

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1418
DATE RECEIVED 11/19/87
REVIEW DATE 11/28/87
DUE DATE 12/3/87

APPROVED 11-30-87
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0004
ADOPTED W/O HEARING X
EMERGENCY RULE

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

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion

4/22/85 Date published in State Register

Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule

Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

16B.58-16B.73 Statutory Authority

Yes Small Business Statement

Yes Expenditure of public money statement

Yes Signature

✓ Statement of Need and Reasonableness

Yes Small Business Statement

n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

8/25/87 Date (30)/25 days before adoption

✓ Publication in State Register

8/24/87 Date (30)/25 days before adoption

Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

10/30/87 Date

~~Written requests, submissions or comments~~

~~Declaration of attorney~~ stet

Gilbert Buffington Name of SAAG representing agency

✓ Notice of ~~Submission to Attorney General~~ Extension for Comment - St. Reg. 8/24/87

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

Memo re failure to adopt proposed Rule

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : December 3, 1987

TO : RICHARD A. BROOKS
Director,
Building Codes and Standards

FROM : MARTHA CASSERLY
Special Assistant
Attorney General

PHONE : 6-6204

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

The above-referenced rule has been approved as to its legality by the Attorney General on November 30, 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.

MJC:nah
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Administration

Adopted Permanent Rules Relating to Minnesota State Building Code

Rules as Adopted

CHAPTER 1305

DEPARTMENT OF ADMINISTRATION

MINNESOTA STATE BUILDING CODE

AMENDMENT TO THE UNIFORM BUILDING CODE

1305.2050 SECTION 801.

UBC Section 801 is amended to read as follows:

UBC Section 801. Group E Occupancies are:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for day-care purposes for more than ten children.

For occupancy separations, see Table No. 5-B.

1305.2100 SECTION 802.

UBC Section 802(c) is amended to read as follows:

Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 occupancies used for day-care purposes, kindergarten, first grade, or second grade pupils, and Division 3 occupancies may not be located above the first story or in a basement unless at least one exit is provided directly to the outside.

EXCEPTION: In buildings equipped with an automatic sprinkler system throughout, rooms used for kindergarten, first-grade and second-grade children or for day-care purposes may be located on the second story, if there are at least two exits directly to the exterior for the exclusive use of those occupants.

Approved by Revisor

Storage and janitor closets must be of one-hour fire-resistive construction. Stages and enclosed platforms must be constructed in accordance with chapter 39. For attic space partitions and draft stops, see section 2516(f).

1305.6200 TABLE NO. 33-A.

UBC Table No. 33-A is amended as follows:

~~Delete the right-hand column entitled "Access by means of a ramp or an elevator must be provided for the physically handicapped as indicated."~~

~~Also delete footnotes 2, 3, 4, 5, 6, 8, 10, and 11.~~

Amend use item 18 to read as follows:

18. Nurseries for Children (Day-care)	10	35

~~Amend use item 20 to read as follows:~~

~~20.--Stores-Retail sales rooms~~

~~Basement~~	~~See Note 7~~	~~20~~
~~Ground Floor~~	~~50~~	~~30~~
~~Upper Floors~~	~~20~~	~~50~~

~~Amend use item 22 to read as follows:~~

~~22.--Warehouses~~	~~30~~	~~500~~

~~Renumber use items 23. to 25. as 24. to 26. and insert a new use item 23 to read as follows:~~

~~23.--Manufacturing Areas~~	~~30~~	~~200~~

Approved by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC - 3 1987
Joan Anderson Growe
Secretary of State

3:51 P.M.

APPROVED AS TO FORM AND LEGALITY
November 30 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

tures including supplies, materials, and overhead, prorated on the basis of the inspector hours. These charges must reflect the portion of expenses not reimbursable by the United States or a federal department or agency, under Minnesota Statutes, section 299F.64. The natural gas owner or operator must be provided an itemized statement of its charges upon request.

~~D.~~ C. The department shall submit invoices to operators within 30 days after the end of the calendar quarter. Owners or operators shall remit payment to the department within 30 days after the date of the department invoice.

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

Outside Opinion Sought Regarding Amendments to the State Building Code, Including the Adoption of the 1985 Uniform Building 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 promulgate new rules governing the State Building Code. The promulgation of these rules is authorized by Minnesota Statutes Section 16B.59 which permits the agency to amend the State Building Code.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Peggi Opalinski
Building Codes & Standards Division
408 Metro Square Building
7th & Robert Sts.
St. Paul, MN 55101

All statements of information and comments shall be accepted until June 1, 1985 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Richard A. Brooks, Director

Department of Administration Building Codes and Standards

Outside Opinion Sought Regarding Proposed Rules Governing Recertification of Building Officials

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 promulgate new rules governing the recertification of building officials. The promulgation of these rules is authorized by Minnesota Statutes Section 16B.65 Subd. 7.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these

rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Building Codes & Standards Division
408 Metro Square Building
7th & Robert Sts.
St. Paul, MN 55101

All statements of information and comments shall be accepted until June 1, 1985 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Richard A. Brooks, Director

Minnesota Pollution Control Agency
Solid and Hazardous Waste Division

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

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding possible amendments to Minnesota Rules, Chapter 7045 governing hazardous waste.

Consideration is being given to the addition of dioxins, dibenzofurans and chlorinated aliphatic hydrocarbons to the lists of hazardous wastes and to the addition of special management requirements for the treatment, storage or disposal of dioxins and dibenzofurans. These amendments are considered in response to similar amendments to the federal hazardous waste regulations.

The MPCA requests information and comments concerning the subject matter of the proposed amendments. Written or oral information or comments will be accepted until May 15, 1985. Written statements should be addressed to: Karen A. Ryss, Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota, 55113. Oral statements will be received during regular business hours at 612/297-1793.

April 12, 1985

Thomas J. Kalitowski
Executive Director

Board of Vocational Technical Education

Notice of Public Hearing

A Public Hearing pursuant to M.S. 136C.28, Subd. 3, will be held for the purpose of post-secondary vocational aid allocations for F.Y. '85-'86. The hearing will be held on May 13, 1985, Radisson St. Paul Hotel, 11 East Kellogg Boulevard, St. Paul, Minnesota, at 9:00 a.m. For more information, contact Ronald Dreyer, 559 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, phone (612) 297-1477.

Department of Administration

Proposed Permanent Rules Relating to Minnesota State Building Code

Rules as Proposed

CHAPTER 1305

DEPARTMENT OF ADMINISTRATION

MINNESOTA STATE BUILDING CODE

AMENDMENT TO THE UNIFORM BUILDING CODE

1305.2050 SECTION 801.

UBC Section 801 is amended to read as follows:

UBC Section 801. Group E Occupancies are:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for day-care purposes for more than ten children.

For occupancy separations, see Table No. 5-B.

1305.2100 SECTION 802.

UBC Section 802(c) is amended to read as follows:

Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 occupancies used for day-care purposes, kindergarten, first grade, or second grade pupils, and Division 3 occupancies may ~~neither~~ not be located above the first story~~,-nor-be-located~~ or in a basement unless at least one exit is provided directly to the outside.

EXCEPTION: In buildings equipped with an automatic sprinkler system throughout, rooms used for kindergarten, first-grade and second-grade children or for day-care purposes may be located on the second story, if there are at least two exits directly to the exterior for the exclusive use of those

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

occupants.

Storage and janitor closets must be of one-hour fire-resistive construction. Stages and enclosed platforms must be constructed in accordance with chapter 39. For attic space partitions and draft stops, see section 2516(f).

1305.6200 TABLE NO. ~~33A~~ 33-A.

UBC Table ~~33A~~ No. 33-A is amended as follows:

Delete the right hand column entitled "Access by means of a ramp or an elevator must be provided for the physically handicapped as indicated."

Also delete footnotes 2, 3, 4, 5, 6, 8, 10, and 11.

Amend use item 18 to read as follows:

18. Nurseries for Children (Day-care)	10	35

Amend use item 20 to read as follows:

20. Stores-Retail sales rooms		
Basement	See Note 7	20
Ground Floor	50	30
Upper Floors	20	50

Amend use item 22 to read as follows:

22. Warehouses	30	500

Renumber use items 23. to 25. as 24. to 26. and insert a new use item 23 to read as follows:

23. Manufacturing Areas	30	200

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Minnesota State Building Code

AGENCY: Department of Administration

MINNESOTA RULES: Chapter 1305

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES AND STANDARDS DIVISION

In the Matter of the Proposed Adoption of the Rule of the State Building Code Amending the 1985 Uniform Building Code Chapter 8, Section 801 (Child Day Care) Section 802 and Table 33-A

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Administration, Building Codes and Standards Division 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, Section 14.22 to 14.26.

All persons have 30 days in which to submit comment in support 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 persons 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 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 addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Satutues, Section 14.31 to 14.20.

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

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., September 22, 1987.

Authority for the adoption of these rules is contained in Minnesota Statutues, 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 monies exceed $100,000 in either of the two years following the adoption of these rules, within the meaning of the 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.

One free copy of this notice and the proposed rule may be obtained by contacting the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Date: July 29, 1981

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPT. OF ADMINISTRATION

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Amendment to the 1985 Uniform Building Code, Specifically Chapter 8, Section 801, (Child Day Care) 802 and Table 33-A

STATEMENT OF NEED AND REASONABLENESS

The above-captioned proposed rules are amendments to the existing Minnesota State Building Code as they relate to building code requirements for child day care facilities.

