bloomington, MN 55431

Regulatory Department
S&FA Reporting Svcs., Inc.
1101-15th St., NW
Washington, D.C. 20005

Miller A. Friesen, ACSW Dtr.
Range Mental Health Center
Virginia, MN 55792

Charles Thomas
So. MN Regional Legal Services
P.O. Box 3304
Mankato, MN 56001

Abe Rosenthal
Executive Vice President
MN Transport Svcs. Assn.
1821 University Avenue (N310)
St. Paul, MN 55104

Paul M. Leegard, Personal Mgr.
White Lift Truck/White Farm
Equipment Mgr.
130-9th Ave. So.
Hopkins, MN 55343

Pete Lansdowne
Southern MN Legal Services
310 Medical Arts Bldg.
Albert Lea, MN 56007

Allyson Ashley, ACSW Exec. Dir.
Southwestern Mental Health Ctr.
2 Round Wind Road
Luverne, MN 56156

Western MN Legal Services
407 W. Litchfield Ave.
Willmar, MN 56201

Rick Carter
MN Assoc. of Health Care Fac.
2850 Metro Dr., Suite 429
Mpls, MN 55420

Linda Ewen
Anoka County Financial Svcs.
Courthouse, Third Floor
Anoka, MN 55303

John M. Broeker
2850 Metro Dr., Suite 800
Mpls, MN 55420

Glen Shaw, Exec. Director
SW & W Central Educ. Coop Svcs.
Southwest State University
Marshall, MN 56258

Kenneth McCormick
Hennepin County Economic
Assistance Dept.
A-1009 Hennepin Co. Govt. Ctr.
Mpls, MN 55487

Wendy M. Borsheim
MN Retail Merchants Assn.
180 Metro Sq. Bldg.
St. Paul, MN 55101

Director
Mid-MN Legal Assistance
222 Grain Exchange
323-4th Ave. So.
Mpls, MN 55415

Frank W. Levin
Attorney at Law
400 Midland Bank Bldg.
Mpls, MN 55401

ALL NOTICE
(24)

MN Council for the Handicapped
208 Metro Square
INTER-OFFICE

Kathleen P. Burek
Exec. Director, LCRAR
Room 430 State Office Bldg.
INTER-OFFICE

Charles Schaffer
Energy, Planning & Dev.
480 Cedar Street
INTER-OFFICE

MN Dept. of Energy, Planning
and Development
550 Cedar St.
INTER-OFFICE

R. J. Lavell, Deputy Comm.
Dept. of Veterans Affairs
Veterans Service Bldg.
INTER-OFFICE

F. James Rybak
Dept. of Economic Security
690 American Center
INTER-OFFICE

Jean Dawson, Editor
B-12 Press Room
State Capitol
INTER-OFFICE

Government Relations Dept.
United Way of Minneapolis
414 So. 8th Street
Mpls, MN 55404

R. J. Barto, Plant Manager
Midland Glass Co., Inc.
P.O. Box 69
Shakopee, MN 55379

Alan W. Ingram, Exec. Director
Nat'l Assoc. of Social Workers
Minnesota Chapter
614 Portland
St. Paul, MN 55102

Eric Fure
UWE-COACT
2902 W. 3rd St.
Duluth, MN 55806

John B. Lennes, Jr.
MACI
480 Cedar St.
St. Paul, MN 55101

Daniel D. Foth
6300 Walker St., Suite 109
Highway 7 and Wooddale
Mpls, MN 55416

Peter S. Popovich
314 Minnesota Bldg.
St. Paul, MN 55101

Terry Anderson, Director
Multi-Resource Ctrs., Inc.
1900 Chicago Ave.
Mpls, MN 55404

Barbara W. Kaufman
MAVSSA
141S Griggs-Midway Bldg.
1821 University Ave.
St. Paul, MN 55104

