

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : July 8, 1987

TO : ELROY N. BERDAHL
Supervisor, Code Consultants

FROM : MIKE MILES
Assistant Attorney General

PHONE : 6-6555

SUBJECT : In the Matter of the Adopted Rules Relating to State Building Code

The above-referenced rule has been approved as to its legality by the Attorney General on July 2, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM:nah

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Adminsitrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RULE REVIEW CHECKLIST

File No. 1377

Docket No. 05.0009.0004

DATE RECEIVED 6/19/87
REVIEW DATE 6/26/87
DUE DATE 7/3/87

ADOPTED W/O HEARING X
EMERGENCY RULE

APPROVED 7/2/87
DISAPPROVED
WITHDRAWN

REVISOR APPROVED
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
10/20/86 Date published in State Register
1 Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
326.241-326.248 + 16B.61 Statutory Authority
yes Small business statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
4/21/87 Date 30/25 days before adoption

✓ Publication in State Register
4/27/87 Date 30/25 days before adoption

Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
6/3/87 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney
yes Name of SAAG representing agency

✓ Certificate ~~Notice of Submission to Attorney General~~

✓ Certificate of authorizing ~~Affidavit of Mailing Notice to Attorney General~~

Department of Administration

Adopted Permanent Rules Relating to the State Building Code

Rules as Adopted

1315.0200 SCOPE.

Subpart 1. **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, power, and alarm and communication systems must comply with the regulations contained in the 1987 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA 70-1987), Minnesota Statutes, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration.

Subp. 2. [See Repealer.]

REPEALER. Minnesota Rules, parts 1315.0200, subpart 2, and 1315.0400, are repealed.

APPROVED AS TO FORM AND LEGALITY

7/2 19 87

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 6 1987

Joan Anderson Growe
Secretary of State

2:45 pm

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 Administration
Building Codes and Standards Division

Notice of Solicitation of Outside Information or Opinions Regarding the Proposed Adoption of the 1987 Edition of the National Electrical Code

Notice is hereby given that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency in preparing to adopt the 1987 Edition of the National Electrical Code as adopted by National Fire Protection Association (NFPA), on May 21, 1986 and released by the STANDARDS COUNCIL July 10, 1986 and approved by the American National Standards Institute on July 30, 1986. The adoption of the rule is authorized by Minnesota Statutes, section 16B.59, which permits the commissioner of administration to adopt and amend the State Building Code, and section 16B.64 which authorizes the commissioner of administration to hold all state hearings in regard to the State Building Code including rules proposed by another state agency.

The State Building Codes and Standards Division requests information and opinions concerning the subject matter of the rule. This rule is intended to replace the 1984 Edition of the National Electrical Code. The National Electrical Code is administered and enforced by the State Board of Electricity and certain municipalities. Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to Margaret Opalinski, Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

All statements of information and opinions shall be accepted until November 18, 1986. Any written material received by the State Building Codes and Standards Division shall become part of the rulemaking record to be submitted to the attorney general the administrative law judge in the event that the rule is adopted.

Sandra J. Hale, Commissioner
Dept. of Administration

Department of Commerce
Minnesota Joint Underwriting Association

Notice of Activation to Insure Specified Classes of Business, Public Hearing on Permanent Activation and Pre-Hearing Conference

Notice is hereby given that, pursuant to Minnesota Statutes, section 621.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers through ordinary means.

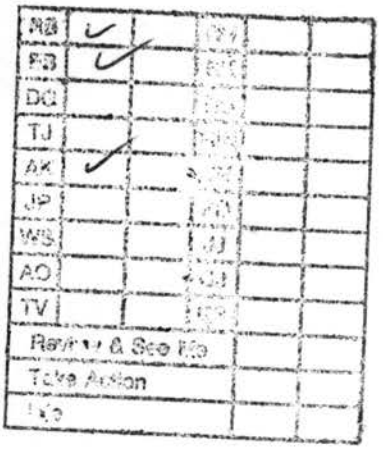
1. Bonds for Grain Buyers licensed pursuant to Minnesota Statutes, section 223.17,
2. Bonds for Public grain warehouse operators licensed pursuant to Minnesota Statutes, section 232.22,
3. Aircraft liability,
4. Bookstores,
5. Dating Services,
6. Electrical contractor bid bonds,
7. Motor vehicle dealer surety bonds,
8. Asbestos Abatement Contractors,
9. Architects,
10. Watershed District Manager—Public liability,
11. Lake aerating services,

Office of the Revisor of Statutes
Administrative Rules

Craig E. Lindeke
Senior Assistant Revisor
296-0946

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

April 6, 1987



Alvin Kleinbeck, Codes Administrator
Department of Administration
408 Metro Square
Saint Paul, Minnesota 55101

RE: RD1085 State Building Code

Dear Mr. Kleinbeck:

We are enclosing six copies of your rule, approved as to form. Please submit two copies to the State Register.

If you have any questions, do not hesitate to call.

Very truly yours,

CEL / pmm

Craig E. Lindeke

CEL/jc
Encl.

Department of Administration

Proposed Permanent Rules Relating to the State Building Code

Rules as Proposed

1315.0200 SCOPE.

Subpart 1. ~~Documents contained in electrical code~~ **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, ~~and~~ power, and alarm and communication systems must comply with the regulations contained in the ~~1984~~ 1987 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute ~~(ANSI/NFPA 70 1984)~~ (ANSI/NFPA 70-1987), ~~with tentative interim amendment 70 84 2,~~ Minnesota Statutes, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration.

Subp. 2. [See Repealer.]

REPEALER. Minnesota Rules, parts 1315.0200, subpart 2, and 1315.0400, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the State Building Code

AGENCY: Department of Administration

MINNESOTA RULES: Chapter 1315

The attached rules are approved for publication in the State Register

CEL / pmm

Craig E. Lindeke
Senior Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS

In the Matter of the Proposed Adoption of the Rule of the State Department of Administration Governing the Adoption of the National Electrical Code 1987 Edition

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Administration in cooperation with the State Board of Electricity intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 16B.61 and 326.241 to 326.248.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdrew their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20. If no hearing is requested, the agency will adopt the proposed rule to be effective no sooner than July 1, 1987.

Comments or written requests for a public hearing must be submitted to:

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4626

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule noticed.

A copy of the proposed rule is available from the Building Codes & Standards Division at the above address.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the agency upon request.

Copies of the 1987 National Electrical Code are in general distribution and may be reviewed at the Minnesota Building Codes and Standards Division and obtained from the State Board of Electricity.

You are advised, pursuant to Minnesota Statutes, Section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $100,000 in either of the two years following the adoption of these rules. Also, pursuant to Minnesota Statutes, Section 14.115, Subd. 2, the Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed. The proposed rules do not require businesses to make reports so the requirements for reporting required in items (a), (b) and (c) are not applicable. Compliance requirements of items (a), (b), (c) and (e) are not appropriate because the purpose of the rules is to establish a minimum standard for the application and installation of electrical wiring and its associated materials in all public, private, commercial, industrial and residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents at the least possible cost consistent with recognized standards. Minnesota Statute Section 16B.59 (1984). To exempt small businesses from any or all requirements of the rules would be contrary to statutory obligations that are the basis of the proposed rulemaking, Minnesota Statutes Section 16B.59, 16B.61 and 16B.64. The legislature has specifically mandated that the uniformity of construction standards is in the public interest. Minnesota Statute Section 16B.61 states in part: The code must conform insofar as practicable to model codes generally accepted and in use throughout the United States.

Minnesota Statutes Section 14.115 Subd. 2(d) calls for the establishment of performance standards for small businesses as one method of reducing the adverse impact of rules upon them. The National Electrical Code is based on the application of scientific principles, approved tests and professional judgement; and to the extent practicable are in terms or results rather than requiring specific methods and materials.

Since performance standards apply across the board to all entities subject to the code, the methods of reducing the impact of rules provided by Subd. 2(d) has been utilized. No special changes are necessary for small businesses.

Pursuant to MN Stat. 14.115, subd. 4(a) the statements in the preceding three paragraphs constitute the statement of the impact of the rule on small businesses, and the probable qualitative and quantitative effect of its rules.

The Minnesota Building Codes and Standards Division has evaluated the effects of Minnesota Statutes 3.981 to 3.983 and 14.131 and believe that the promulgation of these proposed rules will not result in the expenditure of monies by local public bodies nor have an impact on agricultural land and meets the test of the exemptions to fiscal notes as provided in Minnesota Statute 3.983.

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.10, Subdivision 11 as an 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 $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota 55101, (612) 296-5148.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney Generals Office for review as to legality and form to the extend the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit written request to the Building Codes and Standards Division.

Date: 4/3/87

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPARTMENT OF ADMINISTRATION

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES AND STANDARDS DIVISION

In the Matter of Proposed Rule
on Adoption of the National
Electrical Code 1987 Edition

STATEMENT OF NEED AND
REASONABLENESS

The Minnesota State Building Code Chapter 1300 includes the adoption of current model codes and amendments to these model codes. One of these model codes is the National Electrical Code (ANSI/NFPA 70) copyright National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass., that provides for electrical design and construction. The National Electrical Code is updated and printed every three years.

The Minnesota Electrical Act MN Stats. 326.243 Safety Standards: requires that the "most recently published edition of the National Electrical Code as approved by the United States of America Standards Institute and the National Electrical Safety Code as issued by the National Bureau of Standards shall be prima facie evidence of accepted standards of construction for safety to life and property.....Minnesota building code shall also constitute compliance with the section...." Therefore the new 1987 edition is the most recent edition of the National Electrical Code and must be incorporated into the Minnesota State Building Code. Authorization for building code adoption of the National Electrical Code is provided in MN Stats. Sec. 16B.64.

The 1987 Edition of the Minnesota State Building Code (Chapter 1300) presently contains the 1984 National Electrical Code by reference and specifies amendments to the 1984 National Electrical Code. The proposed adoption of the 1987 NEC is sufficient in content so that the previous amendments are to be repealed with the adoption of the 1987 National Electrical Code.

Adopting the 1987 Edition of the National Electrical Code complies with the intent of MN Stats. Sec. 16B.64 and Sec. 326.243, for the safety of Minnesota citizens.

Date: 4/3/87

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed
Adoption of the Rule of the State
Department of Administration
Governing the Adoption of the
National Electrical Code 1987 Edition

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Margaret Opalinski, being first duly sworn deposes and says:

That on the 21st day of April, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt a Rule Without a Public Hearing 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 Building Codes and Standards Division for the purpose of receiving notice of the proposed adoption of rules by this division.

Margaret Opalinski
Margaret Opalinski

Subscribed and sworn to before me
this 21st day of April, 1987.

Janice G Johnson

JANICE G. JOHNSON
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
MY COMM. EXPIRES NOV. 23, 1989

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



Monday 27 April 1987

VOLUME 11, NUMBER 43

Pages 1973-2020

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
43	Monday 13 April	Monday 20 April	Monday 27 April
44	Monday 20 April	Monday 27 April	Monday 4 May
45	Monday 27 April	Monday 4 May	Monday 11 May
46	Monday 4 May	Monday 11 May	Monday 18 May

*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 State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.50 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.

Rudy Perpich, Governor

Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Minnesota Documents Division

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

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

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

CONTENTS

Minnesota Rules: Amendments & Additions

Issues 40-43 inclusive 1976

Proposed Rules

Administration Department

Building codes & standards certification maintenance 1977
Building codes & standards national electrical code 1987 edition 1982

Human Services Department

Parental fees for children placed in 24-hour out-of-home care 1984

Optometry Board

Terms and renewal of license 1987

Adopted Rules

Agriculture Department

Self-service beverage dispensing into multi-use bottles 1989

Human Services Department

Nursing home payment rate determination 1989
Nursing home operating cost payment rate determination 1990

Pollution Control Agency

Hazardous waste fees 1993

Executive Orders

Order #87-6: Amending Executive Order No. 86-12 providing for the establishment of a Governor's Advisory Council on Technology and Persons with Disabilities 1994
Order #87-7: Providing for the establishment of a State Emergency Response Commission 1995
Order #87-8: Providing for assistance to officials of several counties in the state of Minnesota 1996

Official Notices

Metropolitan Council

Public hearing on the Regional Highway Jurisdiction Study report 1997

Ramsey County Public Works Department

Request for prequalifications statements for highway reconstruction preliminary engineering—design 1997

Transportation Department

List of rights-of-way proposed for acquisition 1998

State Contracts & Advertised Bids

Administration Department

Contracts and requisitions open for bid 1999
Contract for backup computer programming 1999
Contract for backup microcomputer consulting services 2000
Contract for backup systems analysis 2000

Corrections Department

Request for proposals for providing food services 2001

Health Department

Contracts available for medical and related services for handicapped 2001

Human Services Department

Request for proposals for medical services for Ah-Gwah-Ching Nursing Home 2001
Request for proposals for medical services for Cambridge Regional Human Services Center 2001
Request for proposals for services to be performed on a contractual basis for Faribault Regional Center 2002
Request for proposals for services to be delivered on a contractual basis for Fergus Falls Regional Treatment Center 2003
Request for proposal for medical services for Moose Lake Regional Treatment Center 2004
Request for proposal for medical services for St. Peter Regional Treatment Center 2005
Request for proposal for medical services for Willmar Regional Treatment Center 2005

Natural Resources Department

Contract for provision of Summer Youth Camp facilities and food services 2006

Transportation Department

Contract for photogrammetric services 2007
Request for proposal for film scripting and story boarding 2007

Non-State Public Contracts

Metropolitan Waste Control Commission

Advertisement for furnishing of maintenance management software and associated data collection/data entry services 2010

Ramsey County

Request for proposals for building renovation 2010
Request for proposals for building site development 2010

Supreme Court Decisions

Decisions filed Friday 17 April 1987 2011

NOTICE

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

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

The PROPOSED RULES section contains:

- 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 requested by an agency.)
- 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 April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

Issues 1-13, inclusive
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

MINNESOTA RULES
Amendments and Additions

ADMINISTRATION DEPARTMENT

1300.0940, .0944, .0946, 0948 (proposed) 1977
1315.0200 (proposed) 1982
1315.0200 subpart 2, 1315.0400 (proposed repealer) 1982