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 together with regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The Minnesota State Building Code Rules, 1987 printing, effective February 17, 1987, Minnesota Rules 1300.0100 to 1300.2000, 1305.0100 to 1305.7100, 1310.0100 to 1310.9300, 1315.0200 to 1315.0400, 1320.0100 to 1320.2400, 1325.1000 to 1325.9500, 1330.0100 to 1330.2100, 1335.0200 to 1335.3000, 1340.0200 to 1340.9900, 1345.0010 to 1345.3300, 1350.0100 to 1350.9200, 1355.0100 , 1360.0100 to 1360.3600, 1365.0200 to 1365.0800, 4215.0100 to 4215.6100 and 4715.0100 to 4715.0100 to 4715.6000, adopted the 1985 Edition of the Uniform Building Code by reference with certain amendments as a portion of the Minnesota State Building Code. The amendments to the 1987 publication of the rules updates the Minnesota State Building Code to incorporate the adoption of the 1985 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California.

The proposed rules contain certain amendments to the Minnesota State Building Code, Chapter 1305 which adopts and includes amendments to the 1985 Edition of the Uniform Building Code.

The proposed rules reflect amendments for regional utilization in keeping with the legislative intent of MN Stat. Section 16B.61. The amendments provide for a modification of certain sections, change wording to clarify the intent, adopt and update to the recommendation of the Legislative Commission for the Review of Administrative Rules.

Any business entity which constructs, expands or remodels buildings is required to comply with the Minnesota State Building Code. When adopted, these proposed rules become part of the Minnesota State Building Code and will be applicable to all future construction. The rules are not applicable to existing structures unless they are declared unsafe (hazardous and substandard buildings, MN Stat. Section 463.15 to 463.26) or as otherwise modified by Section 104 of the Uniform Building Code, 1985 Edition.

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 by MN Stat. Section 14.115, subd. 2, for reducing the impact of the rules on small businesses. The proposed rules do not require businesses to make reports so the requirements for reporting identified 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 these rules is to establish a minimum uniform standard for construction of all public, private, commercial, industrial or residential

structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents of the state at the least possible cost consistent with recognized standards. MN Stat. Section 16B.59 (1984). To exempt small businesses from any or all requirements of the rules would be contrary to the statutory objectives that are the basis of the proposed rulemaking, MN Stat. Section 16B.59, 16B.61 and 16B.64. The legislature has specifically mandated that the uniformity of building standards is in the public interest. MN Stat. Section 16B.85 states in part:

> The (building) code and any amendments thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States.

Minnesota Statute Section 14.115, subd. 2(d) calls for the establishment of preformance standards for small businesses as one method of reducing the adverse impact of rules upon them. The code and its amendments are 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 or materials. The Building Code uses performance standards wherever possible. Since the performance standards apply across the board to all entities subject to the Building Code, the methods of reducing the impact of the rules provided by Subdivision 2(d) has been utilized. No special changes are necessary for small businesses.

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

Elroy Berdahl, Supervisor, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear on behalf of the proposed rules at the hearing if a 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.

1305.2050
UBC Section 801
Occupancies Defined

The number of the children defined in the occupancy classification as a day care use is increased from "more than 6" to "more than 10" to reflect a correlation between code requirements and the direction given by the Legislative Committee for the Review of Administrative Rules in relation to day care provider provisions.

UBC Section 802(c)
Special Provision Day Care
and Others

This item is amended to be consistent with national model code language for day care application.

1305.6200

UBC Table 33-A

The deletion and changes of the footnotes identified are editorial for the 1985 UBC. Line item #18 changes the number of occupants from 7 to 10 to reflect the recommended change from L.C.R.A.R.

Date: July 29, 1987

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER

DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption
of the Rule of the State Building Code
Amending the 1985 Uniform Building Code
Chapter 8, Section 801 (Child Day Care)
Section 802 and Table 33-A

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Margaret Opalinski, being first duly sworn, deposes and says:

That on the 25th day of August, 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

Subscribed and sworn to before me
this 25th day of August, 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



Published every Monday

24 August 1987

Volume 12, Number 8

Pages 321-352

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
8	Monday 10 August	Monday 17 August	Monday 24 August
9	Monday 17 August	Monday 24 August	Monday 31 August
10	Monday 24 August	Monday 31 August	Monday 7 September
11	Monday 31 August	Friday 4 September	Monday 14 September

*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

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NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register.***

When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register.***

After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules.** These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as **Proposed Rules.** To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register,*** the issue the rule appeared in as proposed, and later as adopted.

For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-16; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August.

For copies of the ***State Register,*** a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services,*** contact the 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."

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Proposed Rules

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

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

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

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

Department of Administration

Proposed Permanent Rules Relating to Minnesota State Building Code

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Administration, Building Codes and Standards Division 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,* Section 14.22 to 14.26.

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.

All persons have 30 days in which to submit comment in support 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 persons 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 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 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 14.31 to 14.20.

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

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., September 22, 1987.

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 monies exceed $100,000 in either of the two years following the adoption of these rules, within the meaning of the 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.

One free copy of this notice and the proposed rule may be obtained by contacting the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Dated: 29 July 1987

Sandra J. Hale, Commissioner
Dept. of Administration

Statement of Need and Reasonableness

The above-captioned proposed rules are amendments to the existing Minnesota State Building Code as they relate to building code requirements for child day care facilities.

Pursuant to *Minnesota Statutes,* 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 together with regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The Minnesota State Building Code Rules, 1987 printing, effective February 17, 1987, *Minnesota Rules* 1300.0100 to 1300.2000, 1305.0100 to 1305.7100, 1310.0100 to 1310.9300, 1315.0200 to 1315.0400, 1320.0100 to 1320.2400, 1325.1000 to 1325.9500, 1330.0100 to 1330.2100, 1335.0200 to 1335.3000, 1340.0200 to 1340.9900, 1345.0010 to 1345.3300, 1350.0100 to 1350.9200, 1355.0100, 1360.0100 to 1360.3600, 1365.0200 to 1365.0800, 4215.0100 to 4215.6100 and 4715.0100 to 4715.0100 to 4715.6000, adopted the 1985 Edition of the *Uniform Building Code* by reference with certain amendments as a portion of the Minnesota State Building Code. The amendments to the 1987 publication of the rules updates the *Minnesota State Building Code* to incorporate the adoption of the 1985 Edition of the *Uniform Building Code* as promulgated by the International Conference of Building Officials, Whittier, California.

The proposed rules contain certain amendments to the *Minnesota State Building Code,* Chapter 1305 which adopts and includes amendments to the 1985 Edition of the *Uniform Building Code.*

The proposed rules reflect amendments for regional utilization in keeping with the legislative intent of *Minnesota Statutes,* Section 16B.61. The amendments provide for a modification of certain sections, change wording to clarify the intent, adopt and update to the recommendation of the Legislative Commission for the Review of Administrative Rules.

Any business entity which constructs, expands or remodels buildings is required to comply with the *Minnesota State Building Code.* When adopted, these proposed rules become part of the *Minnesota State Building Code* and will be applicable to all future construction. The rules are not applicable to existing structures unless they are declared unsafe (hazardous and substandard buildings, *Minnesota Statutes,* Section 463.15 to 463.26) or as otherwise modified by Section 104 of the *Uniform Building Code,* 1985 Edition.

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 by *Minnesota Statutes,* Section 14.115, subd. 2, for reducing the impact of the rules on small businesses. The proposed rules do not require businesses to make reports so the requirements for reporting identified 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 these rules is to establish a minimum uniform standard for construction of all public, private, commercial, industrial or residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents of the state at the least possible cost consistent with recongized standards. *Minnesota Statutes,* Section 16B.59 (1984). To exempt small businesses from any or all requirements of the rules would be contrary to the statutory objectives 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 building standards is in the public interest. *Minnesota Statutes* Section 16B.85 states in part:

The (building) code and any amendments thereof shall conform insofar as practicable to model building 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 code and its amendments are 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 or materials. The Building Code uses performance standards wherever possible. Since the performance standards apply across the board to all entities subject to the Building Code, the methods of reducing the impact of the rules provided by Subdivision 2(d) has been utilized. No special changes are necessary for small businesses.

The 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 additional monies by local public bodies nor have an impact on agricultural land and meets the test of the exceptions to fiscal notes as provided by *Minnesota Statutes* 3.983.

Elroy Berdahl, Supervisor, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear on behalf of the proposed rules at the hearing if a 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.

1305.2050 UBC SECTION 801 OCCUPANCIES DEFINED.

The number of the children defined in the occupancy classification as a day care use is increased from "more than 6" to "more than 10" to reflect a correlation between code requirements and the direction given by the Legislative Committee for the Review of Administrative Rules in relation to day care provider provisions.

UBC SECTION 802(c) SPECIAL PROVISION DAY CARE AND OTHERS.

This item is amended to be consistent with national model code language for day care application.

1305.6200 UBC TABLE 33-A.

The deletion and changes of the footnotes identified are editorial for the 1985 UBC. Line item #18 changes the number of occupants from 7 to 10 to reflect the recommended change from L.C.R.A.R.

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 Proposed

CHAPTER 1305
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
AMENDMENT TO THE UNIFORM BUILDING CODE

1305.2050 SECTION 801.

UBC Section 801 is amended to read as follows:

UBC Section 801. Group E Occupancies are:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for day-care purposes for more than ten children.

For occupancy separations, see Table No. 5-B.

1305.2100 SECTION 802.

UBC Section 802(c) is amended to read as follows:

Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 occupancies used for day-care purposes, kindergarten, first grade, or second grade pupils, and Division 3 occupancies may ~~neither~~ not be located above the first story~~, nor be located~~ or in a basement unless at least one exit is provided directly to the outside.