Dorsey & Whitney Law Firm
Library
2200 First Bank Place East
Mpls, MN 55402

Robert F. Carolan
Dakota County Attorney
Dakota County Govt. Ctr.
1560 Highway 55
Hastings, MN 55303

John G. Pidgeon
City Manager
2215 W. Old Shakopee Rd.
Bloomington, MN 55431

Martha Eaves, Attorney at Law
So. MN Regional Legal
Services Inc.
60 E. 4th St.
St. Paul, MN 55101

Pam Schmidt
Region Nine Development Comm.
410 So. 5th St.
P.O. Box 3367
Mankato, MN 56001

Mark Sexton
Tri-County Community Action
404 NE 2nd Ave.
Little Falls, MN 56345

MN CAP Directors Assn, Inc.
1821 University Ave.
Suite S-283
St. Paul, MN 55104

Phillips Legislative Service
459 Rice St.
St. Paul, MN 55103

STATE REGISTER

STATE OF MINNESOTA



VOLUME 7, NUMBER 8

August 23, 1982

Pages 225-240

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 7		
9	Monday Aug 16	Monday Aug 23	Monday Aug 30
10	Monday Aug 23	Monday Aug 30	Monday Sept 6
11	Monday Aug 30	Friday Sept 3	Monday Sept 13
12	Monday Sept 6	Monday Sept 13	Monday Sept 20

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

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

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

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.051. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.25 per copy.

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

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

Albert H. Quie
Governor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Carol Anderson Porter
Editor

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg
Editorial Staff

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

Cover graphic: *Minnesota State Capitol*, ink drawing by Ric James.

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 1-8 228

PROPOSED RULES

Economic Security Department
Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment 229

OFFICIAL NOTICES

Commerce Department
Insurance Division
Meeting of the Minnesota Comprehensive Health Association 231
Outside Opinion Sought on Rules Governing Self-Insurance by Pools of Political Subdivisions 231

LeSueur County
District and County Court
Filing Fees for the County Law Library 231

Metropolitan Council
Public Meeting on the 1983 Budget 232

Nursing Home Administrators Board
Outside Opinion Sought on Rules of the Board of Nursing Home Administrators 232

Public Safety Department
Safety Administration Division
Outside Opinion Sought on Rules Governing Method of Identification and Signals for School Safety Patrols in Minnesota 233

STATE CONTRACTS

Administration Department
Real Estate Management Division
Office Lease Proposals 234

Agriculture Department
Marketing and International Trade Division
Request for Proposals for Video Productions 234

Housing Finance Agency
Request for Proposals for Servicing Home Improvement Loans 234

ERRATA

Revenue Department 236

NOTICE

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

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

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

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 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 MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

1 MCAR §§ 2.0101-2.1101, 2.2101-2.2115, 2.4101-2.4205, 2.5101-2.5119 (adopted) 207

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.8001-1.8024 (proposed) 73
2 MCAR §§ 1.90100-1.90904 (adopted) 174

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0388-1.0404 (proposed) 5
3 MCAR §§ 1.0548-1.0560 (proposed) 78
3 MCAR §§ 1.0543-1.0547 (proposed repeal) 78
Agr 402, 404 (proposed repeal) 5

Part 2 Animal Health Board

3 MCAR § 2.015 (proposed) 110
3 MCAR § 2.032 (proposed) 111
3 MCAR § 2.062 (proposed) 109
LSB 33 (proposed) 111
LSB 62 (proposed repeal) 109

TITLE 4 COMMERCE

Part 1 Commerce Department

Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts for Deed) and 58-M and 59-M (Assignments of Contracts for Deed), Originals of Which Are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death Occurring after December 31, 1979 [proposed] 33
4 MCAR §§ 1.9081-1.9088 (proposed) 193