AGRICULTURE DEPARTMENT

1550.3100, 3110, .3120, .3130, .3140, .3150, .3170 (adopted) 1989

VOCATIONAL TECHNICAL EDUCATION BOARD

3515.5051-.5066 (adopted emergency) 1834

ENERGY & ECONOMIC DEVELOPMENT DEPARTMENT

4300.1100; .1200; .2000; .3100; .3200 (correction) 1951

HEALTH DEPARTMENT

4615.0200 (repealed) 1887
4700.2600-.4000 (adopted) 1887

NURSING BOARD

6301.0100; 6310.2600; .2700; .2800; .2900; .3100; .3300; .3400; .3500; .3600; .3700; 6330.0600; .0700 (proposed) 1817
6310.2800, s.3; .7600; .7700; .7800; .7900; .8000; .8100 (proposed repealer 7/31/87) 1817
6310.3100, s.3,4 (proposed repealer 3/31/88) 1817
6310.2900, s.6a (proposed repealer 12/31/93) 1817

LABOR & INDUSTRY DEPARTMENT

5226.0010, .0020, .0030, .0040, .0050, .0060, .0070, .0080, .0090, .0100, .0110, .0120, .0130, (proposed) 1913
5225.0100, .0200, .0300, .0400, .0500, .0600, .0700, .0900, 5230.0050, .0060, .0070, .0080, .0090, .0100 (proposed repealer) 1913

OPTOMETRY BOARD

6500.2800, .2900 1987

POLLUTION CONTROL AGENCY

7001.0020, .0040, .0050, .0190, .4000, .4010, .4020, .4030, .4035, .4040, .4050, .4060, .4070, .4080, .4090, .4110, .4120, .4130, .4140, .4150; 7035.8200, .8205, .8210, .8220, .8230, .8240, .8250, .8260, .8270, .8280, .8290, .8300, .8400, .8410, .8420, .8430, .8440, .8450, .8460, .8470, .8480, .8490, .8500, .8510, .8520, .8530, .8540, .8550, .8560, .8570, .8580, .8590, .8700, .8710, (proposed) 1918
7001.0150; .0520; .0590; .0600; .0620; .0650; .0712; .0720; 7045.0200; .0075; .0080; .0102; .0120; .0125; .0135; .0139; .0140; .0214; .0261; .0275; .0296; .0302; .0395; .0458; .0460; .0468;

.0476; .0478; .0482; .0484; .0485; .0538; .0552; .0556; .0584; .0588; .0638 (adopted) 1832
7045.0075, .0219, .0261, .0292, .0381 (adopted) 1950
7045.0534 s.4,5 (repealed) 1832
7046.0031, .0040, 0050, .0070 (adopted) 1993
7046.0030, .0050 subpart 2 (adopted repealer) 1993

PUBLIC SAFETY DEPARTMENT

7406.0100; .0300; .0500; .0700 (withdrawn) 1886

TEACHING BOARD

8700.0210; .4710; .5900; .7800 (correction) 1793

HUMAN SERVICES DEPARTMENT

9525.1500-.1690 (proposed) 1862
9549.0050, .0051, .0052, .0053, .0054, .0055, .0056, .0057, .0058, .0059 (adopted) 1990
9549.0060 (adopted) 1989
9550.6210, .6220 (proposed) 1986
9553.0050; .0060; .0061; .0075 (proposed) 1857

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 Administration

Proposed Permanent Rules Relating to Certification Maintenance

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Administration intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 16B.61.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 20 percent of the persons who will be required to pay the fee submit a written request for a public hearing within the 30 day comment period a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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.

Comments or written requests for a public hearing must be submitted to:

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4626

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., May 29, 1987.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule noticed.

A copy of the proposed rule is available from the Building Codes and Standards Division.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the agency upon request.

The commissioner proposes to adopt rules governing the guidelines providing for continuing education units to be earned by Class I and Class II Certified Building Officials.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 16B.58 through 16B.73. 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 for review at the Building Codes and Standards Division.

You are advised, pursuant to Minnesota Statutes, 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 Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $100,000.00 in either of the two years 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 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 the Building Codes and Standards Division.

A copy of this Notice and the proposed rules are available and may be obtained by request from the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Date: 3 April 1987

Sandra J. Hale, Commissioner
Department of Administration

Statement of Need and Reasonableness

The proposed rules and amendments to the existing Minnesota State Building Code are made pursuant to MN Stat. Section 16B.59.

Pursuant to MN Stat. Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating the Minnesota State Building Code. It is the duty of the Commissioner to amend the Minnesota State Building Code to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property, and public welfare as well as regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The implementation of these rules will not require the expenditure of public money by local bodies of greater than $100,000.00 in either of the two years following adoption nor have an impact on agriculture land. The small business considerations in rulemaking do not apply to these amendments pursuant to Minnesota Statutes, Section 14.115, subd. (8c) (1984). Most local governments establish a budget line for training of its employees where there is need for upgrading of standards or changes in requirements of areas regulated by local governments. To help defray some of the expense involved in continuing education of certified employees, a portion of the surcharge rebate authorized by MN Stats. 16B.70, refunded to the municipalities on a biennium basis, could be earmarked to that purpose, thereby reducing or eliminating any additional public monies to carry out the program of these rules. Therefore in the implementation of these rules it is estimated that it should not require an additional expenditure of public monies by local governments of more than $100,000.00 in each of the two years following adoption of these rules.

A number of building officials sought guidelines concerning a requirement for continuing education and recertification in the early 1980's. It had been determined that a statutory amendment was necessary so that the Department of Administration, Building Codes and Standards Division could establish by rule the requirements to satisfy that need.

The Session Laws of 1984, Chapter 578, amended Minnesota Statutes 1982, Section 16.861, by adding subdivision 3a, authorizing the Commissioner of Administration to establish or authorize by rule continuing education programs for municipal building officials dealing with matters of building code administration, inspection and enforcement.

The law established a three year time frame for building officials to satisfactorily complete educational programs established or approved by the commissioner, in order to retain certification. The law also requires that such certified individuals must submit evidence of completing the minimum requirements established and payment of a renewal fee. For those people certified prior to January 1, 1985, their three year cycle begins as of January 1, 1985. All subsequent new certifications will begin their three year cycle as of the date of their certification.

The fee that has been established in the rule is the same as the original certification fee. In keeping with MN Stats. 16A.128 Subd. 1a approval has been sought and has been received from the Commissioner of Finance (a copy of the approval is attached).

The proposed rules present the guidelines by which certified building officials have an obligation and opportunity to be involved in an educational process to keep abreast with changes in code administration, laws, and technologies which comprise the basis for assuring that the current minimum standards are maintained and enforced.

Continuing education is essential for practicing building officials and other certified building officials to remain current regarding changes in the codes, new methods of construction, new materials used in construction and to keep informed of constantly changing state and federal regulations pertaining to codes administration and application.

Training and administration, regulatory writing, budget preparation, building code techniques and procedures are essential. The continuing training programs and building official chapter activities are currently available, reasonably obtainable and minimal in scope.

The renewal of certification every three calendar years is predicated on a minimum of continuing education and professional activities which will provide for a more informed building official. The informed building official would be a greater asset to the municipality that employs such an individual and should more uniformly carry out the responsibilities of providing for safe, healthful structures for the citizens of the community as well as the State of Minnesota through proper code application, enforcement and administration.

Elroy Berdahl, Section Chief, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear in behalf of the proposed rules if a public hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules:

1300.0940 This part establishes the authority and purpose of the proposed rules.

1300.0942 This part contains the definitions of terms used in the proposed rules. In determining the values assigned to the "continuing education unit", subp. 3, and the "unit of instruction" subp. 5, a comparison was made to the C.E.U. criteria recognized nationally as a value point for the hours of time given to education offerings usually offered to post secondary school aged persons. (i.e. one C.E.U. credit is equal to 10 hours of classroom instruction.) We are proposing to establish by rule that a unit of instruction is equal to three hours of programmed instruction. If a person receives 1 C.E.U. from a study program then we would consider it to have a value of 3 units of instruction.

1300.0944 This part establishes the number of continuing education units of instruction required within the three year period for each class of certified building official.

1300.0946 This part assigns the unit of instruction values to each subject used for continuing education courses suitable to building inspection services. General time involvement through experience is used to determine a reasonable time credit assignment to the various types of potential activities or studies as listed in items A to I of this

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part. The credit assigned to the earning of certificates listed in items J and K is based upon the time frame alloted to write the examination together with the expertise demonstrated in successfully receiving a certificate.

1300.0946 Subd. 3 This has been included to alert the certified person that there could be some course subjects that will require a mandatory participation, particularly if a seminar or school is presenting new materials or subject matter that is considered to be essential for the building official to properly administer the application of the code or law.

Since the inception of the State Building Code in 1972 the codes have been expanded by legislation and subsequent rules adoption. Examples are: the Minnesota Uniform Fire Code, Handicapped Code, Energy Code, Solar Energy Code, Home Energy Disclosure Rules, Standards for Wheelchair Lifts and Federal Standards for Mobile Homes. Additionally, other state agencies have implemented new rules that directly impact on the construction of buildings and the administrative responsibilities of municipal building officials.

In order for the state building inspector and the municipal building officials to fulfill their statutory responsibilities of code administration and enforcement it is necessary to create a vehicle for education and training in key areas of new responsibilities.

1300.0948 This part establishes the process that building officials must follow in submitting evidence to the commissioner. It will identify their participation in and receiving credit toward their re-certification. It states the dollar amount of the fee. It provides the vehicle for an extension of time in order to comply with the requirements of the rules if needed. The fee assessed for recertification has been considered to assist in underwriting the cost of supplying and issuing a recertification card valid for the three year period designated.

Date: 3 April 1987

Sandra J. Hale, Commissioner
Department of Administration

Rules as Proposed (all new material)

1300.0940 AUTHORITY; PURPOSE.

Parts 1300.0940 to 1300.0948 are adopted by the commissioner of administration pursuant to Minnesota Statutes, section 16B.65, subdivision 7, to set continuing education standards for certified building officials.

1300.0942 DEFINITIONS.

Subpart 1. **Applicability.** When used in parts 1300.0940 to 1300.0948, the terms defined in this part have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 3. **Continuing education unit.** "Continuing education unit" means ten hours of educational instruction.

Subp. 4. **State building inspector.** "State building inspector" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. **Unit of instruction.** "Unit of instruction" means three hours of structured educational participation in a program listed in part 1300.0946.

1300.0944 UNITS OF INSTRUCTION REQUIRED.

This part establishes the number of units of instruction required within a three-year period to maintain certification.

A. A Class I certified building official must receive credit for 18 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

B. A Class II certified building official must receive credit for 24 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

1300.0946 CREDIT FOR INSTRUCTION.

Subpart 1. **Approved programs.** The following programs are approved for the indicated number of units of instruction:

A. annual Building Official Institute of Minnesota, 2 units per day of attendance;

B. State Building Codes and Standards Division seminars, 2.5 units per day of attendance;

C. International Conference of Building Officials seminars, 3 units per continuing education unit earned;

D. International Conference of Building Officials Annual Education and Code Development Conference, 2 units per day;

E. State International Conference of Building Officials chapter meetings, 1 unit per meeting with a minimum three-hour educational program;

F. regional building official meetings, 1 unit per meeting with a minimum three-hour educational program;

G. area building official luncheon meetings, 0.25 unit per meeting;

H. community college building inspection technology and related courses, 3 units per credit earned;

I. area vocational technical training institute courses in construction, management, or supervision, 1 unit per three hours' instruction or related shop work;

J. certification in an International Conference of Building Officials certificate program taken after January 1, 1985, 4 units per certificate;

K. certification as a "Certified Building Official" by the Council of American Building Officials, after January 1, 1985, 6 units; and

L. teaching a course at the community college level in the building inspection technology program or a course at an area vocational technical institute, 1 unit per three hours of instruction.

Subp. 2. **Other courses.** Courses offered by other states, correspondence schools, universities, or other institutes of learning which offer building code administration and enforcement-related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building inspector in order to receive credit. Units must be approved on the basis of comparison with the items identified in subpart 1.

Subp. 3. **Mandatory courses.** The state building inspector shall require that specific courses be taken, if necessary, to ensure continuing education in relevant code application, administration, or enforcement practices. The requirement may include training courses when new codes or legislative mandates are promulgated.

Subp. 4. **Credit for repeat of courses.** Credit for an educational offering will be allowed only once during a three-year cycle.

Subp. 5. **Review of courses.** All continuing education courses are subject to periodic review and evaluation by the commissioner or the commissioner's designee.

1300.0948 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each certified building official must provide evidence to the state building inspector on forms approved by the state building inspector and provided by the Building Codes and Standards Division of attendance or participation in an educational offering and indicate the number of units of instruction earned. The information must be submitted to the state building inspector within 60 days of the last day of the third calendar year following the date of the last certification issued. For persons certified prior to January 1, 1985, the last day of the third calendar year is December 31, 1987.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, which is valid for three years, to each applicant who has provided the evidence of units of instruction earned and has submitted the fee within the time indicated in subpart 1. The fee is $20.

Subp. 3. **Extension of time for compliance.** The state building inspector may grant an extension of time for compliance with parts 1300.0940 to 1300.0948 if the person requesting the extension of time show cause for the extension. The extension does not relieve the building official from complying with the continuing education requirements for the immediate subsequent three-year period.

Subp. 4. **Reinstatement of certificate.** A building official who has let certification lapse must be reinstated based upon proof of earning continuing educational units, as required, if no more than three years has passed since the certification has lapsed, or taking the test provided for certification as a building official. In either case the appropriate fee must be submitted with the application.

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Department of Administration

Proposed Permanent Rules Relating to the State Building Code

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Administration in cooperation with the State Board of Electricity intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 16B.61 and 326.241 to 326.248.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdrew their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20. If no hearing is requested, the agency will adopt the proposed rule to be effective no sooner than July 1, 1987.

Comments or written requests for a public hearing must be submitted to:

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4626

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule noticed.

A copy of the proposed rule is available from the Building Codes and Standards Division.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the agency upon request.

Copies of the 1987 National Electrical Code are in general distribution and may be reviewed at the Minnesota Building Codes and Standards Division and obtained from the State Board of Electricity.

You are advised, pursuant to Minnesota Statutes, Section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $100,000 in either of the two years following the adoption of these rules. Also, pursuant to Minnesota Statutes, Section 14.115, Subd. 2, the Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed. The proposed rules do not require businesses to make reports so the requirements for reporting required in items (a), (b) and (c) are not applicable. Compliance requirements of items (a), (b), (c) and (e) are not appropriate because the purpose of the rules is to establish a minimum standard for the application and installation of electrical wiring and its associated materials in all public, private, commercial, industrial and residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents at the least possible cost consistent with recognized standards. Minnesota Statute Section 16B.59 (1984). To exempt small businesses from any or all requirements of the rules would be contrary to statutory obligations that are the basis of the proposed rulemaking, Minnesota Statutes Section 16B.59, 16B.61 and 16B.64. The legislature has specifically mandated that the uniformity of construction standards is in the public interest. Minnesota Statute Section 16B.61 states in part: The code must conform insofar as practicable to model codes generally accepted and in use throughout the United States.