EXCEPTION: In buildings equipped with an automatic sprinkler system throughout, rooms used for kindergarten, first- grade and second-grade children or for day-care purposes may be located on the second story, if there are at least two exits directly to the exterior for the exclusive use of those occupants.

Storage and janitor closets must be of one-hour fire-resistive construction. Stages and enclosed platforms must be constructed in accordance with chapter 39. For attic space partitions and draft stops, see section 2516(f).

1305.6200 TABLE NO. ~~33A~~ 33-A.

UBC Table ~~33A~~ No. 33-A is amended as follows:

Delete the right hand column entitled "Access by means of a ramp or an elevator must be provided for the physically handicapped as indicated."

Also delete footnotes 2, 3, 4, 5, 6, 8, 10, and 11.

Amend use item 18 to read as follows:

18. Nurseries for Children (Day-care)	10	35

Amend use item 20 to read as follows:

20. Stores-Retail sales rooms		
Basement	See Note 7	20
Ground Floor	50	30
Upper Floors	20	50

Amend use item 22 to read as follows:

22. Warehouses	30	500

Renumber use items 23. to 25. as 24. to 26. and insert a new use item 23 to read as follows:

23. Manufacturing Areas	30	200

Department of Human Services

Proposed Permanent Rules Relating to Services to Persons With Mental Retardation or Related Conditions

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 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 rules, amendments and instruction to the revisor is contained in *Minnesota Laws of 1985,* Chapter 21; *Minnesota Statutes,* section 252.28, subdivision 2; section 256B.092, subdivision 6; and section 256B.503.

Persons interested in this rule shall 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 and 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 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 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 October 2, 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 September 24, 1987 and September 30, 1987 at (612) 297-4984.

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, Minn. 55155
Telephone: (612) 297-1217

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on September 23, 1987.

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

Proposed parts 9525.0180 to 9525.0190 clarify the criterial contained in *Minnesota Statutes,* section 252.27, subdivision 1, to be used by the agency and county boards in identifying persons with related conditions. The statutory definition of "related condition" is contained *Minnesota Statutes,* section 252.27, subdivision 1. It states:

a person has a "related condition" if that person has a severe, chronic disability that is (a) attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with mental retardation; (b) is likely to continue indefinitely; and (c) results in substantial functional limitations in three or more of the following areas of major life activity; self-care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living.

The proposed rules establish criteria for "substantial functional limitation" which are consistent with other department rules and federal laws. The instruction to the revisor and amendments to parts 9500.1070 and 9505.0065 are clean up instructions and amendments to bring the adopted rules specified into compliance with statute.

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.

A free copy of this rule, amendments and instructions is available on request for review from:

Shirley Schue
Mental Retardation Division
Centennial Office Building, Fourth Floor
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 297-4984

A copy of the proposed rule, amendments and instruction 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 Shirley Schue upon request.

Adoption of these rules, amendments and instructions will not result in additional spending by local public bodies in the 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 Shirley Schue.

If no hearing is required upon adoption of the rule, amendments and revisor's instruction, the rule 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, must submit the written request to Jane Nelson.

Dated: 24 August 1987

Sandra S. Gardebring, Commissioner
Department of Human Services

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 room D, 5th Floor, Veteran's Service Building, 20 West 12th Street, St. Paul, Minnesota on October 2, 1987 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules, amendments and instruction may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed matter you are urged to participate in the rule 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 RULES 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 September 24, 1987 and September 30, 1987 at (612) 297-4984.

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 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 Peter Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, 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 rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes,* sections 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.

Proposed parts 9525.0180 to 9525.1090 clarify the criteria contained in *Minnesota Statutes,* section 252.27, subdivision 1, to be used by the agency and county boards in identifying persons with related conditions. The statutory definition of "related condition" is contained *Minnesota Statutes,* section 252.27, subdivision 1. It states:

a person has a "related condition" if that person has a severe, chronic disability that is (a) attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with mental retardation; (b) is likely to continue indefinitely; and (c) results in substantial functional limitations in self-care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living.

The proposed rules establish criteria for "substantial functional limitation" which are consistent with other department rules and federal laws. The instruction to the revisor and amendments to parts 9500.1070 and 9505.0065 are clean up instructions and amendments to bring the adopted rules specified into compliance with statutory language.

The agency's authority to adopt the proposed rules is contained in *Laws of Minnesota 1985*, Chapter 21; *Minnesota Statutes*, section 252.28, subdivision 2; section 256B.092, subdivision 6; and section 256B.503.

Adoption of these rules 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 Shirley Schue, Mental Retardation Division, Department of Human Services, Centennial Office Building, Fourth Floor, 658 Cedar Street, St. Paul, Minnesota 55155, Telephone (612) 297-4984.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Shirley Schue, Department of Human Services. This rule is 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 contact Shirley Schue.

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 rules. 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 than 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.

Dated: 24 August 1987

Sandra S. Gardebring, Commissioner
Department of Human Services

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Rules as Proposed

9500.1070 SERVICES COVERED BY MEDICAL ASSISTANCE.

Subpart 1. to 12. [Unchanged.]

Subp. 13. **Rehabilitative and therapeutic services in long-term care facilities.** Such services must be provided in accordance with applicable federal regulations, state law, and the Department of Human Services rules.

A. to E. [Unchanged.]

F. The following rehabilitative and therapeutic services are not reimbursable as a separate charge under the MA program when furnished in a long term care facility:

(1) to (15) [Unchanged.]

(16) Services billed for by any source other than the skilled nursing facility, intermediate care facility, or intermediate care facility for ~~the mentally retarded~~ persons with mental retardation or related conditions.

Subp. 14. to 24. [Unchanged.]

9505.0065 INCOME.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Eligibility based on income spend-down.** A person determined eligible on the basis of a spend-down is eligible for the periods specified in items A to G if the person incurs health service bills at least equal to the amount of the spend-down during the eligibility period. Except as in items C and D, only bills for health services incurred during the eligibility period may be used to satisfy the spend-down. Actual rates charged for the health service to the person less any portion of the bill covered by a liable third party payment shall be used in determining whether the person satisfies the spend-down. Prior authorization requirements and medical assistance payment rates and service limitations under parts 9500.0900 to 9500.1080 shall not apply to health service bills used to satisfy a spend-down. However, rates established by the department for long-term care in nursing homes and residential care facilities for ~~the~~ mentally ~~retarded~~ and physically handicapped persons must be used to calculate the continuing monthly spend-down for a recipient who resides in a long-term care facility during the period between the date of application and the determination of eligibility.

A. [Unchanged.]

B. The monthly spend-down of a person residing in a long-term care facility shall be the net income remaining after deducting subitems (1) to (4). The spend-down must be applied to monthly health service costs in the order incurred until the spend-down is satisfied. For purposes of this item, deductions are:

(1) [Unchanged.]

(2) in the case of a person who ~~is mentally retarded~~ has mental retardation or a related condition as defined in part 9525.0010, subpart 11 or is certified as disabled as defined in part 9505.0040, items E to H and is employed under a plan of rehabilitation, a special monthly personal allowance of the first $50 of gross monthly earned income;

(3) to (5) [Unchanged.]

C. to G. [Unchanged.]

Subp. 12. [Unchanged.]

9515.0500 PROCEDURES.

None of the treatment methods listed in part 9515.0400 shall be administered to a patient committed to a state hospital unless the medical director of the state hospital, on the basis of consultation with the patient's treating physician, has determined in accordance with the provisions of part 9515.0600 that the treatment method is medically indicated for the committed patient; and:

A. and B. [Unchanged.]

C. In the case of a committed ~~mentally retarded resident~~ person who has mental retardation or a related condition, written consent is obtained from the closest responsible relative on a form which specifies the nature, purpose, risks, and effects of the proposed treatment and advises the relative of the right to consult with any other persons regarding the decision and to withdraw consent at any time. The signed consent shall be accessible to the ~~resident's~~ person's responsible relative and must include a certification by the medical director of the state hospital or the resident's treating physician that the relative has read and understands the terms of the document. If the ~~retarded resident~~ person also is under guardianship or conservatorship of the commissioner, Department of Human Services, Minnesota Statutes, section 252A.11 the commissioner must give the above consent as provided in subdivision 1, clause (a) or (g) in addition to the relative's consent. A certification shall be made by the medical director of the state hospital or

the resident's treating physician that the ~~retarded resident~~ person has received an explanation of the proposed treatment to the extent of the ~~retarded resident's~~ person's understanding; or

D. [Unchanged.]

E. In the case of committed minors, including ~~mentally retarded~~ minors with mental retardation or related conditions, treatments regulated by this rule may not be administered without prior judicial authorization pursuant to part 9515.0700.

9525.0180 PURPOSE.

The purpose of parts 9525.0180 to 9525.0190 is to further define "related condition" as found in Minnesota Statutes, section 252.27, subdivision 1, so that county boards can determine if a person is eligible for services established for persons with mental retardation.

9525.0185 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9525.0180 to 9525.0190 have the meanings given to them in this part.

Subp. 2. **Adaptive behavior similar to that of persons with mental retardation.** "Adaptive behavior similar to that of persons with mental retardation" means behavior that has been determined to demonstrate a severe deficit in skills related to personal independence and social responsibility such as self-care, mobility, communication, self-preservation, and community integration, when compared to the norm for individuals of the same chronological age group and cultural peer group. The determination must be made by a psychiatrist, licensed psychologist, or licensed consulting psychologist, through the combination of test data, observation, and all other available information sources.

Subp. 3. **Autism.** "Autism" means a functional disorder occurring before 30 months of age that results in and causes a pervasive lack of responsiveness to other people, gross deficits in language and communication, and bizarre responses to the environment, all in the absence of delusions and hallucinations. Autism must be diagnosed by a team composed of a licensed physician, a speech pathologist, and a licensed psychologist, licensed psychiatrist, or licensed consulting psychologist.