Part 3 Public Utilities Commission

4 MCAR §§ 3.0450-3.0463 (notice of hearing) 114

Part 10 Cosmetology Board

4 MCAR §§ 10.002 [Temp], 10.009 [Temp]-10.010 [Temp], 10.042 [Temp]-10.043 [Temp], 10.006 [Temp] (adopted) 94
4 MCAR §§ 10.004 [Temp], 10.021 [Temp], 10.026 [Temp], 10.028 [Temp], 10.041 [Temp] (continued) 94

TITLE 5 EDUCATION

Part 1 Education Department

EDU 143 [Temp]-EDU 146 [Temp] (proposed) 48
EDU 142 C. (proposed temporary repeal) 48
5 MCAR §§ 1.0720-1.0722, 1.0723-1.0724 (proposed) 196
5 MCAR §§ 1.0722, 1.0725 (proposed repeal) 196

TITLE 6 ENVIRONMENT

Part 2 Energy Agency (Energy, Planning and Development Department)

6 MCAR § 2.3120 (proposed) 86

TITLE 7 HEALTH

Part 10 Psychology Board

7 MCAR §§ 10.001-10.009 (adopted) 133
Psych 2, 5, 8, 10-13 (repealed) 133

TITLE 8 LABOR

Part 4 Economic Security Department

8 MCAR § 4.0012 (adopted) 174
8 MCAR § 4.3012 (proposed temporary) 229

TITLE 10 PLANNING

Part 1 Planning Agency (Energy, Planning and Development Department)

10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.555, 1.560, 1.565 (proposed) 87

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR §§ 1.0046-1.0048 (adopted) 207
SafAd 49-50 (repealed) 207
11 MCAR §§ 1.3071-1.3077 (withdrawn) 129
11 MCAR §§ 1.5101-1.5154 (proposed) 166
Fire Mar 30-51, 4401-4404 (proposed repeal) 166
11 MCAR §§ 1.6101-1.6106 (proposed) 52

TITLE 12 SOCIAL SERVICES

Part 2 Public Welfare Board

12 MCAR § 2.065 (adopted) 139
12 MCAR § 2.222 (proposed) 129

Part 3 Housing Finance Agency

12 MCAR § 3.002 [Temp] (proposed) 11
12 MCAR § 3.002 (proposed) 165

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.4010-1.4016 (adopted) 207
14 MCAR §§ 1.7025-1.7037 (proposed) 202

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Economic Security

Proposed Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR § 4.3012)

Request for Public Comment

Notice is hereby given that the Department of Economic Security, Unemployment Insurance Division has proposed the following temporary rule for the purpose of implementing the provisions of *Laws of 1982*, First Special Session, Chapter 001, governing benefit availability from seasonal employment as authorized by *Minn. Stat.* § 15.0412, Subd. 5 (1982), pending completion of a full adoption of a permanent rule.

All interested parties may submit data and views on the proposed temporary rule for a period of 20 days immediately following publication of this material. All submissions must be in writing and addressed to:

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.

Michael J. Fratto
Supervisor, UI Evaluation and Analysis
Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

The temporary rule may be revised on the basis of data and views received. Any written material received will become part of the record and will be submitted to the Attorney General.

Rolf Middleton, Commissioner

Rule as Proposed (all new material)

8 MCAR § 4.3012 Unavailable wages.

A. Definitions.

1. For the purpose of *Minn. Stat.* § 268.07, subd. 2a, and 8 MCAR § 4.3012, the terms defined in 2 to 4 have the meanings given them.

2. "Recreation or tourist industry" is that industry which provides services directly to the consumer or customer including, but not limited to, those provided in recreational hotels, seasonal hotels, ski lodges and resorts, summer resort hotels, tourist courts or cabins, winter resort hotels, boys' or girls' camps, sporting and recreational camps, dude ranches, fishing camps, hunting camps, amusement parks, professional sports enterprises, racing activities, sport instruction camps or schools, boat rental, carnival, circuses, golf courses, and seasonal theaters. Enterprises which manufacture, distribute, or sell goods for use in tourism or recreation are not, because of those activities, within the recreation or tourist industry.