Minnesota Statutes Section 14.115 Subd. 2(d) calls for the establishment of performance standards for small businesses as one method of reducing the adverse impact of rules upon them. The National Electrical Code is based on the application of scientific principles, approved tests and professional judgement; and to the extent practicable are in terms or results rather than requiring specific methods and materials.

Since performance standards apply across the board to all entities subject to the code, the methods of reducing the impact of rules provided by Subd. 2(d) has been utilized. No special changes are necessary for small businesses.

Pursuant to MN Stat. 14.115, subd. 4(a) the statements in the preceding three paragraphs constitute the statement of the impact of the rule on small businesses, and the probable qualitative and quantitative effect of its rules.

The Minnesota Building Codes and Standards Division has evaluated the effects of Minnesota Statutes 3.981 to 3.983 and 14.131 and believe that the promulgation of these proposed rules will not result in the expenditure of monies by local public bodies nor have an impact on agricultural land and meets the test of the exemptions to fiscal notes as provided in Minnesota Statute 3.983.

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.10, Subdivision 11 as an 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 $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota 55101, (612) 296-5148.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit written request to the Building Codes and Standards Division.

Date: 3 April 1987

Sandra J. Hale, Commissioner
Department of Administration

Statement of Need and Reasonableness

The Minnesota State Building Code Chapter 1300 includes the adoption of current model codes and amendments to these model codes. One of these model codes is the National Electrical Code (ANSI/NFPA 70) copyright National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass., that provides for electrical design and construction. The National Electrical Code is updated and printed every three years.

The Minnesota Elecrical Act MN Stats. 326.243 Safety Standards: requires that the "most recently published edition of the National Electrical Code as approved by the United States of America Standards Institute and the National Electrical Safety Code as issued by the National Bureau of Standards shall be prima facie evidence of accepted standards of construction for safety to life and property...Minnesota building code shall also constitute compliance with the section...." Therefore the new 1987 edition is the most recent edition of the National Electrical Code and must be incorporated into the Minnesota State Building Code. Authorization for building code adoption of the National Electrical Code is provided in MN Stats. Sec. 16B.64.

The 1987 Edition of the Minnesota State Building Code (Chapter 1300) presently contains the 1984 National Electrical Code by reference and specifies amendments to the 1984 National Electrical Code. The proposed adoption of the 1987 NEC is sufficient in content so that the previous amendments are to be repealed with the adoption of the 1987 National Electrical Code.

Adopting the 1987 Edition of the National Electrical Code complies with the intent of MN Stats. Sec. 16B.64 and Sec. 326.243, for the safety of Minnesota citizens.

Date: 3 April 1987

Sandra J. Hale, Commissioner
Department of Administration

Rules as Proposed

1315.0200 SCOPE.

Subpart 1. ~~**Documents contained in electrical code**~~ **Electrical code**. All new electrical wiring, apparatus, and equipment for electric light, heat, ~~and~~ power, and alarm and communication systems must comply with the regulations contained in the ~~1984~~ 1987

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edition of the National Electrical Code (NEC) as approved by the American National Standards Institute ~~(ANSI/NFPA 70-1984)~~ (ANSI/NFPA 70-1987), ~~with tentative interim amendment 70-84-2,~~ Minnesota Statutes, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration.

Subp. 2. [See Repealer.]

REPEALER. Minnesota Rules, parts 1315.0200, subpart 2, and 1315.0400, are repealed.

Department of Human Services

Proposed Permanent Rules Relating to Parental Fees for Children Placed in 24-Hour Out-of-Home Care

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in the Veteran's Service Building, 5th Floor Cafeteria, 20 West 12th Street, St. Paul, Minnesota, on June 8, 1987, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rule amendments may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule amendments, you are urged to participate in the hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULE AMENDMENTS WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between May 27, 1987 and June 7, 1987 at (612) 296-3979.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to George Beck, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rule-making record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.15 and 14.50. The rule hearing is governed by Minnesota Statutes, section 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Parts 9550.6210 and 9550.6220 are contained in adopted parts 9550.6200 to 9550.6240 which establish the fee parents must pay for a child placed in 24-hour out-of-home care. The proposed "respite care" amendments contained in parts 9550.6210 and 9550.6220 would treat the fee for 24-hour respite care separately from, and differently than, the fee for a long-term out-of-home placement. Part 9550.6210 adds a definition of "respite care" and part 9550.6220 provides a formula for the determination of a parental fee for respite care based on a per diem rather than a monthly basis.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, section 252.27.

Adoption of these rule amendments will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Gordon Buyse, Social Services Division, Centennial Office Building, Fourth Floor, 658 Cedar Street, St. Paul, Minnesota 55155, Telephone 612/296-3979.

Copies of the proposed rule amendments are now available and at least one free copy may be obtained by writing to Gordon Buyse, Department of Human Services. The rule amendments are also available for viewing at each of the county welfare or human service agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments contact Gordon Buyse.

A copy of the proposed rule may be viewed at any of the county welfare or human service agencies in the state of Minnesota.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St, Paul, Minnesota 55101, telephone (612) 296-5148.

13 April 1987

Sandra S. Gardebring, Commissioner
Department of Human Services

Notice of Intent to Adopt a Rule without a Public Hearing and Notice of Intent to Adopt a Rule with a Public Hearing if Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28. The specific statutory authority to adopt the amendments is contained in Minnesota Statutes, section 252.27.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed amendment and comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the amendment within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, section 14.131 to 14.20.

PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON June 8, 1987, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between May 27, 1987 and June 7, 1987 at (612) 296-3979.

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.

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

Jane Nelson
Rulemaking Division
Department of Human Services
658 Cedar Street, Fourth Floor
St. Paul, MN 55155
Telephone: 612/297-1217

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on May 26, 1987.

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

Parts 9550.6210 and 9550.6220 are contained in adopted parts 9550.6200 to 9550.6240 which establish the fee parents must pay for a child placed in 24-hour out-of-home care. The proposed "respite care" amendments contained in parts 9550.6210 and 9550.6220 would treat the fee for 24-hour respite care separately from, and differently than, the fee for a long-term out-of-home placement. Part 9550.6210 adds a definition of "respite care" and part 9550.6220 provides a formula for the determination of a parental fee for respite care based on a per diem rather than a monthly basis.

A free copy of this rule is available upon request for your review from:

Gordon Buyse
Social Services Division
Centennial Office Building, Fourth Floor
658 Cedar Street
St. Paul, MN 55155
Telephone: 612/296-3979

A copy of the proposed rule may be viewed at any of the county welfare or human service agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Gordon Buyse on request.

As required by Minnesota Statutes, section 3.98, subdivision 2 and 14.11, the Department estimates that the total net cost to state and local agencies over the next two years as a result of the above proposed amendments will total less than $100,000 in either of the first two years following adoption. A copy of the fiscal note explaining the cost of the proposed amendments is available from Gordon Buyse. A copy of the fiscal note has been sent to the chair of each county board as required by Minnesota Statutes, section 256E.05, subdivision 3(c).

If no hearing is required upon adoption of the rule, the proposed rule amendments and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule amendments, must submit the written request to Jane Nelson.

13 April 1987

Sandra S. Gardebring, Commissioner
Department of Human Services

Rules as Proposed

9550.6210 DEFINITIONS.

Subpart 1. to 13. [Unchanged.]

Subp. 13a. **Respite care.** "Respite care" means short-term supervision and care provided to a child due to temporary absence or need for relief of the child's parents and involving the out-of-home care of a child for a minimum of a continuous 24-hour period of time. For purposes of this subpart, "short term" means a cumulative total of less than 90 24-hour days in a year.

Subp. 14. [Unchanged.]

9550.6220 DETERMINATION OF PARENTAL FEE.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Discharge.** Except as provided in subpart 10a, the full monthly parental fee must be assessed unless the child is

discharged and spends less than a full month in 24-hour out-of-home care. In this case, the full fee must be reduced only if the actual cost of care during that month is less than the regular fee.

Subp. 10a. **Parental fee for respite care.** When a child is placed in 24-hour out-of-home respite care, the parental fee must be a per diem fee multiplied by the number of days the child is in 24-hour out-of-home respite care. The per diem fee must be determined in the following manner:

A. Household size must be determined as specified in subpart 2.

B. Income must be determined as specified in subpart 3.

C. Using the household size and income figures in items A and B, the percentage schedule supplied by the department in subpart 4 must be used to determine the applicable percent to be applied to the parent's income.

D. Determine the per diem fee by multiplying the income from item B by the percent from item C and divide the product by 365.

E. Any part of a day spent in 24-hour out-of-home respite care must be counted as a full day for purposes of this fee.

F. The parental fee must be determined at the end of a month when respite care is used.

Subp. 11. to 14. [Unchanged.]

Board of Optometry

Proposed Permanent Rules Relating to Terms and Renewal of License

Rules as Proposed (all new material)

6500.2800 TERMS AND RENEWAL OF LICENSE.

Subpart 1. **Terms.** Each initial license issued by the board is valid from the date issued until renewed or terminated in accordance to procedures specified in this part. Each annually renewed license issued by the board is valid from January 1 of the year for which it is issued until renewed or terminated in accordance with the procedures specified in this part.

Subp. 2. **Renewal of application including information regarding continuing education and fees.** Each optometrist shall submit an application for renewal of license together with the necessary fee no later than December 31 of the year preceding that for which the license renewal is requested. Application for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office via United States first class mail on the first workday after December 31. The application form must provide a place for the renewal applicant's signature and must solicit information to include but not be limited to the applicant's office address or addresses, the number of the applicant's license, and such other information that may be reasonably requested by the board.

For those licensees who have not submitted evidence of compliance with their three-year continuing education requirement or special course requirement set forth in parts 6500.0900 and 6500.1700, the board will include in its written notice relating to annual renewal that the licensee shall submit verified evidence of having taken the required number of continuing education credit hours listed in part 6500.0900 in order to have the license renewed.

Subp. 3. **Failure to submit renewal application.** The following procedures will be followed by the board for all licensees who have failed to submit the annual application in accordance with subpart 2, including information about continuing education and applicable fees as provided in subpart 5.

A. Any time after January 1, the board will send to the last address on file with the board, a notice to all licensees who have not made application for renewal of their license. The notice will state that the licensee has failed to make application for renewal; the amount of renewal and late fees and the information required about continuing education as specified in subpart 2 which must be submitted in order for the license to be renewed; that the licensee may voluntarily terminate the license by notifying the board; and that failure to respond to notice by the date specified, which date must be at least 30 days after the notice is sent by the board, either by submitting the renewal application and applicable fees and information required about continuing education, or by notifying the board that the licensee has voluntarily terminated the license will result in expiration of the license and terminating the right to practice.

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B. If the application for renewal, including required information about continuing education and the applicable annual and late fees or notice of voluntarily termination is not received by the board by the dates specified in the notice, the license will expire and the licensee's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee.

C. Notwithstanding items A and B, the expiration date shall be extended six months when a licensee fails to meet the continuing education requirements in part 6500.0900. The license will expire at the end of the six-month extension if the licensee does not submit within that time period evidence of having complied to the required continuing education. In those cases where a licensee was physically incapable at the end of the three-year reporting cycle of taking continuing education courses, the expiration date shall be extended for six months for the purpose of giving the person the opportunity to take the necessary number of continuing education course hours. The licensee must submit clear and convincing evidence of physical incapability. The license shall expire at the end of the six-month extension if the licensee does not submit within that time period evidence of taking a number continuing education course hours necessary to comply with part 6500.0900.

In either instance referenced above, a licensee may submit a request for extension of the six-month period. The board shall grant the extension only in cases of extreme hardship or compelling reasons. Financial hardship caused by loss of license shall not meet the standards. The burden rests on the licensee to prove that an extension should be granted which in no case shall exceed an additional six months.

Subp. 4. **Reinstatement.** A license that has expired under this part may be reinstated under part 6500.2900.

Subp. 5. **Contested case proceeding.** The board, in lieu of the process in subpart 3, may initiate a contested case hearing to revoke or suspend a license for failure to submit fees and continuing education information requested on the renewal application, at the same time it initiates disciplinary proceedings against the licensee for other grounds specified in Minnesota Statutes, sections 148.52 to 148.62 and parts 6500.0400 to 6500.1700.

6500.2900 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements.** Upon complying with the requirements in this part, the applicant's license shall be reinstated. Any person desiring the reinstatement of a license shall:

A. submit to the board a completed application on a form provided by the board;

B. submit with the application the fee specified in part 6500.2000, subpart 1;

C. include with the application a letter stating the reasons for applying for reinstatement; and

D. comply with the application provisions of part 6500.2000, subpart 3. Upon reinstatement, the person shall be assigned to the continuing education cycle to which the licensee was assigned before termination of the license.

Subp. 2. **Expiration or voluntary termination of license.** Applicants whose license has expired under part 6500.2800, subpart 3, or who voluntarily terminate their license must:

A. Submit evidence of having successfully completed the continuing education requirements that would have applied to them had their license not expired. If the license had expired because of failure to meet the continuing education requirements or if the applicant's continuing education cycle concluded during the time that the license was in expired status and all the requirements had not been complied with, the applicant must successfully complete this cycle of continuing education.

B. On filing a reinstatement application, pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of the license and the year in which the application is filed.

Subp. 3. **Revoked or suspended license.** No license that has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the offense for which the license was suspended or revoked and complies with all other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action was based in part on failure to meet continuing education requirements, the license may not be reinstated until the applicant has successfully completed the requirements specified in subparts 2 and 3.

Subp. 4. **Licensure application not precluded.** Nothing in this part prohibits an optometrist from applying for licensure under Minnesota Statutes, section 148.57, subdivisions 1 and 2.

Subp. 5. **Exemptions.** A licensee who pays an annual license renewal fee and meets any of the following conditions is exempt from complying with the continuing education requirements if the licensee files an affidavit with the board specifying the condition applicable to the licensee:

A. resides permanently outside the state and does not practice within the state;

B. is retired from practice and does not perform any optometric services on a voluntary or free basis; or

C. is permanently disabled and unable to practice optometry.

Subp. 6. **Expiration of exemption.** A licensee claiming exemption under subpart 4 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed the continuing education requirements equivalent to what requirements would have been without the exemption immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee has not complied with the continuing education requirements, the licensee must comply with part 6500.2900, subpart 2; if the licensee has been exempt from complying with the continuing education requirements, the licensee may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee will be placed in the continuing education cycle that would have applied if the exemption was not claimed.