Subp. 4. **Cerebral palsy.** "Cerebral palsy" means a clinical disorder that is diagnosed by a licensed physician as a result of medical examination and characterized by aberrations of motor function such as paralysis, weakness, or incoordination.

Subp. 5. **County board.** "County board" means the board of commissioners for the county of financial responsibility as specified in Minnesota Statutes, sections 256E.08, subdivision 7, and 256B.02 or its designated representative.

Subp. 6. **Epilepsy.** "Epilepsy" means a clinical disorder diagnosed by a licensed physician as a result of neurological examination that is characterized by a single attack or recurring attacks of loss of consciousness, convulsive movement, or disturbance of feeling or behavior.

Subp. 7. **Impairment of general intellectual functioning.** "Impairment of general intellectual functioning" means a score of a least two standard deviations below the mean on a standardized individual test of general intellectual functioning administered by a licensed psychologist, licensed consulting psychologist, or licensed psychiatrist.

Subp. 8. **Person with mental retardation.** "Person with mental retardation" means:

A. a person who has been diagnosed under part 9525.0045 as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday; or

B. a person under five years of age who demonstrates significantly subaverage intellectual functioning concurrently with severe deficits in adaptive behavior but for whom a licensed psychologist or licensed consulting psychologist determines that a diagnosis may not be advisable because of the person's age.

Subp. 9. **Related condition.** "Related condition" means a severe chronic disability in which onset occurs before the person's 22nd birthday and which:

A. is attributable to cerebral palsy, epilepsy, autism, or any other condition, excluding mental illness, chemical dependency, senility, and debilitating diseases such as muscular dystrophy and multiple sclerosis, considered closely related to mental retardation because the condition results in:

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(1) impairment of general intellectual functioning; or

(2) adaptive behavior similar to that of persons with mental retardation; or

(3) requires treatment or services similar to those required for persons with mental retardation; and

B. is likely to continue indefinitely; and

C. results in substantial functional limitations in three or more of the following areas of major life activity:

(1) self-care;

(2) understanding and use of language;

(3) learning;

(4) mobility;

(5) self-direction; or

(6) capacity for independent living.

9525.0190 DETERMINATION OF SUBSTANTIAL FUNCTIONAL LIMITATION.

Subpart 1. **Professional involvement.** A determination of substantial functional limitation must be made by the case manager and at least one of the following professionals:

A. a licensed physical therapist;

B. a licensed occupational therapist;

C. a licensed physician;

D. a speech and language pathologist or a speech and language therapist;

E. a licensed psychiatrist, licensed psychologist, or licensed consulting psychologist; or

F. a certified special education professional.

The selection of the professionals must be based on the suspected functional limitations of the client.

Subp. 2. **Criteria.** The determination of substantial functional limitation must be based on the criteria in items A to F:

A. A substantial functional limitation in self-care is a long-term condition that results in the person with the condition needing physical, gestural, or verbal assistance at least four days per week to meet most or all personal care needs particularly in the areas of eating, grooming, caring for personal hygiene, and toileting.

B. A substantial functional limitation in language skills is a long-term condition that prevents a person from effectively communicating, either expressively or receptively, with other persons in a general setting without the aid of a third person, a person with special skill, or the aid of a mechanical device.

C. A substantial functional limitation in learning is a long-term condition that impairs the person's cognition, retention, and reasoning so that the person is unable, or is extremely limited in ability, even with specialized intervention, to acquire new knowledge or transfer knowledge and skills to new situations. This functional limitation is typically manifested by performance that makes it necessary for a person to have daily assistance from another person to perform at an age-appropriate level in at least three of the following areas: functional reading skills, functional math skills, time skills, personal history information, and writing skills. For children under the age of six this must be determined by a performance of two standard deviations below the mean on a standardized developmental scale.

D. A substantial functional limitation in mobility is a long-term physical condition that impairs the person's ability to move from one place to another without the assistance of another person or mechanical aid or with such difficulty that an unusually protracted amount of time is required in a barrier-free environment.

E. A substantial functional limitation in self-direction is a long-term condition that results in a person's inability, at an age-appropriate level, to exercise judgments basic to the protection of the person's own self-interest or rights, without supervision on a regular and continuing basis.

F. A substantial functional limitation in capacity for independent living is a long-term condition that prevents the person from performing at age-appropriate levels in at least three areas of independent living skills including using a telephone, shopping for food and clothing, preparing simple meals, housekeeping, and self-medication without the assistance of a second person.

9540.1200 PURPOSES OF GRANTS.

Joint application to the state agency for grants may be made by the county welfare board, community mental health board, or human service board to pay local costs in planning developing alternatives, making appropriate placements, and financing residential

and supportive services for ~~mentally retarded~~ persons with mental retardation or related conditions in community-based programs after existing state and federal resources are fully utilized.

Applications may be made for the following purposes:

A. The placement of ~~mentally retarded~~ residents of state institutions with mental retardation or related conditions into community-based residential facilities. This may include:

(1) and (2) [Unchanged.]

B. The placement of ~~mentally retarded~~ residents of community based residential facilities who have mental retardation or related conditions into independent living. This may include costs of:

(1) to (3) [Unchanged.]

EDITORIAL CHANGES.

Subpart 1. **Changes to include "related conditions" with "mental retardation."** In each part or range of parts listed in subpart 2, the following changes shall be made in Minnesota Rules:

A. the words "retarded person," "mentally retarded person," "mentally retarded or cerebral palsied person," "mentally retarded individual," or "person with mental retardation" to "person with mental retardation or a related condition";

B. the words "retarded persons," "the mentally retarded," "mentally retarded persons," "mentally retarded individuals," "mentally retarded and cerebral palsied persons," or "persons with mental retardation" to "persons with mental retardation or related conditions";

C. the words "mentally retarded adult" to "adult with mental retardation or a related condition";

D. the words "mentally retarded adults" to "adults with mental retardation or related conditions";

E. the words "mentally retarded child" to "child with mental retardation or a related condition";

F. the words "mentally retarded children" to "children with mental retardation or related conditions";

G. the words "mentally retarded, epileptic, or emotionally handicapped children" to "children with mental retardation or related conditions, epilepsy, or emotional handicaps";

H. the words "who is mentally retarded" to "who has mental retardation or a related condition";

I. the words "who are mentally retarded" to "who have mental retardation or related conditions";

J. the words "who are or may be mentally retarded" to "who have or may have mental retardation or related conditions";

K. the words "mentally retarded" in phrases not listed in items A to J to "having mental retardation or related conditions";

L. the words "mental retardation" in phrases not listed in items A to J to "mental retardation or related conditions," except that the phrases "qualified mental retardation professional" and "mental retardation division" must be left unchanged.

Subp. 2. **Locations.** The changes set forth in subpart 1 must be made in the following parts of Minnesota Rules: 9505.0015; 9505.1030; 9505.1150; 9510.1020; 9510.1030; 9510.1050; 9510.1090; 9510.1100; 9525.0015, subparts 3, 4, 11, 15, 16, 17, 18, 19, 21, 22, 23, 28, 29, and 31; 9525.0025; 9525.0035; 9525.0055; 9525.0065, subparts 1, 2, 3, 4, and 5; 9525.0075; 9525.0085; 9525.0105; 9525.0115; 9525.0125; 9525.0135; 9525.0145; 9525.0155; 9525.0210, subparts 14, 15, and 19; 9525.0220; 9525.0240; 9525.0260; 9525.0330; 9525.0510; 9525.0520; 9525.0530; 9525.0750; 9525.0760; 9525.0770; 9525.0800; 9525.0820; 9525.0900; 9525.0910; 9525.0920; 9525.0930; 9525.0950; 9525.1200; 9525.1210; 9525.1220; 9525.1810; 9525.1820; 9525.1850; 9525.1860; 9525.1910; 9540.0100, subparts 3 and 6; 9540.0200; 9540.0300; 9540.0400, subpart 3; 9540.1000, subpart 1; 9540.1100; 9540.1300, items A and D; 9540.1500, subparts 1, items A, B, and C, and 2; 9540.2100; 9540.2200; 9540.2400; 9545.0010; 9545.0910; 9553.0010; 9553.0020; 9555.8000; and 9555.8100.

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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.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Regarding Securities Guaranteed By Governmental Unit or Instrumentality Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules regarding securities guaranteed by a governmental unit or instrumentality under *Minnesota Statutes* § 80A.15, subd. 1(a). Promulgation of these rules is authorized by *Minnesota Statutes,* Sections 80A.25 and 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* § 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to

Kristine Eiden, Deputy Commissioner
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-6325

Oral statements will be received during regular business hours over the telephone at (612) 296-6325.

All statements of information and comment shall be accepted until September 30, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Health

Notice of the Implementation of Federal Regulations Affecting Participation in the Food Stamp Program by Vendors Disqualified from the Special Supplemental Food Program for Women, Infants and Children (WIC Program)

Notice is hereby given that the Minnesota Department of Health is implementing *Federal Regulation* 7 CFR 278.1(a)(1), April 22, 1987 *Federal Register,* volume 52, number 77. This regulation requires that food vendors in the Special Supplemental Food Program for Women, Infants and Children (WIC Program) be notified that Food Stamp Program authorization will be withdrawn from vendors who are disqualified from the WIC Program based in whole or in part on any act which constitutes a violation of WIC regulations and which is shown to constitute a misdemeanor or felony violation of law, or for any of the following specific program violations:

1. Claiming reimbursement for the sale of an amount of a specific food item which exceeds the store's documented inventory for that food item for a specific period of time.
2. Exchanging cash or credit for WIC vouchers.
3. Receiving, transacting and/or redeeming WIC vouchers outside of authorized channels.
4. Accepting WIC vouchers from unauthorized persons.
5. Exchanging non-food items for a WIC voucher.
6. Charging WIC customers more for food than non-WIC customers or charging WIC customers more than current shelf price.
7. Charging for food items not received by the WIC customer or for foods provided in excess of those listed on the voucher.