3. "Employer" means an employer in the recreation or tourist industry who provides services directly to a consumer. Where the operations, functions, or services of an employer may be divided into a severable and distinct operation, the severable operation may be an employer for purposes of *Minn. Stat.* § 268.07, subd. 2a., and 8 MCAR § 4.3012.

4. "Seasonal employment" means work with an employer which, due to the employer's limited period of operation in the recreation or tourist industry, is available for 15 consecutive weeks or less.

B. Application of unavailable wage provisions. Wage credits and credit weeks earned in seasonal employment as defined in *Minn. Stat.* § 268.07, subd. 2a., shall be unavailable for benefit purposes if:

1. the employer is engaged in seasonal employment in the tourist or recreation industry;

2. the wage credits and credit weeks were earned by performing direct services to customers or consumers during an employer's established, regularly recurring, and definite seasonal employment period of 15 consecutive weeks or less; and

3. the individual earning the wage credits was employed solely for the purpose of performing services in one period of seasonal employment and was not employed with the employer in nonseasonal work.

C. Wages seasonably unavailable. For the purpose of *Minn. Stat.* § 268.07, subd. 3., clause (5), seasonal wages may be used for claim purposes in combination with wages from nonseasonal employment only if:

1. the employer has resumed seasonal employment and work is not offered or available to the claimant due to no fault of the claimant's; or

2. the employer is no longer an employer offering seasonal employment.

D. Determinations of unavailable wages. Information necessary for the applicability of *Minn. Stat.*, § 268.07, subd. 2a., is not available to the Department of Economic Security. Therefore, any employer who wishes to protest the validity of a claim based on the unavailability of wages by application of *Minn. Stat.*, § 268.07, subd. 2.a or 3. shall make the protest within the time prescribed for filing a protest under *Minn. Stat.* § 268.10. If an employer files a late protest within the time limits of *Minn. Stat.*, § 268.10, subd. 2., clause (2), and the protest results in a redetermination of validity, the claimant shall not be required to repay any benefits received prior to the date of filing of the late protest and the employer shall be charged for benefits paid prior to the date of filing the late protest.

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 Commerce Insurance Division

Notice of Meeting of the Minnesota Comprehensive Health Association

A meeting of the Minnesota Comprehensive Health Association's board of directors will take place on Tuesday, September 21, 1982 at Federated Mutual of Owatonna, beginning at 9:00 a.m.

Notice of change in scheduling of this meeting and notice of additional meetings can be obtained from: Insurance Division, 500 Metro Square Building, St. Paul, Minnesota 55101, (612) 296-2202.

Department of Commerce Insurance Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Self-Insurance by Pools of Political Subdivisions

Notice is hereby given that the Insurance Division is seeking information and opinions from persons outside the agency in preparing to promulgate rules governing self-insurance of workers' compensation, employee health benefits, and other liabilities by pools of political subdivisions. Promulgation of these rules is authorized by *Minn. Stat.* § 471.617, subd. 2, and *Minn. Stat.* § 471.982, subd. 2, which permit the agency to provide standards or guidelines governing the formation, operation, administration and dissolution of self-insurance pools.

The Insurance Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: John Klein, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3238.

All statements of information and comment shall be accepted until September 15, 1982. Any written material received by the Insurance Division shall become part of the record if the rules are promulgated.

Thomas L. O'Malley
Temporary Commissioner of Insurance

Le Sueur County District and County Court

Notice of Filing Fees for the County Law Library

Pursuant to Laws of Minnesota 1982, ch. 576, the Le Sueur County Law Library Board of Trustees announces the law library fees to be collected in the district, county, municipal, probate and conciliation courts of Le Sueur County.