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

Adopted Permanent Rules Relating to Self-Service Beverage Dispensing into Multi-Use Bottles

The rules proposed and published at *State Register*, Volume 11, Number 32, pages 1401-1403, February 9, 1987 (11 S.R. 1401) are adopted with the following modifications:

Rules as Adopted

1550.3170 CUSTOMER HAND-WASH SINK.

A facility for handwashing must be provided in the establishment with properly plumbed hot and cold running water, soap, and single service towels or a suitable air drying device. ~~Handwashing sinks must be National Sanitation Foundation (NSF) approved or the equivalent.~~

Department of Human Services

Adopted Permanent Rules Relating to Nursing Home Payment Rate Determination

The rules proposed and published at *State Register,* Volume 11, Number 22, pages 1004-1054, December 1, 1986 (11 S.R. 1004) are adopted with the following modifications:

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.

Rules as Adopted

9549.0060 DETERMINATION OF THE PROPERTY-RELATED PAYMENT RATE.

Subp. 11. **Capacity days.** The number of capacity days is determined under items A to C.

C. The commissioner shall waive the requirements of item B if a nursing home agrees in writing to subitems (1) to (3).

(3) The nursing home shall agree not to charge any private paying resident in a single bedroom a payment rate that exceeds the amount calculated under units (a) to ~~(c)~~ (c).

(a) ~~The nursing home's average case mix score for the reporting year must be determined by dividing the nursing home's standardized resident days by the nursing home's resident days.~~

~~(b) The nursing home's average case mix operating cost payment rate must be determined by multiplying the nursing home's average case mix score in unit (a) by the nursing home's adjusted prospective case mix operating cost payment rate for its resident class A.~~

~~(c) The nursing home's average total payment rate must be determined by adding together the nursing home's average case mix operating cost payment rate, adjusted prospective care related payment rate, adjusted prospective other operating cost payment rate, real estate taxes and special assessment payment rate, and property-related payment rate.~~ The nursing home's average total payment rate shall be determined by multiplying the total payment rate for each case mix resident class by the number of resident days for that class in the nursing home's reporting year and dividing the sum of the resident class amounts by the total number of resident days in the nursing home's reporting year.

~~(d)~~ (b) The nursing home's maximum single bedroom adjustment must be determined by multiplying its average total payment rate calculated under unit ~~(c)~~ (a) by ten percent.

~~(e)~~ (c) The nursing home's single bedroom adjustment which must not exceed the amount computed in unit ~~(d)~~ (b) must be added to each total payment rate established in part 9549.0070, subpart 1 to determine the nursing home's single bedroom payment rates.

Department of Human Services

Adopted Permanent Rules Relating to Nursing Home Operating Cost Payment Rate Determination

The rules proposed and published at *State Register*, Volume 11, Number 22, pages 988-1004, December 1, 1986 (11 S.R. 988) are adopted with the following modifications:

Rules as Adopted

9549.0051 DEFINITIONS.

Subp. 4. ~~**Case mix index.** "Case mix index" means the sum of the results obtained by multiplying the number of residents in each resident class in each nursing home by the weights listed in part 9549.0058.~~

~~Subp. 5.~~ **Case mix operating costs.** "Case mix operating costs" means the operating costs listed in part 9549.0040, subpart 5, and the portion of fringe benefits and payroll taxes allocated to the nursing services cost category under part 9549.0053.

~~Subp. 6. Case mix score. **"Case mix score" means the case mix index divided by the total number of residents in the nursing home.**~~

Subp. ~~7.~~ 5. **Discharge.** "Discharge" means a termination of placement in the nursing home that is documented in the discharge summary signed by the physician. For the purposes of this definition, discharge does not include:

A. a transfer within the nursing home unless the transfer is to a different licensure level; or

B. a leave of absence from the nursing home for treatment, therapeutic, or personal purposes when the resident is expected to return to the same nursing home.

Subp. ~~8.~~ 6. **Medical plan of care.** "Medical plan of care" means documentation signed by the resident's physician which includes the resident's primary diagnoses, secondary diagnoses, orders for treatment and medications, rehabilitation potential, rehabilitation procedures if ordered, clinical monitoring procedures, and discharge potential.

Subp. ~~9.~~ 7. **Other care-related operating costs.** "Other care-related operating costs" means the operating costs listed in part 9549.0040, subpart 6, and the portion of fringe benefits and payroll taxes allocated to the other care-related cost category, the cost of food, and the dietician consulting fees calculated under part 9549.0053.

Subp. ~~10.~~ 8. **Other operating costs.** "Other operating costs" means the operating costs listed in part 9549.0040, subparts 1, 2, 3, 4, and 7, excluding the cost of food and dietician consulting fees, and the portion of fringe benefits and payroll taxes allocated to each of these operating costs categories under part 9549.0053.

Subp. ~~11.~~ 9. **Productive nursing hours.** "Productive nursing hours" means all on-duty hours of nurses, aides, orderlies, and attendants. ~~This term does not include the on-duty hours of the medical records personnel or the director of nursing for facilities with more than 60 licensed beds~~ The on-duty hours of the director of nursing for facilities with more than 60 licensed beds and the on-duty hours of any medical records personnel are not included. Vacation, holidays, sick leave, classroom training, and lunches are not included in productive nursing hours.

Subp. ~~12.~~ 10. **Quality assurance and review or QA&R.** "Quality assurance and review" or "QA&R" means the program established under Minnesota Statutes, sections 144.072 and 144.0721.

Subp. ~~13.~~ 11. **Resident class.** "Resident class" means each of the 11 categories established in part 9549.0058.

Subp. ~~14.~~ 12. **Resident plan of care.** "Resident plan of care" for residents of nursing homes not licensed as boarding care homes means the patient care plan specified in part 4655.6000. "Resident plan of care" for residents of nursing homes licensed as boarding care homes means the overall plan of care as defined in Code of Federal Regulations, title 42, section 442.319, as amended through December 31, 1984.

Subp. ~~15.~~ 13. **Short length of stay facility.** "Short length of stay facility" means a nursing home that is certified to provide a skilled level of care and has an average length of stay of 180 days or less in its skilled level of care. For the purpose of this definition the commissioner shall calculate average length of stay for the nursing home by dividing actual resident days in the skilled level of care for which the nursing home can bill, by the total number of discharges from the skilled level of care during the reporting year.

Subp. ~~16.~~ 14. **Standardized resident days.** "Standardized resident days" means the sum of the number of resident days in the nursing home in each resident class multiplied by the weight for that resident class listed in part 9549.0058. Standardized resident days must be determined under part 9549.0054, subpart 2.

9549.0053 DETERMINATION AND ALLOCATION OF FRINGE BENEFITS AND PAYROLL TAXES, FOOD COSTS, AND DIETICIAN CONSULTING FEES.

Subpart 1. **Fringe benefits and payroll taxes.** Fringe benefits and payroll taxes must be allocated to case mix, other care-related costs, and other operating costs according to items A to ~~D~~ E.

A. For the rate year beginning July 1, 1987, the allocation method in items B to E must be used. For the rate years beginning on or after July 1, 1988, all of the nursing home's fringe benefits and payroll taxes must be classified to the operating cost categories in part 9549.0040, subparts 1 to 6, based on direct identification. If direct identification cannot be used for all the nursing home's fringe benefits and payroll taxes, the allocation method in items B to E must be used.

B. Fringe benefits and payroll taxes must be allocated to case mix operating costs in the same proportion to salaries reported under part 9549.0040, subpart 5.

~~B.~~ C. Fringe benefits and payroll taxes must be allocated to other care-related costs in the same proportion to salaries reported under part 9549.0040, subpart 6.

~~C.~~ D. Fringe benefits and payroll taxes must be allocated to other operating costs in the same proportion to salaries reported under part 9549.0040, subparts 1, 2, 3, 4, and 7.

~~D.~~ E. For any nursing home that cannot separately report each salary component of an operating cost category, the commissioner shall determine the fringe benefits and payroll taxes to be allocated under this subpart according to subitems (1), (2), ~~and~~ (3), and (4).

(1) The commissioner shall sum the allowable salaries for all nursing homes separately reporting allowable salaries in each cost category, by cost category and in total.

(2) The commissioner shall determine the ratio of the total allowable salaries in each cost category to the total allowable salaries in all cost categories, based on the totals in subitem (1).

(3) The nursing home's total allowable fringe benefits and payroll taxes must be multiplied by each ratio determined in subitem (2) to determine the amount of payroll taxes and fringe benefits allocated to each cost category for the nursing home under this item.

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(4) If a nursing home's salary cost for any operating cost category in part 9549.0020, subpart 32, items A to G, is zero and the services provided to the nursing home in that operating cost category are not performed by a related organization, the nursing home must reclassify one dollar to a salary cost line in the operating cost category.

9549.0054 DETERMINATION OF THE ALLOWABLE HISTORICAL OPERATING COSTS PER DIEMS.

Subp. 2. **Standardized resident days for rate years beginning on or after July 1, 1987.** For rate years beginning on or after July 1, 1987, each nursing home's standardized resident days must be determined in accordance with items A ~~and B~~ to C.

C. For the rate year beginning July 1, 1987, only, the nursing home's standardized resident days determined in item B must be multiplied by .99897.

9549.0055 DETERMINATION OF OPERATING COST ADJUSTMENT FACTORS AND LIMITS.

Subpart 1. **Annual adjustment factors.** The annual adjustment factors must be determined according to items A and B.

A. The annual adjustment factor for the case mix and other care-related operating costs must be established according to subitems (1) to (7).

(4) The composite price index for the reporting year must be determined by:

(b) multiplying each amount determined in unit (a) by the corresponding weight for that component in subitem (1); and

(c) summing the results of the calculations in unit (b)~~; and~~

~~(d) multiplying the amount calculated in unit (c) by 100~~.

(6) The forecasted composite price index for the rate year must be determined by:

(b) multiplying each amount determined in unit (a) by the corresponding weight for that component in subitem (1); and

(c) summing the results of the calculations in unit (b)~~; and~~

~~(d) multiplying the amount calculated in unit (c) by 100~~.

(7) The forecasted adjustment factor is determined by dividing the forecasted composite price index for the rate year computed in subitem (6), unit ~~(d)~~ (c) by the composite price index for the reporting year computed in subitem (4), unit ~~(d)~~ (c).

B. The annual adjustment factor for the other operating costs must be established according to subitems (1) to (7).

(4) The composite price index for the reporting year must be determined by:

(b) multiplying each amount determined in unit (a) by the corresponding weight for that component in subitem (1); and

(c) summing the results of the calculations in unit (b)~~; and~~

~~(d) multiplying the amount calculated in unit (c) by 100~~.

(6) The forecasted composite price index for the rate year must be determined by:

(b) multiplying each amount determined in unit (a) by the corresponding weight for that component in subitem (1); and

(c) summing the results of the calculations in unit (b)~~; and~~

~~(d) multiplying the amount calculated in unit (c) by 100~~.

(7) The forecasted adjustment factor is determined by dividing the forecasted composite price index for the rate year computed in subitem (6), unit ~~(d)~~ (c) by the composite price index for the reporting year computed in subitem (4), unit ~~(d)~~ (c).

Subp. 2. **Base year limits.** For each geographic group established in part 9549.0052 the base year operating costs limits must be determined according to items A to E. No redetermination of the base year operating costs limits shall be made due to audit adjustments or appeal settlement.

A. The commissioner shall compute 115 percent of the median of the array of the allowable historical case mix operating cost standardized per diems for the base year.

D. The commissioner shall disallow any portion of the general and administrative cost category, exclusive of fringe benefits and payroll taxes, that exceeds 15 percent of the allowable expenditures in all operating cost categories except fringe benefits, payroll taxes, and general and administrative. For the purpose of computing the amount of disallowed general and administrative cost, the nursing home's professional liability and property insurance must be excluded from the general and administrative cost category. For purposes of this item, the term property insurance means general liability coverage for personal injury incurred on the nursing

home property and coverage against loss or damage to the building, building contents, and the property of others on the premises of the nursing home. Property insurance does not include any coverage for items such as automobiles, loss of earnings, and extra expenses.

9549.0056 DETERMINATION OF OPERATING COST PAYMENT RATE.

Subp. 4. **Adjusted prospective other operating cost payment rate.** The adjusted prospective other operating cost payment rate must be determined according to items A to ~~E~~ D.

~~E. The nursing home's efficiency incentives as determined in item A or B must not be changed as a result of field audit adjustment.~~

9549.0058 RESIDENT CLASSES AND CLASS WEIGHTS.

Subpart 1. **Resident classes.** Each resident or applicant must be assessed according to items A to E based on the information on the assessment form completed in accordance with part 9549.0059.

C. A resident or applicant must be defined as special nursing if the resident or applicant meets the criteria in ~~subitems~~ subitem (1) ~~and~~ or (2):

9549.0059 RESIDENT ASSESSMENT.

Subp. 9. **Resident access to assessments and documentation.** The nursing home must provide access to information regarding rates, assessments, and other documentation provided to the Department of Health in support of the resident's assessments to each nursing home resident or the resident's authorized representative according to items A to D.

A. The nursing home must post a notice of its current rates for each resident class in a conspicuous place. The rates must be posted no later than five days after receipt by the nursing home. The nursing home ~~may~~ must include a notice that the nursing home has chosen to appeal the rates under part 9549.0080.

C. The nursing home must provide each nursing home resident or the person responsible for payment with each classification letter received from the Department of Health within five days of the receipt of the classification letter. When the private paying resident is not the person responsible for payment, the classification letter must be sent to the person responsible for payment. If the resident's classification has changed, the nursing home must include the current rate for the new classification with the classification letter.

Pollution Control Agency

Adopted Permanent Rules Relating to Hazardous Waste Fees

The rules proposed and published at *State Register*, Volume 11, Number 27, pages 1273-1275, January 5, 1987 (11 S.R. 1273) are adopted with the following modifications:

Rules as Adopted

7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subp. 4. **Annual fees.** An annual fee is the sum of the review and maintenance fee, waste stream fees, and waste generation volume fees. Nonmetropolitan area generators shall submit annual fees as follows:

C. A waste generation volume fee must be paid by all nonmetropolitan generators based on the amount of unsewered hazardous waste generated and method of waste management or disposal used in the calendar year. The base volume fee is assessed on a per gallon basis for liquid waste streams or a per pound basis for nonliquid waste streams. The base volume fee is $0.06 per gallon and $0.006 per pound for the first 2,000 gallons or pounds produced. The base volume fee for 2,001 to 6,000 gallons or pounds is $0.045 per gallon and $0.0045 per pound. The base volume fee for more than 6,000 gallons or pounds is $0.03 per gallon and $0.003 per pound. There shall be no volume fee charged for that part of any waste stream in excess of 100,000 gallons or 1,000,000 pounds. The base volume fee shall be multiplied by the following factors for waste streams managed by the following methods:

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.