Departments of Human Services, Health, and Public Safety

End of Solicitation Period for Comments Concerning Merit System Rules

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning Minnesota Merit System rules, published in the *State Register* July 13, 1987 will end on September 8, 1987.

Questions concerning the comment period may be addressed to:

Ralph W. Corey
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone: (612) 296-3996

Department of Human Services

Notice of Hospital Cost Index

Pursuant to *Minnesota Rules*, Part 9500.1120 hospitals participating in the Medical Assistance and General Assistance Medical Care programs are subjected to a Health Cost Index that is used in the determination of prospective inpatient hospital rates. Each hospital whose fiscal year starts during a given calendar quarter shall be notified of the HCI to be used 30 days prior to the start of that quarter. It has been determined that the HCI is 5.0 percent according to an independent source, Data Resources, Inc., for Health Care Costs for hospitals whose fiscal years begin during the calendar quarter beginning October 1, 1987.

Sandra S. Gardebring, Commissioner
Department of Human Services

Department of Human Services

Social Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Child Foster Care Difficulty of Care Payments

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing child foster care difficulty of care payments. The adoption of the rule is authorized by *Minnesota Statutes,* section 256.82, subdivisions 3 and 3a, which direct the agency to promulgate an emergency rule establishing a uniform statewide system of difficulty of care payments to child foster care providers.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Marian Eisner, Minnesota Department of Human Services, Centennial Office Building, 658 Cedar, St. Paul, MN 55155-1689. Oral statements will be received during regular business hours over the telephone at (612) 297-2711 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* or Notice of Intent to Adopt Emergency Rules is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Department of Labor and Industry

Notice of Revision to Prevailing Wage Certifications

Effective July 30, 1987 the commissioner certified revised prevailing wage rates for commercial construction projects in Brown

and Nicollet counties. Labor classes 203, 213, 217, 226, and 238 were inadvertently omitted from the April 1, 1987 certification.

Copies can be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Ray Bohn, Commissioner
Department of Labor and Industry

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is September 15, 1987.

GOVERNOR'S ADVISORY COUNCIL ON TECHNOLOGY AND PERSONS WITH DISABILITIES has 2 vacancies open for members. Members shall represent the private sector, consumers, service agencies, third party funding sources, education and library systems. There is no compensation or per diem. Members are appointed by the Governor. The council shall coordinate, support and advance technology uses for persons with disabilities through implementation and training, information dissemination, technical services, research and development and technology transfer. For specific information contact the Governor's Advisory Council on Technology and Persons with Disabilities, Rachel Wobschall, Dept. of Trade and Economic Development, Governor's Office of Science and Technology, 900 American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 297-4368.

MINNESOTA OFFICE ON VOLUNTEER SERVICES ADVISORY COMMITTEE has 1 vacancy open for a member who resides in Economic Development Region 2 (Lake of the Woods, Beltrami, Clearwater and Hubbard counties). The committee shall encourage and sustain volunteer programs, citizen participation efforts and public/private partnerships that contribute to the quality of life for Minnesota citizens. The committee shall advise and make recommendations to the Governor, Commissioner of Administration, and Director on program directions and policy issues relating to M.O.V.S. Members are appointed by the Commissioner of Administration. Members are reimbursed for expenses. Three to five meetings at the State Capitol Complex. For specific information contact the Minnesota Office on Volunteer Services Committee, 500 Rice St., St. Paul 55155; (612) 296-4731.

MINNESOTA PUBLIC FACILITIES AUTHORITY has 3 vacancies open for public members. The authority shall be responsible for managing grant and loan programs for assisting state or local jurisdictions in financing water and wastewater treatment systems. Also assists local units of government in administering the Municipal Energy Grant and Loan Program, the school energy loan program, and the health care equipment program. Members are appointed by the Governor with advice and consent of the senate. Members receive authorized expenses. For specific information contact the Minnesota Public Facilities Authority, Dept. of Trade and Economic Development, 9th Floor American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 296-5005.

RURAL DEVELOPMENT BOARD has 6 vacancies open for public members (one from each region established by the board) representing 2 local elected officials, 2 members of farm organizations, 1 business representative and 1 labor representative. The board is responsible for investigating and evaluating new methods to be used as a guide for the legislature and state agencies to allocate state resources and funds to rural Minnesota; and administration of the Challenge Grant Program and Rural Rehab Pilot Projected Program. Members are appointed by the Governor. Members received authorized expenses. For specific information contact the Rural Development Board, Dept. of Trade and Economic Development, 9th Floor American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 296-5005.

MEDICAL SERVICES REVIEW BOARD has 1 vacancy open for a medical practitioner. The board advises the department on medical matters relating to workers compensation and hears appeals under chapter 14. Members are appointed by the Commissioner of Labor and Industry. Members receive $35 per diem plus expenses. Members must file with the Ethical Practices Board. For specific information contact the Medical Services Review Board, Dept. of Labor and Industry, 444 Lafayette Rd., St. Paul 55101; (612) 297-3467.

Department of Trade and Economic Development

Office of Financial Management

Notice of Availability of Tax Exempt Financing Authority

Pursuant to *Minnesota Laws* 1987, ch. 268, article 16

The Department gives notice that the amounts of tax exempt financing authority available to qualified issuers as of August 17, 1987, is as follows:

Manufacturing Pool (Small Issue Bonds)	$69,250,000
Multifamily Housing Pool	$50,770,000
Public Facilities Pool	$ 1,245,380

The issuance authority in the pools shown above is available to qualified issuers submitting applications, the required deposit and supporting documents by any Monday through the second to the last Monday in October.

The issuance authority shown below is available to issuers submitting applications during the period beginning with the week ending on the last Monday in October through the second last Monday in December.

Unified Pool	$ N/A

Application forms are available from the Department upon request.

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 Requistions 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 #
Electric chain hoist—addendum #1 (DM)	August 25	Transportation	St. Paul	79 000 74617
IBM equipment—rebid (PA)	August 26	State University	Moorhead	26 072 102541
Conference room tables & chairs (LP)	August 26	Administration	St. Paul	02 410 80035
First aid kits & supplies—rebid (DK)	August 27	Various	Various	Price Contract
Maintenance & support of network & micro computer systems (DO)	August 27	Various	Various	Price Contract
Computer (BV)	August 27	Community College	Inver Grove Heights	27 157 47876
Radio communications equipt. (EFS)	August 28	Various	Various	Price Contract
Network communications systems (PA)	August 28	State University	Mankato	26 137 03931
Used terminals (BV)	August 28	Community College	Mpls.-North Hennepin	27 153 10091
Lease/automobile—adden. #1 (DM)	August 28	Public Safety	St. Paul	07300 44384
Lease/automobile—adden. #1 (DM)	August 28	Public Safety	St. Paul	07300 44379

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Lease/automobile—adden. #1 (DM)	August 28	Public Safety	St. Paul	07300 44377
Office seating (LP)	August 31	Jobs & Training	West St. Paul	21 200 16149 and 16150
PC computers (MJB)	August 31	State University	Mankato	26 071 17778
Facsimile equipment rental (AW)	September 1	Various	Various	Price Contract

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
Application Forms	August 25	Human Services	St. Paul	1106,7,8,9,10
License Renewal Stickers	August 25	Peace Officer Standards & Training	St. Paul	0337
Voter Registration Display Bins	August 25	Secretary of State	St. Paul	0615
Commerce Contact Newsletter	August 25	Commerce	St. Paul	0859
Poster, pocket folder, general information brochure	August 25	Community College	Bloomington	0492,3,4
Forms	August 25	Teachers Retirement Assn.	St. Paul	256
Dog Kennel License	August 25	Board of Animal Health	St. Paul	1144
Employee Biweekly time report	August 25	Central Stores	St. Paul	307
Electronic Equipment Invoice	August 25	Administration	St. Paul	1119
Structure Inventory	August 25	Transportation	St. Paul	407
College Catalog	August 25	Community College	Austin	568
Driver License Application/voter registration card	August 25	Public Safety	St. Paul	170
Benefits Notice	August 25	Jobs & Training	St. Paul	1026
Renewal certificates	August 25	Health	Minneapolis	1062,3,4
Three kinds: stickers	August 26	State Patrol	St. Paul	7969
Application for Assistance and information	August 28	Human Services	St. Paul	1111,2,4,5
1988 tax rate notice	August 28	Jobs and Training	St. Paul	1177
1988-89 college catalog	September 3	Community College	Rochester	1089

Department of Corrections

Minnesota Jail Resource Center

Request for Proposals for Training

The State of Minnesota, acting through the Minnesota Jail Resource Center located in the Department of Corrections, seeks consultants to provide 6 or more training sessions for jail employees and other county officials. The chosen consultant/trainers must have a proven record with the National Institute of Corrections (NIC) Jail Division or National Academy of Corrections as consultants and trainers. Top Priority will be given to consultant/trainers who have direct experience with approved NIC National Academy of Corrections curriculum and lesson plans.

1. Jail As A Part of County Government (Oct. 28-30, 1987)
2. First Line Jail Supervisors Training (Dec. 9-11, 1987)
3. Training for Jail Trainers (Three Day session)
4. Jail Employee Personnel Practices (Three Days)
5. Inter-Personnel Communications Skills (Three Days)
6. Other topics as developed.