Civil Actions

1. Plaintiff, petitioner or moving party when first paper is filed	$20.00 base fee 10.00 legal services fee 5.00 law library fee $35.00 total fee to be collected
2. Defendant, adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others when first paper is filed on his/their part	$15.00 base fee 10.00 legal services fee 5.00 law library fee $30.00 total fee to be collected

Marriage Dissolutions Actions

1. Petitioner	$20.00 base fee 15.00 battered womens' fund 5.00 law library $40.00 total fee to be collected
2. Respondent	$15.00 base fee 5.00 law library fee $20.00 total fee to be collected

Probate Actions/Proceedings

Includes all types of probate matters	$15.00 base fee 10.00 legal services fee 5.00 law library fee $30.00 total fee to be collected

Conciliation Court Actions

Fee applies to filing of claim and to filing of counterclaim	$ 5.00 base fee 1.00 legal services fee 5.00 law library fee $11.00 total fee to be collected

Marriage License Fee

For receiving the application and issuing a marriage license	$15.00 base fee $15.00 battered womens' fund $30.00 total fee to be collected

These fees shall be in effect from July 1, 1982 (or later date) to June 30, 1983.

August 3, 1982

Clarence Miller
County Commissioners

John Schmidt
Board of Trustees

Metropolitan Council

Notice of Public Hearing on the 1983 Budget and Work Program

The Metropolitan Council will hold a public hearing on Tuesday, September 14, 1982, at 5 p.m. in the Metropolitan Council offices, Room E, 300 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, on a proposed 1983 budget and work program. Before the budget is adopted, the council must decide upon the total amount necessary to be raised from ad valorem tax to meet its budget. All interested persons are encouraged to attend the hearing and offer comments. Persons may wish to register to speak in advance by contacting the council's public hearing coordinator at 291-6421. Copies of the proposed 1983 budget and work program are available free of charge from the council's public information office at 291-6464.

Charles Weaver, Chairman
Metropolitan Council

Nursing Home Administrators Board

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the Board of Nursing Home Administrators

Pursuant to *Minn. Stat.* § 15.0412, subd. 6, notice is hereby given that the Minnesota Board of Nursing Home Administrators wishes to solicit information and opinions from sources outside of the agency for the purpose of possible adoption, amendment, suspension or repeal of rules under authority of 144A.24. More specifically the purpose is to clarify and make more specific the academic requirements for licensure; to make the educational requirements for relicensure uniform for all applicants and to repeal outdated or obsolete sections of the rules.

If adopted, the rules in question would seek formally to establish the above-referenced procedures and safeguards for the Minnesota Board of Nursing Home Administrators.

Any persons desiring to submit data or views on these subjects should address their comments, by October 15, 1982, whether written or oral to:

Phillip C. Newberg
Executive Director
Mn. Bd. of Examiners for Nursing Home Administrators
717 Delaware Street, S.E. (Room 340)
Minneapolis, Mn. 55414
Tele: (612) 296-5406

All written submissions will become part of the record in any subsequent hearing.

Dated: August 11, 1982

Phillip C. Newberg
Executive Director
Minnesota Board of Nursing Home Administrators

Department of Public Safety
Safety Administration Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the Department of Public Safety Governing Method of Identification and Signals for School Safety Patrols in Minnesota

Notice is hereby given that the Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing identification, signals, equipment and usage procedures for school safety patrols. Such rulemaking would amend existing rules of the department identified as SafAd 65-73.

The promulgation of these rules is authorized by *Minn. Stat.* § 126.15, which requires the agency to prescribe the method of identification and signals to be used by school safety patrols.

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

Harlan Olson, Director
Office of Information
Department of Public Safety
318 Transportation Building
St. Paul, Mn. 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-6652 and in person at the above address.

All statements of information and comment shall be accepted until September 24, 1982. Any written material received by the Department of Public Safety shall become part of the record in the event that the rules are promulgated.

John P. Sopsic
Commissioner of Public Safety

STATE CONTRACTS

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

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

Department of Administration Real Estate Management Division

Wanted: Office Lease Proposals

Office space for up to seven state agencies totaling an estimated 15,000 square feet. Space increments as low as 500 square feet to the total 15,000 square feet will be considered.