Management Method	Factor
Recycle, feedstock, or by-product on-site	0
Recycle, feedstock, or by-product off-site	0.67
Burned for fuel	0.67
Neutralization	0.67
Incineration	0.67
Disposal and other methods	1.00

Any sludges or residues of recycling, burning for fuel, neutralization, or incineration are subject to the base volume fee.

7046.0050 GENERATOR FEE EXEMPTIONS.

Subp. 4. **Certain nonmetro area generators.** Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or drycleaning ~~solvents~~ solvent related wastes reclaimed off-site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they submit accurate disclosures under part 7045.0240, or annual reports by March 1, under part 7045.0296, but rather are subject to a flat annual fee of $25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the director between a generator and a transporter and a reclaimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.

EXECUTIVE ORDERS

Executive Order No. 87-6

Amending Executive Order No. 86-12 Providing for the Establishment of a Governor's Advisory Council on Technology and Persons with Disabilities

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

WHEREAS, Executive Order No. 86-12 was issued on October 23, 1986, providing for the establishment of a Governor's Advisory Council on Technology and Persons with Disabilities; and

WHEREAS, it is necessary to amend Executive Order No. 86-12 by amending a clause;

NOW, THEREFORE, I hereby order that:

The Governor's Advisory Council on Technology and Persons with Disabilities be created. The Council shall consist of fifteen members and a chair to be appointed by the Governor. Members should represent the private sector, consumers, service agencies, third party funding sources, education and library systems. Ex-officio members shall represent the Council on Biotechnology, the Departments of Education, Human Services, Jobs and Training, the State University System, Governor's Council on Developmental Disabilities, and the Minnesota State Council for the Handicapped.

Pursuant to Minnesota Statues, Section 4.035, subd. 2, this Order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1986, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this fourteenth day of April, 1987.



Rudy Perpich
Governor

Executive Order No. 87-7

Providing for the establishment of a State Emergency Response Commission

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

WHEREAS, on October 17, 1986, the President signed the "Superfund Amendments and Reauthorization Act of 1986" (the Act) which contains new provisions for emergency planning and community right to know; and

WHEREAS, among these new provisions is one which requires that the governor of each state appoint a State Emergency Response Commission (the Commission) within six months of the Act's effective date; and

WHEREAS, this Commission, within nine months of the Act's effective date, is required to designate emergency planning districts so as to facilitate preparation and implementation of emergency plans; and

WHEREAS, to the extent practical, the Commission must be comprised of individuals with technical expertise in the emergency response field; and

WHEREAS, the Governor is specifically authorized to designate as the State Emergency Response Commission an existing state sponsored or appointed emergency response commission or organization; and

WHEREAS, the Community Emergency Response Hazardous Substances Protection Act created a Hazardous Substance Notification Advisory Committee made up of individuals with technical expertise in the emergency response field; and

WHEREAS, personnel in several state agencies also have technical expertise in the emergency response field;

NOW, THEREFORE, I hereby order that:

1. There is hereby created a State Emergency Response Commission for the State of Minnesota, hereinafter referred to as "the Commission."

2. The Commission shall consist of the present members of the Hazardous Substance Notification Advisory Committee; the Commissioners of the Departments of Agriculture, Health, and Public Safety; and the Director of the Pollution Control Agency.

3. The Commission shall perform all duties and acts necessary and appropriate to carry out its responsibilities under the federal "Superfund Amendments and Reauthorization Act of 1986" (the Act).

4. The Department of Public Safety shall supply necessary staffing and services for the Commission.

5. The Commission is authorized to accept such funds as may be made available to the Commission to carry out its responsibilities pursuant to the Act and this Executive Order.

6. In carrying out its responsibilities, the Commission is authorized to call upon any department, office, division or agency of the State of Minnesota to supply such data, reports or other information it deems necessary. Each department, office, division or agency of the State is authorized and directed, to

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the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purpose of the Act and this Executive Order.

7. Nothing in this Executive Order shall restrict or otherwise limit the statutory duties, functions and powers of the Commissioner of Public Safety under the Community Emergency Response Hazardous Substances Protection Act.

8. To the extent possible, the Commission and the Commissioner of Public Safety shall coordinate their respective activities in carrying out any overlapping functions and duties.

Pursuant to Minnesota Statutes, Section 4.035, subd. 2, this Order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1986, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this seventeenth day of April, 1987.



Rudy Perpich
Governor

Executive Order No. 87-8

Providing for Assistance to Officials of Several Counties in the State of Minnesota

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

WHEREAS, the Commissioner of the Department of Natural Resources has requested assistance in the effort to control several wildfires throughout the State of Minnesota; and

WHEREAS, the number and locations of these fires are beyond the capabilities of local emergency resources;

NOW, THEREFORE, I ORDER THAT:

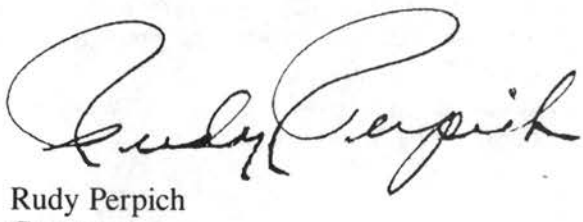
1. The Adjutant General of Minnesota order to active duty on or after April 19, 1987, in service of the State, such elements and equipment of the military forces of the State as required and for such period of time necessary to ensure the safety of our citizens.

2. Cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the General Fund of the State as provided for by Minnesota Statutes, Section 192.49, Subdivision 1, Section 192.51 and Section 192.52.

Pursuant to Minnesota Statutes, Section 4.035, subd. 2, this Order shall be effective retroactive to

April 19, 1987 and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this twenty-second day of April, 1987.



Rudy Perpich
Governor

OFFICIAL NOTICES

Pursuant to the provisions of Minnesota Statutes § 14.10, 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.

Metropolitan Council

Public Hearing on the Regional Highway Jurisdiction Study Report

The Metropolitan Council will hold a public hearing on Tuesday, May 26, 1987 at 11:00 a.m. in its Council Chambers, 300 Metro Square Bldg., 7th and Robert Sts., St. Paul, Minn. 55101, on the *Regional Highway Jurisdiction Study Report.* The report, prepared by the Council's Transportation Advisory Board, was completed pursuant to the Laws of Minnesota, 1985, Chapter 10, Section 29.

The recommendations of the report focus on improving the process for facilitating highway jurisdiction changes. No specific roadways are identified for transfer of ownership. The recommendations call for the creation of a highway jurisdiction board by the state legislature. The board would have a number of responsibilities, including facilitating and resolving the transfer of roadway ownership as well as reviewing other directly related jurisdictional matters.

All interested persons are encouraged to attend the hearing and offer comments. People may register to speak by calling Jane Larson at 291-6500. Copies of the study are available from the Council by calling 291-6464.

Ramsey County Department of Public Works

Request for Prequalification Statements for Highway Reconstruction Preliminary Engineering—Design

Ramsey County Public Works Department proposes the reconstruction of Larpenteur Avenue from I-35E to Edgerton Street in Maplewood and Saint Paul. The bridge near Desoto Street will be removed and replaced with an arch structure to allow use of the proposed Department of Natural Resources trail under Larpenteur Avenue without crossing Larpenteur Avenue.

The Department of Public Works, in cooperation with the cities of St. Paul and Maplewood, the Minnesota Department of Transportation's Office of State Aid and the Department of Natural Resources, requires the services of a qualified consultant for preliminary engineering and preparation of detailed plans for the reconstruction of County State Aid Highway (CSAH) 30 (Larpenteur Avenue) located between I-35E and Edgerton Street. The project includes the design of a replacement bridge structure.

The services required are the preparation of field surveys, detailed design plans, and specifications for County State Aid Highway, federal bridge replacement, and Federal Aid Urban contract award. The consultant will also be required to conduct public meetings

and secure approvals from the municipalities, the Federal Highway Administration, and the Minnesota Department of Transportation's Office of State Aid.

Consultants should submit their prequalification brochure and/or experience resume, including federal forms 254 and 255, by May 15, 1987. The brochure and resume shall be limited to 20 pages. This is not a request for proposal. The prequalifications will be used by the County as a mechanism for selecting which firms will be invited to prepare proposals for the construction plans preparation work. The County anticipates requesting formal proposals and interviews from five firms. The consultants will be evaluated based on the interviews and proposals. The selection committee will make a recommendation to the Ramsey County Board by July 6, 1987.

Please send your response to Kenneth E. Weltzin, County Engineer, Ramsey County Department of Public Works, 350 St. Peter Street, Suite 270, St. Paul, Minnesota 55102.

Department of Transportation

List of Rights-of-way Proposed for Acquisition

The Commissioner of the Minnesota Department of Transportation is publishing this notice to list the right-of-way or several abandoned rail lines proposed for acquisition through the State Rail Bank program. This notice is published pursuant to Minnesota Statutes, Section 222.63, Subdivision 3, and in accordance with the rules governing the State Rail Bank, Minnesota Rules 1985, Part 8830.5800. Information about the railroad right-of-way proposed for acquisition is as follows:

1. The rail lines are under the joint ownership of the Soo Line Railroad Company and the Burlington Northern Inc.

They are—

—Spur Line No. 327 Deerwood to Trommald, 9.83 miles;

—Spur Line No. 329 of Spur No. 327, Huntington Jct to Riverton, 2.31 miles; and

—Spur Line No. 326 off Spur No. 327, Ironton to Cuyuna, 4.77 miles.

2. The lines are in Crow Wing County.

3. The identified future use for the right-of-way is for the re-establishment of rail freight service.

4. This right-of-way constitutes the major portion of the Cuyuna Range Lines. Abandonment became effective for these lines on February 28, 1987.

Written comments about the proposed acquisition should be sent to the Minnesota Department of Transportation within 30 days of the publication of this Notice. Comments should be mailed to the following address:

Isaac McCrary, Jr., Manager
State Rail Bank Program
Office of Railroads & Waterways
Minnesota Department of Transportation
810 Transportation Building
St. Paul, MN 55155

Dated: 30 March 1987

Leonard W. Levine, Commissioner
Department of Transportation

STATE CONTRACTS AND ADVERTISED BIDS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any 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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $15,000 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Truck lifts (DM)	Apr 28	Transportation	various	79 000 74056
Tektronics equipment (PA)	Apr 28	State University	St. Cloud	26 073 19580
Hoppers (DM)	Apr 28	Transportation	various	79 382 01211
Genuine repair parts for case ind. tractors, loaders, crawlers, & other equip. (DM)	Apr 29	various	various	Price-Contract
Data general equip. (PA)	Apr 29	State University Board	St. Paul	26 137 03904
Drill/router (DRT)	Apr 29	State University	St. Cloud	26 073 19566
Concrete cylinder team tester (DK)	Apr 29	Transportation	various	79 000 74054
Spectrophotometer (DK)	Apr 29	State University	Mankato	26 071 17244
Tellabs equipment (PA)	Apr 30	Southwest University	Marshall	26 175 06818
Telephone system (PA)	May 1	Governor's Office	St. Paul	39 000 70093
Restaurant/kitchen	May 1	Iron Range Int. Center	Chisholm	43 000 07781
Ballast (BV)	May 5	Transportation	St. Paul	79 000 74261
Sign lights (BV)	May 5	Transportation	St. Paul	79 000 74260
Computer design system (PA)	May 5	State University	St. Cloud	26 073 19586
Lease/purchase of photo copier (JPK)	May 5	Higher Education Coordinating Board	St. Paul	60 000 05108

Department of Administration Information Management Bureau

Notice of Availability of Contract for Backup Computer Programming

The Information Management Bureau (IMB), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide backup computer programming services to be used by the Bureau on an as needed basis. This will involve basic computer programming activities such as requirements definition, subsystem design, coding, testing, documentation, etc. This may involve backup assistance to a staff programmer of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the Bureau. This work may be on projects IMB does for any of the State agencies. The total amount expended for this activity will not exceed $1,000,000 for fiscal year 1988 (i.e., July 1, 1987, through June 30, 1988).

The full text of the Request for Proposal is available on request from Vicki Flower at (612) 296-6578. Responses must be directed to:

Susan C. Rose, Director
Information Systems Development Division
Information Management Bureau
658 Cedar Street, Centennial Office Building
St. Paul, MN 55155
(612) 296-6391

Responses must be received no later than 4 p.m. on May 22, 1987.

Department of Administration Information Management Bureau

Notice of Availability of Contract for Backup Microcomputer Consulting Services

The Information Management Bureau (IMB), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide backup microcomputer consulting services to be used by the Bureau on an as needed basis. This will involve basic consulting services related to microcomputer systems activities such as requirements definition, system design, subsystem design, coding, testing, documentation, etc. This may involve backup assistance to a staff analyst or programmer of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the Bureau. This work may be on microcomputer projects IMB does for any of the State agencies. The total amount expended for this activity will not exceed $100,000 for fiscal year 1988 (i.e., July 1, 1987, through June 30, 1988).

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

Norman F. McCarthy, Manager
Consulting Services Unit
Information Systems Development Division
658 Cedar Street, Centennial Office Building
St. Paul, MN 55155
(612) 296-7546

Responses must be received no later than 4 p.m. on May 22, 1987.

Department of Administration Information Management Bureau

Notice of Availability of Contract for Backup Systems Analysis

The Information Management Bureau (IMB), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide backup systems analysis services to be used by the Bureau on an as needed basis. This will involve basic systems analysis and design activities such as feasibility studies, requirements definition, system/subsystem design, project leadership, implementation, etc. This may involve backup assistance to a staff analyst of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the Bureau. This work may be on projects IMB does for any of the State agencies. The total amount expended for this activity will not exceed $300,000 for fiscal year 1988, (i.e., July 1, 1987 through June 30, 1988).

The full text of the Request for Proposal is available on request by calling (612) 296-6578 [Vicki].

Inquiries and responses must be directed to:

Susan C. Rose, Director
Information Systems Development Division
Information Management Bureau
5th Floor Centennial Office Bldg.
658 Cedar Street
St. Paul, MN 55155
(612) 296-6391

Responses must be received no later than 4 p.m. on May 22, 1987.