The selected consultant/trainers will be chosen based upon proven NIC experience, thoroughness of training proposal, cost effectiveness, and availability for chosen training session dates.

Each contract is expected to range from $1,000 to $3,000. Cost estimate for the entire program is $24,000 involving up to 14 individual contracts. Interested consultant/trainers may submit proposal for individual sessions or the entire program. Funds for this program are provided by a grant from NIC, Department of Corrections Dedicated Funds, and State Funds.

For additional information and specifications, contact:

Tom Reid, Director
Minnesota Jail Resource Center
300 Bigelow Building
450 N. Syndicate Street
St. Paul, Minnesota 55104
(612) 642-0249

Deadline for receipt of proposals is September 8, 1987.

Department of Health

Request for Proposals for Consultant to Develop Econometric Model

The Minnesota Department of Health wishes to retain a contractor to develop an econometric model for purposes of projecting annual treatment expenditures in its Services for Children with Handicaps (SCH) Program. Services are provided to persons under the age of 21 years who have potentially disabling chronic medical conditions such as congenital heart disease, epilepsy, cystic fibrosis, hemophilia, diabetes, cerebral palsy or spina bifida. The types of treatment services provided include physician and specialist visits, laboratory tests and X-rays, medications, appliances and specialized equipment, surgery and anesthesia, and hospitalization. SCH is the payor of last resort and, therefore, provides services to children who are not eligible for Medical Assistance and who are not adequately covered by private insurance.

Scope of Project

The contractor will be required to complete the following tasks:

1. Identify the key variables which impact on annual SCH treatment expenditures and assess their relative importance.
2. Identify the sources of information available for each of the key variables.
3. Construct a formula utilizing the key variables that can be employed by SCH to forecast its annual treatment expenditures.
4. Prepare a written report containing the information referenced in items above.

Project Start and Completion Dates

This project will begin no later than November 1, 1987. The final report will be due no later than April 30, 1988.

Project Costs

It is anticipated that the cost of this project will not exceed $30,000 for professional services and expenses.

Proposals must be received by the Department of Health by 4:30 p.m., Tuesday, September 15, 1987. A copy of this Request for Proposal is available upon request. Inquiries and requests should be directed to:

David J. Giese, Assistant Director
Maternal and Child Health Division
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
Telephone Number (612) 623-5170

Department of Health

Contract for Curriculum Writer and Presenter

Notice is hereby given that the Minnesota Department of Health, Maternal and Child Health Division (MCH) intends to issue a contract to obtain the technical services of a curriculum writer and presenter to research and develop curriculum for a series of workshops on Childhood Developmental Disabilities and Chronic Illness and to be a core presenter at the workshop.

This contract will be awarded to the candidate best demonstrating expertise in developing curriculum for children with developmental disabilities and chronic illness and a demonstrated knowledge of assessment of community needs, community development, networking and planning for children with special needs. An ability to present before large groups is also required.

The Minnesota Department of Health will make the final selection and issue a contract not to exceed $2,000.00 for FY 1988 and $2,100.00 for FY 1989.

Please submit qualifications by September 8, 1987 to:

Jean Cronje
Child Health Screening/Health Promotion Unit
Division of Maternal and Child Health
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
(612) 623-5542

Department of Health

Health Resources Division
Emergency Medical Services Section

Notice of Request for Proposal for Medical Director

The Minnesota Department of Health is requesting proposals from eligible physicians who would be able to serve as medical director of its Emergency Medical Services Section for the period from October 1, 1987, to June 30, 1988. Qualifications for the position include: current active practice of emergency medicine or a related specialty; recognized standing in the professional community, e.g., current or recent chairmanships and memberships of the American College of Emergency Physicians, Minnesota Medical Association, and other relevant professionals associations; experience in working with governmental agencies; familiarity with the state emergency medical systems grant program and other federal and state programs; an interest in assisting the Department of Health in defining and achieving goals specific to the planning, development, and regulation of emergency medical services, and the setting of appropriate guidelines and standards.

Minimum tasks include: assisting the Department of Health in the administration of emergency medical services rules and regulations; reviewing requests for waivers and variances; representing the Department with professionals associations, public and private agencies, and the general public; providing general technical assistance to the Department; providing regular progress reports.

Candidates must respond in the form of a proposal to enter into a contract as required by the Department of Health. Reimbursement for a maximum of 300 hours assistance will be $19,000, which includes travel and expenses. The deadline for proposals is September 8, 1987.

Copies of the request for proposal are available from:

Donald O. Hedman
Emergency Medical Services Section
Minnesota Department of Health
717 S.E. Delaware St.
P.O. Box 9441
Minneapolis, MN 55440

Minnesota Amateur Sports Commission

Request for Proposal to host the 1988 Minnesota State Games

The Minnesota Amateur Sports Commission is requesting proposals from any city in Minnesota interested in hosting the 1988 ('89-'90) Minnesota State Games ("Star of the North" State Games). The Games will be regulated by the Star of the North States Games Board, which will be appointed by the Minnesota Amateur Sports Commission, Minnesota Department of Trade & Economic Development, in late August, 1987.

The Minnesota State Games is an Olympic-style sports festival created for Minnesota's amateur athletes. (The Games are designed for Minnesota residents only.) Patterned after the Olympics, the 1988 Minnesota State Games will likely consist of ten (10) different sporting events for many age levels. The sports may include: basketball, baseball, bowling, canoeing, cycling, soccer, softball, swimming, track & field, and wrestling as well as several competitions for the physically disabled. The host city will have the option to work in cooperation with the State Games Board to add sports or, in some cases, to delete sports that are not suitable for the particular host city.

This will be the first formal Minnesota State Games instituted by the Minnesota Amateur Sports Commission. The Games will provide the incentive for Minnesota athletes of all ages and skill levels to develop their physical talent and competitive abilities. The Games present an opportunity for amateur athletes to compete within their sport to win the prestigious Minnesota State Games title and the statewide recognition they deserve.

Any Minnesota city interested in bidding for the 1988 State Games should realize that hosting statewide competitions in the previously mentioned sports will have a significant economic impact to their host community. These inaugural State Games to be held in the summer of 1988 should have approximately 3,000 to 5,000 athletes and an equal number of friends, families and spectators. Host cities can expect a significant number of visitors, some of whom may desire housing in the dormitory facilities (as space permits) or in the hotels, motels or resorts of the area.

The host city must provide and guarantee the availability of suitable sport facilities for the previously mentioned sports. A key facility for the Games is a stadium with approximately 5,000 seats that could host opening and closing ceremonies. Another important requirement for the host city is that it must provide a qualified number of housing opportunities for competitors and officials. Note: The State Games Board will determine the exact requirements for this provision. The host city will provide a limited number of dormitory rooms and meals on a cost-free basis to the State Games (for officials, etc.) and the majority at provider cost for athletes.

The host city must demonstrate that the total community, including media, educational institutions, business and government agencies will be supportive and cooperate with the State Games.

Host cities are encouraged to identify potential financial sponsors from their community for State Games and to include as a selling point for their bid.

Scheduled Dates for State Games: The State Games Board will work cooperatively with the host city and Minnesota's amateur sport associations in identifying the most suitable dates for the event. It is anticipated that the 1988 Games will be a one-week series of events, and the time will probably occur between the last week in June and the first week in August.

Determination: The State Games Board is expected to name the host city by October 15, 1987 for the Summer '88 State Games. The State Games Board will make its recommendation to the Minnesota Amateur Sports Commission which has final authority as to the State Games Program. The State Games Board has final authority over the policy, scheduling and jurisdiction for State Games in Minnesota upon final approval of the Commission. It is important to note that the State Games Board will assume total financial responsibility for the Games. The host city has a specific responsibility for the physical elements and a portion of the financial equation.

THIS REQUEST FOR PROPOSAL DOES NOT OBLIGATE THE STATE TO COMPLETE THE PROJECT AND THE STATE RESERVES THE RIGHT TO CANCEL THE SOLICITATION IF IT IS CONSIDERED TO BE IN ITS BEST INTEREST.

Proposals should be received by the Minnesota Amateur Sports Commission no later than 4:30 PM, Thursday, September 24, 1987. A copy of the Request for Proposal is available upon request. Inquiries and requests should be directed to:

Paul D. Erickson
Executive Director
Minnesota Amateur Sports Commission
% MN Department of Trade & Economic Development
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55101
612/296-4845

Department of Transportation

Technical Services Division

Availability of Contract for Bridge Design

The Minnesota Department of Transportation intends to engage a consultant top prepare reconstruction plans for Bridge No. 9350 (Dartmouth Bridge) carrying T.H. 94 over the Mississippi River in Minneapolis, Minnesota.

Work is proposed to start after January 1, 1988. Approximately 7 months anticipated for completion.

Technical inquiries should be directed to:

Mr. D. J. Flemming
State Bridge Engineer
Transportation Building
St. Paul, MN 55155
(612) 296-3172

Firms desiring consideration should submit their expression of interest, along with three copies of their Federal Forms 254 and 255 to:

Mr. J. F. Weingartz
Consultant Agreements Engineer
Room 612B
Transportation Building
St. Paul, MN 55155

Response deadline 12:00 p.m., September 8, 1987.

Department of Transportation

Request for Proposals to Assist Transportation Employees to Find New Homes in New Work Location

The Minnesota Department of Transportation is requesting proposals for services involved in relocating Transportation Department managerial employees from one work location to another which is at least 35 miles from the original location.