Occupancy	—	April, 1983
Location	—	Bemidji, Minnesota
Lease Term	—	Two years with two year option
Parking	—	Tenant and public parking available
Design layout services	—	Available to agencies
Rental rate	—	Must include all building services for a "gross lease"

Lease proposals due in writing by September 15, 1982, 4:00 p.m. at:

Real Estate Management Division
G-22 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Department of Agriculture Marketing and International Trade Division

Notice of Request for Proposals for Video Productions

The Marketing and International Trade Division of the Department of Agriculture is seeking video producers to produce ten (10) programs that would be used to promote the sale of Minnesota livestock and other agri-business services and products in foreign markets. A key element of the productions will be translations in four (4) foreign languages.

These programs, which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) statement of work. The formal RFP may be requested and inquiries should be directed to:

Paul Hansen
Marketing and International Trade Division
Minnesota Department of Agriculture
90 West Plato Boulevard
Saint Paul, Minnesota 55107
Phone: (612) 297-3862

It is anticipated that the activities to accomplish these (10) programs will be accomplished for $25,000. The deadline for submission of completed proposals will be 4:30 p.m., September 20, 1982.

Housing Finance Agency

Notice of Request for Proposals for Servicing Home Improvement Loans

Notice is hereby given that the Housing Finance Agency is requesting proposals to service home improvement loans purchased by the agency under its Home Improvement Loan Program.

The Minnesota Housing Finance Agency Home Improvement Loan Program was established for the purpose of improving the housing stock of low and moderate income households in Minnesota. It is a loan purchase program through which approximately 300 local lenders throughout the state originate FHA–Title I insured loans for sale to the agency. Since commencement of the program in 1975, the Agency has purchased over 33,000 loans with a total principal amount over $171 million. Currently the portfolio contains 26,000 loans with a total outstanding principal balance of $115 million. Interest rates are generally between 1% and 8%, depending on household income. Interest rates on loans originated since January 1, 1982 range from 3% to 14½%. All borrowers under the program must be considered to be reasonable credit risks by the originating lender and MHFA.

It is the present intention of the agency to continue to contract with its present servicer, National Escrow Corporation, for a portion of the servicing. The agency intends to select one additional servicer based on proposals received in response to this request.

Servicing proposals should anticipate servicing an average of 2,000 to 3,000 new loans per calendar year. Additionally, the proposal may request the immediate assumption of the servicing of approximately 5,500 seasoned loans.

The contractor will be required to provide the following servicing functions.

1. Computerized set-up, billing, payment application and recordkeeping.

2. Provision of such reports as the agency finds necessary to perform its accounting and monitoring functions.

3. Performance of complete collection services consistent with FHA Title I Guidelines including, but not limited to, contacting borrowers through late notices, telephone calls and, when applicable, personal visits; recommending refinances and reaffirmations; preparing bankruptcy and decedent estate proofs of claim, assignment of proof of claim, assignments of mortgage to the U.S. Department of Housing and Urban Development and FHA–Title I claim forms for execution by the Minnesota Housing Finance Agency.

4. Reporting of delinquent accounts to credit bureaus.

5. Storage of loan files.

6. Provision of microfiche copies of loan documents (average 15 pages per loan).

7. Preparation of satisfactions of mortgage for loans paid in full.

Proposals must be consistent with the Agency Home Improvement Loan Servicing Guide which is available upon request from the agency. Proposals should indicate whether or not the contractor desires and has the capability to immediately assume the servicing of approximately 5,500 seasoned loans. In addition, the following materials must be submitted:

1. A breakdown of the proposed servicing cost, including set up charges, monthly charges, conversion charges, and any other special charges or fees.

2. A description of the contractor's servicing capacity and facilities, including a description of the computer hardware and software to be used in servicing the loans.

3. A detailed description of home improvement loan servicing procedures, including processing of payments, record keeping, accounting, delinquency collection methods and foreclosure procedures.