Department of Corrections
Minnesota Correctional Facility—Stillwater

Notice of Request for Proposals for Providing Food Services

Notice is hereby given that the Minnesota Correctional Facility-Stillwater is requesting proposals for the professional management of our Food Service activity for the period of July 1, 1987, through June 30, 1989. The estimated cost will not exceed $555,300 for the two years: $272,200 for the first year and $283,100 in the second year. The proposal shall include all civilian personnel to operate the service. The proposals must be submitted by 4:00 P.M., May 22, 1987, to: Warren Erickson, Finance Director. Please contact Mr. Erickson at (612) 779-2736, if interested.

Department of Health
Division of Maternal and Child Health
Services for Children with Handicaps

Contracts Available for Medical and Related Services for Handicapped

Openings exist for:

1. Board certified or approved physicians to provide medical examinations;
2. Registered public health or pediatric nurses to provide nursing services;
3. Licensed psychologists to provide psychological assessments;
4. Certified audiologists to provide audiological examinations;
5. Certified speech pathologists to provide speech assessments.

Qualified, interested persons should contact Alpha Adkins, Services for Children with Handicaps, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Phone (612) 623-5165 by May 20, 1987.

A total of $141,585 has been budgeted to fund these positions. Funding for individual positions varies by category and position.

Department of Human Services
Ah-Gwah-Ching Nursing Home

Request for Proposals for Medical Services

Requests for Proposals are being taken for Medical Directorship and Staff Physician coverage for the care and treatment of residents at Ah-Gwah-Ching Nursing Home, with a cost range of $40,000 to $55,000 per year. For a copy of the Request for Proposal write:

Ah-Gwah-Ching Nursing Home
Ah-Gwah-Ching, MN. 56430
Attn: John Grimley, CEO
TELEPHONE: 218-547-1250

The Request for Proposals are due by May 25, 1987. The dates of service are for July 1, 1987 to June 30, 1988, with an additional one year renewal option, and cost range renegotiable second year.

Department of Human Services
Cambridge Regional Human Services Center

Notice of Request for Proposal for Medical Services

Notice is hereby given that the Cambridge Regional Human Services Center, Dept. of Human Services is seeking the services of a **qualified psychiatrist.** The services are to be performed for the period July 1, 1987 through June 30, 1988 at the Cambridge Regional Human Services Center facilities.

The tasks are as follows:

1. To provide consulting psychiatric services to Cambridge Regional Human Services Center including:

A. Evaluation and treatment of referred residents.

B. Formulation and implementation of individualized psychiatric treatment plans, including, but not limited to, diagnosis, prescription and reduction of drugs/medication, individual programs, and other appropriate treatment modalities.

C. To conduct clinics and review progress of residents psychiatric programs. This shall be done on as needed basis, as determined by the unit physician or the resident's treatment team.

D. Emergency psychiatric consultation by phone.

E. Cooperation with legal and social service entities by furnishing medical psychiatric information known to the consultant when appropriate and by responding to legal process.

F. Meeting with staff on the resident's unit to assist in developing, implementing and monitoring goals and objectives for the resident's individualized treatment program.

G. Other related duties as assigned by the Medical Director.

2. Provide necessary information for clinical privileges.

3. Practice within the guidelines set forth by ICF-MR, ACMRDD, and the State of Minnesota.

The estimated amount of the contract will be $47,040.00.

Responses to this notice must be received by May 18, 1987.

Direct inquiries to:

Myron Malecha, Medical Director
Cambridge Regional Human Services Center
1235 Highway 293
Cambridge, MN 55008
Phone: (612) 689-2121 Ext. 389

Notice is hereby given that the Cambridge Regional Human Services Center, Dept. of Human Services is seeking the services of an **individual with a Ph.D. in Psychology** whose areas of expertise include the delivery of services for developmentally disabled individuals in need of specialized psychological evaluation, regular counseling and therapy sessions to address specific problem areas (e.g. sex training and therapy). The tasks of the consultant also include provision of specific inservice training to staff members who deal with residents daily.

The consultant will have to perform these services at the Cambridge Regional Human Services Center facilities for the period July 1, 1987 through June 30, 1988. The estimated amount of the contract will be $13,000.00.

Responses to this notice must be received by May 18, 1987.

Direct inquiries to:

Josefina Colond, Psychologist
Cambridge Regional Human Services Center
1235 Highway 293
Cambridge, MN 55008
Phone: (612) 689-2121 Ext. 292

Department of Human Services
Faribault Regional Center

Request for Proposals for Services to Be Performed on a Contractual Basis

Notice is hereby given that Faribault Regional Center; Residential Facilities Division; Department of Human Services, is seeking the following services for the period of July 1, 1987—June 30, 1988; these services as requested by the Chief Executive Officer of the Faribault Regional Center.

1. A **radiological** consultant group to provide services at the Faribault Regional Center upon the request of the Medical Director, at times mutually agreed upon by both parties. The duties shall involve radiological consultants for residents and patients

of Faribault Regional Center, which consist of interpretation and diagnosis of x-ray films of chest, skull, skeleton, abdomen, gall bladder, kidneys, etc., as requested by staff physicians. In addition, supervision of the X-Ray Department in regard to equipment, methodology, safety, etc., will be included in this consultation service. The estimated amount of this contract will not exceed $14,000.00.

2. The services of a **physician or physician group** to provide weekend coverage at Faribault Regional Center upon request of the Medical Director. Coverage services include making rounds in the Medical Hospital and Units, responding promptly to all emergency calls, admitting and transferring sick persons, performing physicial examinations, writing therapeutic programs, and other services. The estimated amount of this contract will not exceed $20,000.00.

3. The services of **psychiatrist(s) or psychiatrist group** to provide psychiatric services at Faribault Regional Center upon request of the Medical Director, at times mutually agreed upon by both parties. The duties shall include clinical examination and psychiatric diagnosis, formulation and implementation of individualized treatment plans, review of progress of plans, attendance of team meetings, and provision of inservice training programs to staff on selected topics. The estimated amount of the contract(s) will not exceed $18,000.00

Responses for any of the above services must be received by May 18, 1987.

Direct Inquires to:

Richard Fick
Faribault Regional Center
802 Circle Drive
Faribault, MN 55021
(507) 332-3530

Department of Human Services
Fergus Falls Regional Treatment Center

Notice of Request for Proposals for Services to Be Delivered on a Contractual Basis

Notice is hereby given that the Fergus Falls Regional Treatment Center, Department of Human Services, is seeking the following services which are to be performed as requested by the Administration of the Fergus Falls Regional Treatment Center. Contract will be written for the period July 1, 1987 through June 30, 1988.

Diagnostic x-ray services on an as-needed basis as requested by the medical staff of the Fergus Falls Regional Treatment Center for its residents. This service is to be performed in accordance with accepted professional standards and in a manner prescribed by the policies of the Fergus Falls Regional Treatment Center and the Minnesota Department of Human Services, and at times mutually agreed to by the Contractor and the Medical Director of the Fergus Falls Regional Treatment Center. The estimated amount of the contract will not exceed a total of $17,000.00.

Services of a .10 FTE Board-certified full professor of psychiatry for diagnosis and treatment of mentally ill, chemically dependent and mentally retarded clients, especially children and adolescents. Assignment to also include patient-related academic instruction and supervision of a psychiatric intern in partial fulfillment of requirements of the University of Minnesota Medical School, Department of Psychiatry. The estimated amount of the contract will not exceed a total of $15,600.00.

The **services of a full-time PT assistant** to deliver physical therapy services to residents of Fergus Falls Regional Treatment Center; also the services of a 3/5 time physical therapist, registered under M.S. Chapter 148 and experienced in physical therapy, to supervise and to assure the quality of physical therapy services provided at Fergus Falls Regional Treatment Center. The estimated amount of the contract will not exceed a total of $56,576.00.

Services of a .80 FTE Board-eligible Resident Psychiatrist at the Fergus Falls Regional Treatment Center for diagnosis and treatment of emotional disorders of mentally ill, chemically dependent and mentally retarded clients, especially children and adolescents. Assignment to also include patient-related academic research in partial fulfillment of requirements of the University of Minnesota Medical School, Department of Psychiatry. This service is to be performed in accordance with accepted professional standards and in a manner prescribed by the policies of the Fergus Falls Regional Treatment Center and the Minnesota Department of Human Services, and at times mutually agreed to by the Contractor and the Medical Director of the Fergus Falls Regional Treatment Center. The estimated amount of the contract will not exceed a total of $36,000.00.

The following contracts will be written for the period July 1, 1987 through June 30, 1988, with option to renew through June 30, 1989.

Consultative pharmacy services as follows:

1. Serve as primary pharmacy consultant on the units for the mentally ill, and other units upon request.

2. Serve as general drug information resource person for physicians, pharmacists, nurses, and other hospital staff members.

3. Provide consultation regarding individual patients upon request of the medical staff.

4. Follow-up on medication recommendations.

5. Evaluate psychotropic and anticonvulsant medication prescribing patterns to ascertain medication effectiveness and appropriateness of therapy; publish material of clinical interest.

6. Provide treatment center-wide inservice education on a regularly scheduled basis and conduct periodic Health Services Technician (HST) medication education classes.

7. Coordinate discharge medication counseling activities.

The estimated amount of the contract will not exceed a total of $12,500.00.

Services of qualified physicians to function in the capacity of attending staff physicians, to perform admission and annual history and physical examinations and continuing medical care upon the residents of the Fergus Falls Regional Treatment Center in accordance with high professional standards and in a manner prescribed by the policies of the Fergus Falls Regional Treatment Center and the Minnesota Department of Human Services, and at times mutually agreed to by the Consultant and the Medical Director of the Fergus Falls Regional Treatment Center. The estimated amount of the contract will not exceed a total of $49,975.00.

Department of Human Services
Moose Lake Regional Treatment Center

Notice of Request for Proposal for Medical Services

Notice is hereby given that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the following services for the period July 1, 1987 thru June 30, 1988. These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

Services of consultants who are trained and experienced in the specialty of **Gerontology** and in consultations in this field. The estimated amount of the contract is $12,000.

Services of a **Psychiatrist** to perform consultation services in Psychiatry for the Moose Lake Regional Treatment Center two days each week and the consultant will serve in an "On Call" capacity one night each week as agreed to by himself and the Medical Director of the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of contract is $60,000.00.

Services of a specialist in **Physical and Internal Medicine** to perform consultation services at the Moose Lake Regional Treatment Center. The estimated amount of the contract is $26,000.00.

Services of **two (2) Psychiatrists** to perform consultation services in Psychiatry one day each week at the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of contract is $23,400.00.

The services of a **Radiologist** to interpret X-Ray films taken by the hospital's X-Ray Technician. The estimated amount of the contract is $14,500.00.

Anesthesiology services performed by a Registered Nurse Anesthetist for dental work performed on unmanageable Mentally Retarded clients, and for electro-convulsive therapy. The estimated amount of contract is $23,000.00.

Physical therapy services performed by a Registered Physical Therapist. Services include consultation, evaluation, direct therapy inservice, and program writing as needed. The estimated amount of contract is $10,000.00.

Responses to above services must be received by May 25, 1987.

Direct inquiries to:

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

Department of Human Services
St. Peter Regional Treatment Center

Notice of Request for Proposal for Medical Services

Notice is hereby given that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contracts will be written for the period July 1, 1987 thru June 30, 1989.

1. **Services of seven psychiatrists** to serve the needs of the mentally ill and dangerous. Estimated amount of contracts vary from $14,625.00 to $43,200.00 for the first year and from $16,250.00 to $45,600.00 the second year.

2. **Services of an individual trained in psychiatry and trained in neurology** to serve the needs of the mentally ill and dangerous. Estimated amount of the contract is $17,875.00 the first year and $19,500.00 the second year.

3. **Services of three psychiatrists** to serve the needs of the mentally ill. Estimated amount of the contracts is $34,560.00 each year.

4. **Services of a resident in psychiatry** to serve the needs of the mentally ill. Estimated amount of the contract is $24,000.00 each year.

5. **Services of a psychologist** to serve the needs of the chemically dependent and/or the mentally ill. Estimated amount of the contract is $21,000.00 each year.

6. **Services of a psychiatrist** to serve the needs of the mentally retarded. Estimated amount of contract is $48,000.00 for the first year and $61,200.00 the second year.

7. **Services of an occupational therapist** to serve the needs of the mentally retarded. Estimated amount of contract is $5,720.00 the first year and $6,240.00 the second year.

8. **Services of two physical therapists** to serve the needs of the mentally retarded. Estimated amount of the contracts vary from $36,400.00 to $8,580.00 the first year and from $43,680.00 to $9,360.00 the second year.

9. **Services of three individuals skilled in comprehensive sign language interpreting** to serve those hearing impaired persons also mentally ill, mentally retarded and/or chemically dependent. Estimated amount of the contracts vary from $32,000.00 to $16,000.00 the first year and from $34,000.00 to $17,000.00 the second year.

10. **Services of two psychologists** to serve the needs of the hearing imparied who are also mentally ill, mentally retarded and/or chemically dependent. Estimated amount of the contracts vary from $18,200.00 to $9,100.00 the first year and from $20,020.00 to $10,010.00 the second year.

11. **Services of a certified chemical dependency counselor** who is also an expert in deafness to serve hearing imparied persons in treatment for chemical dependency. Estimated amount of the contract is $10,400.00 the first year and $11,440.00 the second year.

12. **Services of an anesthestist** to provide anesthesia for electroconvulsive therapy. Estimated amount of contract is $16,470.00 each year.

13. **Services of a radiologist** to study, interpret and dictate findings of x-ray film taken by Treatment Center staff. Estimated amount of contract is $7,500.00 each year.

Responses must be received by May 29, 1986. Direct inquiries to:

Tom Bolstad
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: (507) 931-7116

Department of Human Services
Willmar Regional Treatment Center

Notification of Request for Proposal for Medical Services

Notice is hereby given that the Willmar Regional Treatment Center, Mental Health Division, Department of Human Services, is

seeking the following services for the period July 1, 1987 through June 30, 1988. These services are to be performed as requested by the Administration of the Willmar Regional Treatment Center:

1. **Services of Radiologists** to interpret X-ray films; provide radiological supervision and X-ray consultation; provide specialized X-ray procedures. Estimated amount of the contract will not exceed $14,300.

2. **Services of Psychiatrist** to provide consultation to Adolescent Treatment Unit, Psychiatric Rehabilitation Unit and Chemically Dependent Unit; special skills in adolescent and chronic mental illness psychiatry. Estimated amount of the contract will not exceed $35,712.

3. **Services of a full time Protestant Chaplain** to conduct services and other ministries to Mentally Ill, Mentally Retarded and Chemically Dependent Patients. Estimated amount of the contract will not exceed $15,477.