Services to be Provided

The provider shall offer the home purchase service to an employee who owns a one or two family house, condominium or cooperative apartment which is the principal residence of the employee and has a lot size typical for the area and located in any of the states of the United States, the District of Columbia or Puerto Rico.

The provider shall establish the fair market value of the property by obtaining at least two appraisals of the value of the employee's property. Fair market value is the price expected if a reasonable time is allowed to find a purchaser and if both seller and prospective purchaser are fully informed.

Provider shall offer as the purchase price for the employee's property, the average of the two appraisals. If the lower appraisal varies by more than 5% from the higher, or if provider, with the written concurrence of the State wishes to disregard an appraisal with a valuation which it considers to be unsupportable, provider will select a third appraiser and the two closest appraisals shall be averaged to determine the purchase price.

If the Employee requests funds for a down payment or deposit on a home at the new location prior to the closing, provider will advance up to 95% of the estimated equity, as needed after provider has received the signed contract of sale. Equity is the difference between the purchase price and the balance of liens outstanding against the property. The balance of the equity will be paid on the date of closing as defined in the contract of sale with the employee. Provider shall be responsible for the property from the date the employee accepts provider's offer or vacates the property, whichever is later, to the date it conveys title of the property to a purchaser.

Beginning with the date when provider becomes responsible for the property and until title to the property is transferred to the eventual buyer, provider shall:

a. Make all mortgage payments on account of mortgages affecting the property.

b. Provider may purchase the property subject to the existing mortgage and make the payments thereon, or may elect to pay in full or part any such existing indebtedness. Provider may resell the property subject to said mortgage if in provider's judgment it becomes necessary to do so in order to effect a sale within a reasonable time. If, upon resale of the property provider permits the existing loan to be assumed by the buyer, it will indemnify the employee against any loss resulting from said assumption including, specifically, but not by way of limitation, a suit by a mortgagee against an employee upon the mortgage note. It is further specifically agreed that if any of the transfers contemplated by this paragraph are in default of a due on sale clause in such mortgage, Provider shall indemnify and hold harmless the employee and, if necessary to protect said employee's interests, provider shall pay said mortgage in full. Provider further agrees to pay off an existing FHA or VA mortgage if required to enable the employee to obtain FHA or VA loan on the home being purchased at the new location. Notwithstanding anything to the contrary contained herein, it is specifically agreed that in all sales contemplated by this agreement, passage of title to the ultimate purchaser shall be through provider.

c. Pay all taxes, charges, assessments and utility costs.

d. Keep the property neat and in good repair or redecorate the property where desirable, in the opinion of provider, to maintain or improve marketability of the property, provided aggregate expenditures do not exceed 1% of the purchase price without the written concurrence of the State.

e. Keep the surrounding lawn neat and free from debris and remove snow from sidewalks to permit access by potential buyers and to comply with local ordinances.

f. Provide comprehensive public liability and fire and extended coverage insurance in an amount equal to the fair market value of the property. The fire and extended coverage insurance in an amount equal to the fair market value of the property. The fire and extended coverage insurance will provide for a deductible of $1,000 and, if such fire and extended coverage is not carried, provider will assume responsibility for any loss that exceeds $1,000 with respect to any loss occurring on or after the date of closing with the employee.

Upon receipt by provider of the contract of sale, executed by the employee, the property shall be listed for sale with a real estate broker or brokers selected by provider. Provider shall be free at all times to accept any reasonable offer which it deems satisfactory under prevailing market conditions, provided however, in the event the resale price is less than 95% of the purchase price (including net of discount points and other financing concessions), provider will not accept the offer without the written concurrence of the State, it being understood that such concurrence will not be unreasonably withheld. In the event that provider wishes to sell the property on a contract for deed basis, and the State agrees in writing, the terms of the contract for deed and the procedure by which the State pays provider for services performed with respect to that property shall be mutually agreed upon at that time. Provider may not sell the property on a contract for deed basis without the written concurrence of the State.

Provider will pay all reasonable costs connected with the release of each property, together with any loan discount fee which it may have to pay to secure financing for a buyer. The loan discount fee shall not exceed the amount which provider, with the concurrence of the State, determines is reasonable for the area.

If the employee, during the 30-day acceptance period and prior to accepting the contract of sale, enters into a bona fide sales agreement to sell the property to a third party at a price equal to, or higher than provider's offered purchase price, and if the terms of the third party agreement are consistent with provider's contract of sale, the employee may submit and assign the sales agreement and any security deposit thereunder to provider together with the signed contract of sale and the amendment to the contract of sale.

Provider shall accept assignment of that third party agreement and revise its offered purchase price subject to the closing by provider with the third party. Provider shall exert its best effort to consummate the sale negotiated by the Employee. Provider shall not, however, be obligated to accept an assignment of a contract of sale, which provides for a closing date more than 60 days after the date of the assignment, or a contract contingent upon the sale of another property, without the State's written concurrence.

Provider shall advance up to 95% of the estimated equity as needed when the employee assigns the sale to the provider. Equity is the difference between the original offered purchase price and the balance of liens outstanding against the property. The balance of equity will be paid at closing with provider.

The difference is in the original offered purchase price and the assigned sale price (less any mortgage discount points, repairs, or other concessions agreed to by the employee as part of the third party sales agreement or other charges not allowed under the State's relocation policy) will be paid to the employee following the closing of the sale to the third party. If, for any reason, the assigned sale does not close, the price paid to the employee shall be the original purchase price offered by Provider and all parties shall be relieved from further liability under the terms of the amendment to the contract for sale and shall remain bound only by the contract of sale.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

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

Roger W. Durbahn
Assistant Personnel Director
Minnesota Department of Transportation
John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-3101

All proposals must be sent to and received by:

Roger W. Durbahn
Assistant Personnel Director
John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-3101

Not later than 4:30 p.m., September 11, 1987.

Late proposals will not be accepted. 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.

The Department has estimated that the cost of this project should not exceed $200,000 during the two year period commencing October 1, 1987 and ending September 30, 1989.

All proposals received by the deadline will be evaluated by representatives of the Department of Transportation. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by September 18, 1987. Results will be sent immediately by mail to all responders.

State University Board

St. Cloud State University

Notice of Cancellation of Contract Availability

The State University Board, on behalf of St. Cloud State University, is notifying interested responders that its August 10, 1987 *State Register* notice of availability of a contract for ice facility planning is terminated. Any materials received from responders will be returned to the sender unopened.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Jobs and Training

Notice of RFP for an Establishment Grant

The Minnesota Department of Jobs and Training, Office of Services for the Blind and Visually Handicapped issuing a Request for Proposal for a twenty-four/seven day a week Orientation Center Program for the Blind. The program will be funded by an

establishment grant issued by Services for the Blind under the authority of the Rehabilitation Services Administration. The grant will be negotiated with the successful bidder for one year renewable annually for two additional years. The amount of the grant will not exceed $250,000. The contractor must provide 20% of the cost of the program with the grant providing 80%.

The details of the grant requirements are described in the Request for Proposal (RFP). The RFP may be obtained from Gerald Olerud, Director, Client/Staff Support, Office of Services for the Blind and Visually Handicapped, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 642-0514. The deadline for submission is noon 10/9/1987. Late proposals will not be accepted.

Department of Jobs and Training

Notice of Proposed Contracts for Federal Fiscal Year 1988

The Minnesota Department of Jobs and Training, Services for the Blind is publishing notice that the contracts listed below are available and will be awarded for federal fiscal year 1988 (October 1, 1987 to September 30, 1988):

A. Notice of Proposed Contracts for Medical Services

1. Services for the Blind and Visually Handicapped is seeking 5 individuals to function as Regional General Medical Consultants in the Northeast (Duluth), Northwest (St. Cloud and Moorhead), South (Mankato) and Metro (9 county) Regions and 1 individual to function as Pediatric Specialist Medical Consultant (Statewide) to provide medical services under the contract as follows:

a. serve as the medical expert for the Regional Supervisor(s) and provide face to face medical consultative services on all medical aspects of the rehabilitation program as it relates to specific clients;

b. review all medical reports on blind and visually handicapped clients obtained in the region(s) during the year;

c. determine the adequacy of the medical information obtained;

d. record and code each disabling condition reported;

e. make recommendations regarding client limitations;

f. interpret medical findings to rehab counselors upon request;

g. provide consultation and recommendations regarding medical practice, procedures and individual client needs upon request;

i. make recommendations regarding medical charges upon request.

The medical consultants will be responsible to the respective regional supervisors with primary administrative direction coming from the Director of Services for the Blind and Visually Handicapped. All individuals will be paid at a rate of $40.00 to $60.00 per hour depending upon qualifications and previous experience in dealing with blind and visually handicapped persons. Most contract work in the outstate regions will require an average of 2-4 hours per month. Most contract work in the Metro Regions (9 county) will require an average of 4-12 hours per month. Total cost of all contracts is not expected to exceed $25,000.00. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, Minnesota 55104
(612) 642-0511

All proposals must be received by 4:30 p.m. 8/28/87.

B. Notice of Proposed Contracts for Low Vision Services

1. Services for the Blind and Visually Handicapped is seeking 1 individual to function as Low Vision Consultant to provide low vision services under the contract as follows:

a. assist in the planning, development and conducting of in-service training for rehabilitation counselors in the area of low vision;

b. make recommendations to the State's Authorized Agent regarding staff/clinician certification;

c. advise on the development of future low vision services;

d. recommend follow-up low vision services needed by clients;

e. participate in the planning, development and expansion of low vision services statewide, when requested to do so by the State's Authorized Agent;

f. provide statewide consultation and recommendations regarding low vision services, procedures and individual client needs:

i. The service cited will be provided at 1745 University Avenue and may be in the form of face-to-face consultation with staff or by telephone to SSB staff located in out-state locations.

ii. These services will be provided at times and dates agreeable to both SSB and the low vision consultant.