4. A description of organizational structure, including an organizational chart, and staffing arrangements which will be employed to perform the services described. Brief resumes of current employees who will be assigned to this project should also be included.

5. A description of the current consumer loan portfolio being serviced, with a special note regarding the number of Title I loans included. Performance indicators including delinquency and default statistics should be presented.

6. Current audited financial statements.

Evaluation and award will be based on the above factors.

Proposals must be in writing and must be received by the agency no later than 4:30 PM on September 30, 1982.

General inquiries and proposals should be sent to:

Mary Tingerthal, Director
Home Improvement Programs
Minnesota Housing Finance Agency
333 Sibley Street—Suite 200
St. Paul, MN 55101
(612) 297-3126

Errata

Department of Revenue

At 6 S.R. 2014, May 31, 1982, the Department of Revenue published proposed amendments to the rules governing subtraction for interest on United States government obligations. Please make the following corrections.

At 6 S.R. 2015 under Exhibit I change Exempt Obligations Listed Name of Security to Exempt Obligations Listed by Name of Security.

At 6 S.R. 2015 change the word Cooperative to Cooperatives.

At 6 S.R. 2015 change 31 USC § 742, Tabak v. Commissioner to 31 USC § 742, Tobak v. Commissioner.

At 6 S.R. 2016, under Exhibit II in number 4, 3rd column, change 1717 (c) and 1721 to 12 USC 1717(c) and 1721.

At 6 S.R. 2017, under Exhibit IV, number 3, column 1 change financial to financing.

At 6 S.R. 2017, under Exhibit IV, number 14, column 2 change wich to which.

STATE OF MINNESOTA

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

ORDER FORM

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

_____ Annual subscription $130.00
_____ Single copies $3.25 each

Minnesota Guidebook to State Agency Services 1982-83 A 750-page reference guide to services provided by Minnesota agencies.

_____ Single copy $9.00 + $.45 sales tax = $9.45 each

Session Laws of Minnesota—1981. Two volumes. Laws enacted during the 1981 legislative session. Inquire about back volumes. $25 + $1.25 (sales tax) = $26.25.

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

_____*State Register Binder* $6.00 + $.30 (sales tax) = $6.30* each

State Register Index. Contains cumulative findings aids to Volume 5 of the *State Register,* including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

_____Single copy $5.00

Worker's Compensation Decisions. Volume 34. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service.

_____Annual subscription $50.00

Documents Center Catalog—Spring/Summer 1982. Complete listing of all items available through the Documents Center. Agency rules, brochures, studies, catalogs, maps, prints, commemorative items and much more.

_____FREE COPY

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

Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

EACH ORDER MUST INCLUDE ADDITIONAL $1.00 FOR POSTAGE AND HANDLING.

Name_____

Attention of: _____

Street _____

City _____ State _____ Zip _____

Telephone_____

FOR LEGISLATIVE NEWS

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

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

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

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

This Week—weekly interim bulletin of the House. Contact House Information Office.

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of a Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR 4.3012)

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Thomas R. Nelson, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

1) It is questionable whether there is authority to promulgate this temporary rule under Minn. Stat. § 15.0412, subd. 5 (Supp. 1981). The Department of Economic Security is not expressly authorized by statute to adopt temporary rules (See Minn. Stat. § 268.12, subd. 3). Nor is the Department directed by statute, federal law or court order to adopt a rule without complying with Minn. Stat. § 15.0412, subds. 4 to 4h.

2) Minn. Stat. § 15.0412, subd. 5 (Supp. 1981) appears to require that the Notice of Intent to Adopt Temporary Rules specify a period, not to exceed 180 days, during which the temporary rule will be effective. The Notice published by the Department did not state such a period, but merely indicated that it would be effective until a permanent rule is adopted.

Thomas R. Nelson

THOMAS R. NELSON
Special Assistant
Attorney General

Dated: September 24, 1982.