4. **Services of a Psychiatrist** to provide consultation for newly admitted mentally ill clients, consultative services in the clinical management of mentally retarded residents and related educational guidance of treatment staff. Estimated amount of contract will not exceed $35,280.

5. **Services of Nurse Practitioner.** Responsibilities will include health assessment, management consultations to medical staff, and services to residents in the area of annual physical and admission exams. Estimated amount of contract will not exceed $22,000 annually.

6. **Services of Physicians** to provide medical and surgical consultations as needed to clients/residents of Willmar Regional Treatment Center. Estimated amount of the contract will not exceed $15,000.

Responses for the above services must be received by May 15, 1987.

Direct Inquiries to:

Stephen C. Grams, Business Manager
Willmar Regional Treatment Center
Box 1128
Willmar, MN 56201
(612) 231-5396

Department of Natural Resources

Notice of Availability of Contract for Provision of Summer Youth Camp Facilities and Food Services

The Minnesota Department of Natural Resources Conservation Corps solicits a proposal for the provision of housing, office space, storage building(s), food services and recreational facilities for its hearing impaired summer (May 27 through August 18, 1987) youth camp. The camp facility must be located on or near the North Shore of Lake Superior. All proposals received by the contract manager on or before 4:00 p.m., May 15, 1987 will be considered.

The Department, by this Request for Proposal, does not promise to accept the lowest, or any other proposal and specifically reserves the right to reject any or all proposals, to waive any formal requirements, to reject any provision in any proposal, to obtain new proposals, or to proceed to secure a facility otherwise.

To submit a proposal and for further information, contact:

Larry P. Fonnest
Acting Director
Office of Youth Programs
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4004
(612) 296-6195

Department of Transportation
Surveying and Mapping

Notice of Availability of Contract for Photogrammetric Services for Fiscal Year 1988 (July 1, 1987 to June 30, 1988)

The Minnesota Department of Transportation desires an aerial surveys firm or firms to provide the following photogrammetric services conforming to Mn/DOT specifications:

1. Aerial Vertical Photography

Provide negatives taken by the contractor(s) using a precision aerial camera. The negatives shall be suitable for printing photographs and transparencies and for use in the State's photogrammetric instruments for analytical aerial triangulation and map compilation. The state may call for the use of panchromatic, color negatives or infrared color emulsions in obtaining the photography.

2. Aerial Oblique Photography

Provide negatives taken by the contractor(s) suitable for printing photography for illustrative purposes.

3. Photographic Laboratory Services

Provide, from aerial negatives, rectified, ratioed and controlled photographic enlargements and mosaics, 9½" x 9½" diapositives on glass or film suitable for photogrammetric compilation of topographic mapping and screened photographic film positives from mosaic negatives.

4. Map Compilation

Provide map compilation by Wild BC1 Analytical Stereoplotter or equivalent type instrument for the compilation of topographic maps and/or photogrammetric cross-sections.

All topographic mapping must be provided in digital format compatible with existing input formats for the Intergraph interactive graphic drafting system in use in the Department.

The State anticipates that the total value of work ordered will not exceed $220,000.00. The state reserves the option to enter into agreements with more than one firm.

Firms desiring consideration shall express their interest and submit their Federal Forms 254 and 255 on or before May 18, 1987.

This is not a request for proposal. Send your response to:

Minnesota Department of Transportation
Surveying and Mapping Section
Room 711 Transportation
St. Paul, Minnesota 55155

Department of Transportation

Request for Proposal for Film Scripting and Story Boarding

OBJECTIVE:

The Minnesota Department of Transportation (Mn/DOT) is required by the Federal Highway Administration (FHWA) to provide early and continuous public involvement in the highway project development process. That includes holding public hearings, informational meetings, open houses, etc. to provide information to—and gather it from—interested parties.

In order to be able to provide common background information to participants at the many and varied public forums it holds, Mn/DOT desires to produce a 16mm film aimed at explaining highway construction and maintenance activities in Minnesota. To begin the initial phases of producing such a film, Mn/DOT wishes to contract for the pre-production work, that is, the scripting and story boarding.

BACKGROUND:

Planning for and then building or rebuilding Minnesota's state roadways is a lengthy and complicated process that takes 5 or more years to complete and impacts a number of different publics in a number of different ways.

The Highway project development process includes active involvement of "publics" both in and outside of Mn/DOT. The citizen participation process allows business, civic and community groups, the general public, local elected officials, legislators, the media and others to have a say in determining road needs.

Once the need for a road is established, construction is programmed on a priority basis within the limits of available funds. At that point, a process involving a number of sections at Mn/DOT—including surveys, soils, preliminary design, design, right of way, construction, and then ultimately maintenance—kicks in.

The need for a tool that offers a uniform explanation of Mn/DOT's role in the highway project development process become clear in light of the involvement—at every step of the way—of various publics—in that process.

PRODUCT/TASKS:

The final product will be a script and accompanying story board.

- The script will provide the narrative for a 15 minute film.

The script shall include but not be limited to the following areas of emphasis:

- a history of transportation with emphasis on roads in Minnesota
- roads (transportation) as vital to the economy of the State
- roads as part of the larger transportation network in Minnesota
- Mn/DOT's commitment to working with people.

The script outline shall cover but not be limited to the following points:

- Planning a road—the need
- Environmental Assessment
- Public Hearings
- Designing a road—foundations, bridges, hydraulics, traffic etc.
- Right of Way Acquisition—buying the land, moving the people
- Bidding Process—Standard
- Construction—grading, bridges, paving, landscaping
- Inspection—standards
- Maintenance—summer and winter
- Work Zone Safety
- Traffic Management—ramp metering, HOV lanes, move people not vehicles.

The story board based on this script will illustrate the scenes basic to producing a 15 minute film. The number of illustrations will be between 120 and 360 depending on needs.

The responder will coordinate all aspects of production with authorized Mn/DOT agent.

Responder research shall include but not be limited to resources such as:

- Authorized Mn/DOT Agent
- Mn/DOT Project Managers Guide (Draft)
- Mn/DOT Orientation Slide/Tape Show
- Transportation Moving Minnesota Forward by Sobolewski and Anderson
- Minnesota Historical Society publication Roots—Vol. 15 No. 2 Winter 1987

CONTRACT COSTS:

The Department estimates that the cost from June 1, 1987 through June 30, 1987 should not exceed $8,000 for professional services and expenses.

LIMITATIONS:

This request for proposal does not commit the Minnesota Department of Transportation to award a contract, to pay any cost incurred in preparing a proposal for this request, or to procure a contract for services or supplies. Mn/DOT reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in entirety this request for proposal. The project coordinator may require the proposers to participate in negotiations and to submit price or content revisions which may result from negotiations. All finished products and rights to finished products will belong to the Minnesota Department of Transportation.

DEPARTMENT CONTACTS:

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

William (Bill) Bunde
(612) 296-3041
Minnesota Department of Transportation
704 Transportation Building
St. Paul, MN 55155

John Bray
(218) 723-4802
Minnesota Department of Transportation
1123 Mesaba Avenue
Duluth, MN 55811

Mark Anderson
(218) 755-3819
Minnesota Department of Transportation
Box 490
Bemidji, MN 56601

Please Note: Only the above referenced Contract Liaison are authorized to discuss the project with responders before the submittal of proposed deadline.

SUBMISSION OF PROPOSALS:

All proposals must be sent to and received by William A. Bunde, Public Affairs Coordinator, 704 Transportation Building, St. Paul, MN 55155 no later than 4:30 P.M. Monday, May 18, 1987.

All proposals received by the deadline will be evaluated by the project coordinators. In some cases, an interview or phone conversation may be part of the evaluation process. Proposals will be judged upon, but not limited to, these factors:

- Understanding of the project objective
- Proposed work plan
- Budget detail
- Proposed outline(s)
- Qualifications of proposer.

Evaluation and selection will be completed by May 27, 1987. Results will be sent to all proposers.

Late proposals will not be accepted. Submit three copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

PROPOSAL CONTENTS:

The proposal will contain at a minimum:

1. A statement of project objectives to show the respondent's view of the nature of the project.

2. An outline of responder's background and experience in cinematography/film-making/video production with emphasis on government/non-profit work.

3. A description of the responder's background and experience in script writing and story boarding.

4. Identification of key personnel assigned to the project. No change in personnel assigned to the project will be permitted without the approval of the Mn/DOT Project Manager.

5. A detailed cost and work plan that identifies the major tasks to be accomplished and can be used as a scheduling and managing tool as well as the basis for invoicing.

6. Identification of the expected level of the Department's participation in the project as well as other services to be provided by the Department.

NON-STATE PUBLIC CONTRACTS

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact the editor for further details.

Metropolitan Waste Control Commission

Advertisement for Furnishing of Maintenance Management Software and Associated Data Collection/Data Entry Services

Sealed proposals will be received in the office of the Metropolitan Waste Control Commission, 7th & Robert Streets, Suite 350, Metro Square Building, St. Paul, Minnesota 55101 until 5:00 P.M., FRIDAY, MAY 1, 1987, for the furnishing of Maintenance Management Software and Associated Data Collection/Data Entry Services, all in accordance with the specifications and bid forms available at the Commission's office in St. Paul, Minnesota.

The Commission anticipates reviewing and selecting those proposals most qualified to meet Commission needs, in May, 1987. At that time, the Commission may require the finalist to prepare and deliver an oral presentation summarizing how their proposed system satisfies the needs and requirements of the Commission.

For technical information or questions call Mr. Rick Arbour at (612) 681-4502 or Mr. Jim Corcoran at (612) 681-4504.

The Commission reserves the right to reject any and all proposals.

BY ORDER OF THE METROPOLITAN WASTE CONTROL COMMISSION
Louis J. Breimhurst, Chief Administrator

Ramsey County

Request for Proposals for Building Renovation

Ramsey County is seeking proposals to prepare a detailed analysis of the scope of work and costs associated with these activities with respect to the renovation of the existing structure known as the American Center Building, located at 150-160 E. Kellogg Blvd., St. Paul, Minnesota.

The request for proposals may be obtained from the Office of the Executive Director, Ramsey County, Room 286, City Hall/Court House, 15 W. Kellogg Blvd., St. Paul, Minnesota, 612-298-5980.

A proposers conference will be held on Friday, May 1, 1987, at 9:30 a.m., in the third floor conference room of the American Center Building.

Proposals shall be submitted to the Office of the Executive Director no later than 4:30 p.m., CDT, Friday, May 15, 1987. Late proposals will not be accepted.

Ramsey County

Request for Proposals for Office Building Site Development

Ramsey County is seeking proposals for the development of one or both of the following sites as an office building for several Ramsey County departments.

A. Dispatch Block on Fourth and Minnesota Streets, St. Paul, Minnesota.

B. Donaldsons (former) ramp site on Eighth and Robert Streets, St. Paul, Minnesota.

The County seeks two objectives from proposers.

1. To obtain from interested proposers cost data associated with such a development.

2. To determine the qualifications of proposers interested in developing a new Ramsey County service center.

The request for proposals may be obtained from the Office of the Executive Director, Ramsey County, Room 286, City Hall/Court House, 15 W. Kellogg Blvd., St. Paul Minnesota, 612-298-5980.

Proposals shall be submitted to the Office of the Executive Director no later than 4:30 p.m., CDT, Wednesday, July 1, 1987.

SUPREME COURT DECISIONS

Decisions Filed Friday 17 April 1987

Compiled by Wayne O. Tschimperle, Clerk

C5-86-637 Max Winter, et al., PJ Acquisition Corporation, v. John C. Skoglund, et al., Appellants, First National Bank of C7-86-848 Minneapolis, et al., Appellants. Hennepin County.

No enforceable right of first refusal was created by either the 1984 or the 1977 instruments. The 1984 agreement is unenforceable because approval by all voting shareholders was a condition precedent to enforceability and not all voting shareholders executed it. Similarly, when the last two parties executed the 1977 instrument they believed that all parties were bound. They were mutually mistaken and, therefore, the 1977 agreement is voidable.

Affirmed. Scott, J.

Concurring in part, dissenting in part, Coyne, Kelley, and Wahl, JJ.

C8-86-1099 Craig Hammer, Relator v. Wes Barrette Masonry and Lakeland Fire & Casualty. Workers' Compensation Court of Appeals.

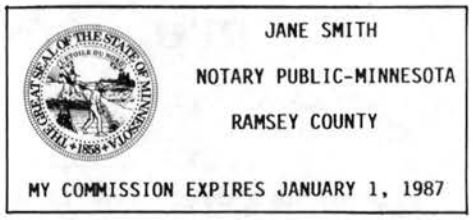
The compensation judge's finding, affirmed by the Workers' Compensation Court of Appeals, that employee failed to make a reasonably diligent effort to obtain suitable gainful employment in order to be eligible for disability compensation is supported by substantial evidence.

Affirmed. Coyne, J.

Dissenting, Yetka and Scott, JJ.

1986 NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. $4.00.



U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. $3.00.
Small Business Finance	Code No. 16-42. $4.50.
Starting and Managing a Small Business of Your Own	Code No. 16-40. $4.75.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Catching criminals is only one part of law enforcement. Here's the rest of it.



Police Report Writing Style Manual 1986–A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. $12.50.

Background Investigation Manual 1986–A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. $10.00.

Motor Vehicle Traffic Laws 1986–Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. $12.50.

Criminal Code & Selected Statutes 1986–Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. $12.00.

Blue Binder–3 ring. 2″ capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. $4.25.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Murder: Minnesota style

Murder in Minnesota is a treasury of vintage crimes. Characters, some famous, some obscure, come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, $5.95.

Robber and Hero On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, $5.95.

Secrets of the Congdon Mansion The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, $4.95.

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NEW Human Services Laws and Rules

Human Services Laws 1986
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. $20.00

Human Services Rules as in effect July 7, 1986
Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. $24.95.

3 ring binder. 2″ capacity. 1 required for each of above listed publications. Code No. 10-21. $4.25.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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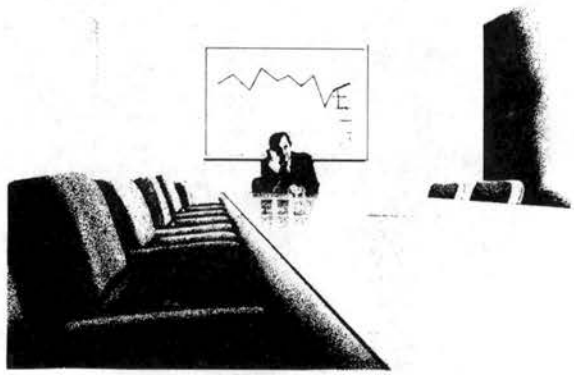
Business and NonProfit Corporation Act

Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters 80B, 302A, and 317. Paperbound, 102 papers, Code # 2-87, $10.00.



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Woodworking for Wildlife

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, $6.00.

Help Minnesota's Wildlife, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, $4.00.

Fifty Birds of Town and City, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, $7.50.

Mammals of Minnesota, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, $15.95.

Bird Portraits in Color, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristcs, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, $12.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code #1-11. $20.00.

SPECIAL NOTE: New Charitable Gambling Rules will be available Spring '87. Governs the conduct of charitable gambling events like bingo. Call for price information in the Spring.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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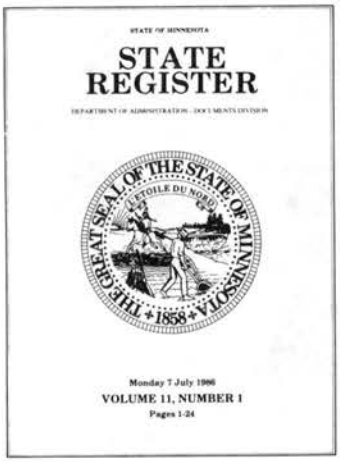

We want you to have our business—$1 billion annually

Each year over $1 billion in state contracts are awarded. About $20 million in state contracts per week are advertised in the **State Register,** the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

For 50¢ a day, the price of a **Wall Street Journal,** we will deliver to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and land the business of state government, is with the **State Register.**

Come blizzard, tornado, flood or earthquake—you'll find important and valuable information for your business you won't find anywhere else. Every Monday, 52 times a year, the **State Register** publishes the most thorough listing of state contracts, and is the only source of state agency rulemaking activity, plus important tax court decisions, official notices, executive orders of the governor, supreme court decisions, and a calendar of scheduled cases to which you can add your "friend of the court" questions.

Could you hire someone to bring all this information to you and your company for so little money? Let us bring you the business of state government. Subscribe to the **State Register** today, or call 296-4273 for more information.

An annual subscription is $130 and a 13-week trial subscription is $40. MasterCard/VISA orders can be taken over the phone, otherwise prepayment is required. Send your orders to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Pheasants in Minnesota



Pheasants in Minnesota, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, $5.95.

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, $6.00.

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Minnesota: national leader in education

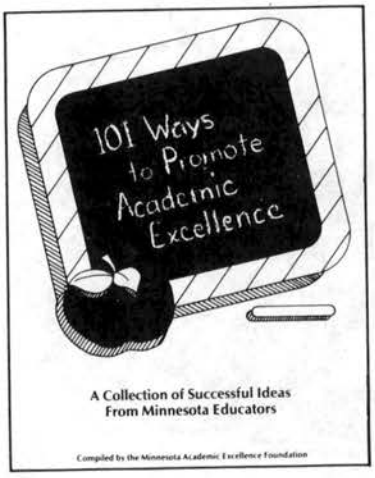
101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, $4.50.

Education Directory, 1986-87

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, $5.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.



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Buying Or Selling?



In either case, The Medical Alley Directory can help you do your job better. Double your business; the 1986 edition is nearly twice as large as last year's. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, $49.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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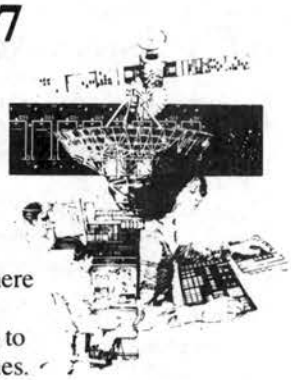
Minnesota Manufacturer's Directory 1986-87



NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, $68.50.



REVISED: There are more than 7,000 changes to the 7,068 entries.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Voices of the Loon



Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, $12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #9-14, $6.00.

Loon Calendar 1987, beautiful photographs and scenes. Code #15-40, $6.95.

Loon Lapel Pin. Code #15-30, $2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, $19.95.

Loon Nature Print, full-color poster 16" × 22", Code #15-18, $3.00.

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Minnesota's future environment



The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1986 Pollution Control Laws
Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. $15.00.

1986 Hazardous Waste Rules
Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. $13.50.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Equip your sales force. Drive off with your Minnesota Highway maps for less than 20¢ each (regular retail price: 55¢ each). Discount applies to case lots only, with a minimum order of 1 case (200 maps) at $39.95. Great for workshop folders, conventions and programs. Code #12-52.

Hudson's Street Atlas of the Greater Twin City Metropolitan Area. Includes 186 municipalities, 129 sectional street maps, and 22,000 street listings. Code #12-62, $10.95.

Minnesota Travel and Recreation Guide. Where to go and what to see, canoeing and hiking trails, golf directory, campground directory, "Minne-Tours," state parks, hunting and fishing information and more. 296 pp., code #40-6, $11.95.

Room at the Inn: Guide to Historic Bed and Breakfasts, Hotels and Country Inns Close to the Twin Cities, by Laura Zahn. 127 pp., Code #19-72, $7.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155, (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	$ 20.00	90-3
Career Opportunity Bulletin, 6 mos.	$ 15.00	90-4
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PERB (Public Employee Relations Board) Awards	$260.00	90-9
PERB (Public Employee Relations Board) Decisions	$ 60.00	90-10
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State Register, 1 year	$130.00	90-1
State Register, 3 mos. trial can be converted to a full subscription for $90 at end of trial	$ 40.00	90-2
Tax Court/Property Decisions	$210.00	90-11
Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	$320.00	90-12
Workers Compensation Decisions Vol. 38 (limited quantity)	$ 89.50	
Vol. 39	$ 95.00	90-13

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Selling business and financial services to physicians?



Physicians Directory 1985

Names and addresses of licensed chiropractors, doctors of medicine, and osteopaths, optometrists, podiatrists and registered physical therapists in alphabetical order by discipline. Includes members of all the state medical profession boards. Code #1-1, $15.00.

Medical Alley Directory 1986

A guide to more than 300 high-tech medical, bio-tech and health care companies, institutions and organizations and their products and services. Code #40-7, $49.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, $9.50.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, $8.95.

Mushrooms of North America, full color poster, 24″ × 37″, showing 40 common species of edible and poisonous mushrooms. Code #15-13, $8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Hardbound, 236 pp. Code #19-9, $12.95.

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REAL ESTATE RULES 1986

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. $7.00.

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Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. $5.00.

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1986 NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. $4.00.

JANE SMITH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 1, 1987

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. $3.00.
Small Business Finance	Code No. 16-42. $4.50.
Starting and Managing a Small Business of Your Own	Code No. 16-40. $4.75.

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Please include 6% sales tax and $1.50 postage and handling.
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Merchandise may be returned at $1.50 restocking charge, if it is in resalable condition.
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City	State	Zip	Postage/Handling (per order)	$1.50
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* ***Minnesota Laws 1986.*** All laws passed in the Regular and Special Sessions. Code #18-4. $23.00, plus $1.38 tax.

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* ***Minnesota Rules 1987 Supplement #2.*** Code #18-200B. $17.00 plus $1.02 tax. (This supplement includes and updates rule changes from supplement #1.)

* ***Minnesota Statutes 1986.*** 10-volume set. Code #18-8. $135.00 plus tax. Single volumes cost $13.00 plus tax.

State Register Index. Contains cumulative finding aids to Volume 10 of the *State Register*, including Minnesota Rules Amendments and Additions. Executive Orders list & index. Agency & Subject Matter indices. Code #13-10I SR INDEX. $5.00.

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State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription $130; Trial Subscription (13 weeks) $40.00; Single copies $3.50.

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Minnesota State Documents Center 1987 Catalog. Lists publications available through Minnesota Documents Center. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. $6.50 plus 39¢ tax.

APRIL SPECIALS: 10% off April 1-30

BE WARNED!!! If you get these books, you, like the poor guy to the right, will almost certainly have to buy a bigger boat to bring home the catch.

Walleye. A unique blend of modern fishing strategies and never-before-published biological facts about this popular gamefish. Packed with full-color photographs. Code No. 19-70. ~~$12.95~~. $11.65.

Crappie Fishing. Fishing tips from a game warden and angling enthusiast. Written in an easy-to-read style to appeal to anglers of every experience level. Many full-color photographs. Code No. 19-75 ~~$9.95~~ $8.95.



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STATE OF MINNESOTA

Minnesota Documents Division

117 University Avenue • St. Paul, Minnesota 55155

Department of Administration

Metro area 612-297-3000
In Minnesota, toll free 1-800-652-9747

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VISA/Master Card No. or Cust. Deposit No.			**TOTAL**	
Signature	Expiration Date	Telephone (During Day)		

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Please include 6% sales tax and $1.50 postage and handling.

PREPAYMENT REQUIRED.

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Please allow about 6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8:00-4:30 M-F

RESOLUTION:

CERTIFICATE OF AUTHORIZING RESOLUTION
FOR RULE WITHOUT A PUBLIC HEARING

CERTIFICATE OF THE BOARD OF ELECTRICITY AUTHORIZING RESOLUTION.

I, Lyle C. Thornquist, do hereby certify that I am a member of the Minnesota State Board of Electricity, duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Electricity duly and properly called and held on the 10th day of February, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"Resolved, that John Quinn, Executive Secretary of the Board of Electricity, is hereby granted the authority and directed to sign and to give the Notice of the Board's intent to adopt a rule without a public hearing governing the adoption of the 1987 National Electrical Code to all persons who have registered their names with the Board for that purpose and publish the notice and rule in the State Register and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME
THIS 10th DAY OF FEBRUARY, 1987.

Lyle C. Thornquist, President

Arthur Tieso, Vice-President

FEB 11 1987

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Adoption of the Rule of the State Department of Administration Governing the Adoption of the National Electrical Code 1987 Edition

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE, WITHOUT A PUBLIC HEARING

Notice of the Commissioner of Administration's intent to adopt the above-entitled rule was published in the State Register on Monday, April 27, 1987 and was sent to all persons of the list maintained by the Building Codes and Standards Division pursuant to Minnesota Statutes, Sections 14.14, subdivision 1a and 14.22 on April 21, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing and was published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the Building Codes and Standards Division.

No requests for notice of submission to the attorney general were received by the Building Codes and Standards Division.

Based on the comments and evidence in the record before the Building Codes and Standards Division, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE AS ORDERED, that the rule identified as proposed is adopted this 3rd day of June, 1987, pursuant to authority vested in me by Minnesota Statutes Section 16B.61.

STATE OF MINNESOTA

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed
Adoption of the Rule of the State
Department of Administration
Governing the Adoption of the
National Electrical Code
1987 Edition

DECLARATION OF COUNSEL

I, Gilbert S. Buffington, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0004.

Dated: June 19, 1987

GILBERT S. BUFFINGTON
Special Assistant
Attorney General

In the Matter of the Proposed
Adoption of the Rule of the State
Department of Administration
Governing the Adoption of the
National Electrical Code
1987 Edition

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Special Assistant
Attorney General

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Adoption of the Rule of the State
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1987 Edition

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Dated: June 19, 1987

GILBERT S. BUFFINGTON
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed
Adoption of the Rule of the State
Department of Administration
Governing the Adoption of the
National Electrical Code 1987 Edition

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to MN Stat. § 14.14, subd. 1a, that their names be placed on file with and maintained by the State Building Codes and Standards Division for the purpose of receiving notice of the proposed adoption of rules by this division is accurate and complete as of 8:00 a.m., this 21st day of April, 1987.

Margaret Opalinski

Margaret Opalinski

Rule: Not all new material

Notice of Intent: ok

Statutory Authority — Rule adopted by DOA

326.241 - 326.248

326.241	Board of Electricity
326.242	Licenses
326.243	Safety Standards
326.244	Inspection
326.245	Manufacturing of Elect. Apparatus
326.246	Crimes
" .247	Continuity
" .248	Citation

None of the above §§ authorize DOA to promulgate these rules. However the Board of Electricity may adopt rules to carry out duties under § 326.241-.248.

16B.61

No authorization to promulgate rules However "The Commissioner shall administer & enforce provisions."

The Board of Electricity did approve adoption of rule

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT of Administration
BUILDING CODES & STANDARDS

TO: Steve Buffington
Aspecial Asst. Attorney General

DATE: June 3, 1987

FROM: Elroy N. Berdahl
Supervisor, Code Consultants

PHONE: 6-9991

SUBJECT: REVIEW OF A RULE ADOPTED WITHOUT PUBLIC HEARING

Attached for your review and approval are the following documents concerning the adoption of the 1987 Edition of the National Electrical Code:

1. A photo-copy of the notice of solicitation of outside information as published in the State Register Monday, Oct. 20, 1986.

2. Certificate of Authorizing Resolution for Rule Without a Public Hearing from the State Board of Electricity.

3. A copy of the proposed rule with attached certificate of approval from the Revisor of Statutes Office.

4. Notice of Intent to Adopt a Rule Without a Public Hearing.

5. The Statement of Need and Reasonableness.

6. The affidavit of mailing and mailing certificate.

7. A State Register, Vol. 11, No. 43, dated Monday April 27, 1987 containing the notice of intent to adopt a rule without a public hearing.

8. Four copies of the rule as adopted.

9. The findings of fact, conclusions and order adopting the rule.

There were no requests for notification of the date of submission to the Attorney General's Office.

One written comment was received from John D. Quinn, Executive Secretary of the State Board of Electricity and it is enclosed.

If you have any questions or comments on the above, please do not hesitate to call me at 6-9991.

EB:p
enclosures

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT STATE BOARD OF ELECTRICITY

PB	✓		RH		
EB	✓	✓	RK		
DB			NS		
TJ		DATE:		1/15/87	
AK	✓	✓			
JP			PO	✓	
WS		PHONE:		642-0800	
AO					
TV					
Review & Signature					
Take Action					
File					

TO: Elroy Berdahl
Bldg. Codes and Standards Division

FROM: John D. Quinn
Executive Secretary

SUBJECT: ADOPTION OF THE 1987 NATIONAL ELECTRICAL CODE

This memo is a follow-up of our telephone conversation regarding the adoption of the 1987 National Electrical Code.

It is my understanding that the Notice of Solicitation of Outside Information or Opinions regarding the adoption of the 1987 edition of the National Electrical Code that was published in the State Register on Monday, October 20, 1986 in Volume 11 #16, received no comments.

The Board of Electricity is requesting that you proceed with a Noncontroversial Hearing regarding the adoption of the 1987 edition of the National Electrical Code. The enforcement date of the code would not be before July 1, 1987.

The Board of Electricity is also requesting that the amendment to Section 300-22(c) of the National Electrical Code be deleted.

Thank you.

JDQ/db

cc: William Bickner