The low vision consultant will be responsible to the Director of Services for the Blind and Visually Handicapped. The individual will be paid at a rate of $40.00 to $60.00 per hour. Most contract work will require an average of 4 to 8 hours per month. The total cost of the contract is not anticipated to exceed $6,000.00. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, MN 55104
(612) 642-0511

All proposals must be received by 4:30 p.m. 8/28/87.

C. Notice of Proposed Contracts for Ophthalmological Services

1. Services for the Blind and Visually Handicapped is seeking 1 individual to function as primary ophthalmological consultant and 1 individual to function as secondary ophthalmological consultant during the extended absences of the primary consultant. The secondary ophthalmological consultant will provide ophthalmological services only when requested to do so in writing by the State's Authorized Agent. Both individuals will provide statewide ophthalmological services under the contract as follows:

a. serve as the ophthalmological expert (Doctor of Medicine with American Board of Ophthalmological certification) and advise agency staff concerning complex medical program issues;

b. review and classify (code) all eye reports on blind and visually handicapped clients obtained during the year;

c. make recommendations regarding client limitations;

d. make written medical recommendations for additional procedures as needed;

e. provide consultation and recommendations for individual blind and visually handicapped clients referred by the rehabilitation counselor or the agency psychologists.

The ophthalmological consultants will be responsible to the Director of Services for the Blind and Visually Handicapped. The individuals will be paid at the rate of $40.00 to $60.00 per hour depending upon qualifications and previous experience in working with blind and visually handicapped persons. Most contract work will require an average of 12 hours per month. The total cost of all contracts is not anticipated to exceed $12,000. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, MN 55104
(612) 642-0511

All proposals must be received by 4:30 p.m. 8/28/87.

D. Notice of Proposed Contracts for Psychological Services

1. Services for the Blind and Visually Handicapped is seeking 4 individuals to function as Regional General Psychological Consultants in the Northeast (Duluth), Northwest (St. Cloud), South (Mankato), and Metro (9 counties) Regions and 1 individual to function as Youth/Adolescent Psychological Consultant (statewide) to provide psychological evaluation services under the contract as follows:

a. review individual case material on blind and visually handicapped clients and consult with the rehabilitation counselor and/or agency psychologist to determine the appropriate assessment tools and techniques;

b. interview the client to collect information relevant to the referral questions and the assessment battery;

c. administer and score the psychological tests/inventories;

d. provide test scores, interpretations and recommendations relevant to the referral questions in written form within two weeks of the assessment date;

e. provide follow-up consultation services and resource/referral information to the rehabilitation counselor as needed.

The psychological consultants will be responsible to the agency psychologists with primary administrative direction coming from the Director of Services for the Blind and Visually Handicapped. The individuals will be paid at the rate of $40.00 to $60.00 per hour depending upon qualifications and previous experience in working with blind and visually handicapped persons. The contract will require an average of 10-12 hours per month. The total cost of all contracts is not anticipated to exceed $45,000. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, Minnesota 55104
(612) 642-0511

All proposals must be received by 4:30 p.m., 9/4/87.

Supreme Court Decisions

Decisions Filed Friday 21 August 1987

C6-86-1232 State of Minnesota v. Joseph Leander Rainer, Appellant. Sherburne County.

The presence of a state investigator during the defense expert's tests and the state's delay in disclosing the investigator's report did not violate the defendant's rights.

The evidence was sufficient to support findings of intent and premeditation.

The trial court properly admitted evidence of prior bad acts.

The trial court properly refused to grant a Schwartz hearing on alleged jury misconduct.

Affirmed. Wahl, J.

C4-86-1195, C7-86-1210 Mervin P. Kirchner, Relator, (C4-86-1195) v. County of Anoka and Iowa National Mutual Insurance Co., Relators (C7-86-1210), County of Anoka and Home Insurance Company, State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

The combined amount of temporary partial and temporary total disability benefits may not exceed the statutory maximum for temporary total disability benefits.

The statutory maximum is calculated using the date of the injury which caused total disability.

When temporary partial and temporary total disability benefits are reduced because of a statutory maximum the obligation of the earlier insurer is calculated first and the later insurer pays the remainder.

Supplementary benefits are inappropriate since the employee's combined temporary disability benefits exceed the threshold amount for supplementary benefits.

Findings of permanent partial disability for employee's back and leg resulting in separate awards are not manifestly contrary to the evidence.

Each insurer is liable for a portion of the employee's attorney fees, as determined by the workers' compensation court of appeals, and each insurer is responsible for its own attorney fees.

Affirmed as modified. Wahl, J.

C9-87-442 Donald D. Jacobson v. Rochester Communications Corporation, Inc., d.b.a. KWEB Radio Station, Appellant. Olmsted County.

Respondent is a private individual, not a limited purpose public figure, for purposes of this defamation action, and is not required to show actual malice to establish a prima facie case.

Certified question answered in the negative and remanded to the trial court. Wahl, J.

C7-86-1109 In the Matter of the Welfare of: K.A.A., Child Court of Appeals.

A juvenile may not, on his or her own motion, opt out of juvenile court in favor of criminal prosecution as an adult in district court.

Reversed. Kelley, J.

Dissenting, Scott, J.

Announcements

Department of Natural Resources announces the Department of Natural Resources (DNR). The annual season for harvesting wild ginseng will begin Sept. 1 and run through Dec. 31 that has been harvested in Minnesota since the state was first settled by pioneers. Since the early 1900s, ginseng has become very rare. To prevent over-harvesting, the plant is now regulated by the DNR. Last year, over 1,000 pounds of ginseng were harvested in Minnesota, most of it exported to the Orient. Although few diggers harvest more than two or three pounds per season, they are rewarded by prices as high as $150 per pound.

Wild ginseng may be harvested (dug) without limit during the open season. Only plants with at least three prongs (leaves) and five leaflets each may be legally dug. Immediately after digging or removing any wild ginseng plant, diggers are required to remove all seeds from the plant's berries and plant them in the area where the ginseng was dug. Wild ginseng may be harvested in State Wildlife Management Areas; however, the digger must first obtain a free permit from the wildlife manager. (Ginseng may be harvested in State Forest lands without permits). No one may harvest ginseng in any state park or other area under the administration of the DNR Division of Parks and Recreation.

Ginseng diggers who sell their roots to Minnesota residents or businesses do not need a license. However, diggers who sell to out-of-state residents or businesses are required to purchase a dealers license from the DNR. Proper, out-of-state export papers, required by federal regulations, will be provided by the DNR. Any Minnesota resident or business buying ginseng is required to purchase a $5 license obtainable from the DNR License Bureau, DNR Building, 500 Lafayette Road, St. Paul, MN 55155-4026. Export certificates for dealers can be obtained at DNR Forestry Offices in Rochester, Lewiston, Lake City and from Conservation Officers throughout the region. A free informational brochure, "Preserving Wild Ginseng In Minnesota," is available by writing DNR Natural Heritage Program, Box 7, DNR Building, 500 Lafayette Road, St. Paul, MN 55155-4007.

State boating safety officials warn boaters to avoid sitting or riding on the gunwales, bow or transom of their motorboats, and to always keep an adequate number of personal flotation devices (PFDs) available in case of emergency. "Some boat operators don't realize that even at slow to moderate speeds, it is impossible to stop a boat in less than several boat lengths," said Tim Smalley, DNR boating safety specialist. "If the boat strikes a floating object, it can catapult a careless rider into the water, severely injuring or perhaps even killing him," Smalley added. There have already been several injuries resulting from passengers falling overboard, and boating enforcement officers report that gunwale or bow riding and lack of enough PFDs are two of the most common ticketed boating offenses.

Goose hunters will have to apply early again this year to reserve a hunting station at the Thief Lake and Lac qui Parle Wildlife Management Areas, the Department of Natural Resources (DNR) announced this week. Applications must be postmarked no later than Sept. 15. They will be accepted on the basis of the earliest postmark but must not be postmarked earlier than Aug. 21. Failure to comply with these requirements will result in rejection of the application. The regular statewide goose season will open with the duck season at noon on Saturday, Oct. 3. A September hunt for Canada geese-only, within the seven county metropolitan area, was announced earlier.

Hunters may apply to reserve one of the stations within the controlled areas of Thief Lake and Lac qui Parle. Applications must be made on a standard, 3½ x 5½ inch postcard bearing the applicant's full name and address and listing first, second and third-choice dates. Applicants should indicate whether they will accept any other date if none of their choices are available. At Thief Lake, the reservation system will be in effect only through Oct. 19; after that date, stations will be available on a first-come, first-choice basis. The system will be in effect at Lac qui Parle for the entire season. Only one postcard per hunter may be submitted to each area, and only successful applicants will be notified. They will receive reservations by mail designating the day of their hunt. Those submitting more than one application per area will have all of their applications rejected. Applications should be sent to: Controlled Hunt, Thief Lake WMA, NE Star Route, Box 17, Middle River, MN 56737; or Controlled Hunt, Lac qui Parle WMA, Watson, MN 56295.

Hunters with reservations will be assigned shooting stations through a drawing held at 5:00 a.m. the morning of the hunt. Successful applicants may be accompanied by one or two guests. At Lac qui Parle, all hunters 18 years of age or older will be charged a fee of $3 on the day of their hunt to partially cover the special expenses of the hunt. Hunters participating in these hunts will be limited to three trips to the stations, either as guests or successful applicants, except when vacant stations exist. The six-shell limit and steel shot regulations will be strictly enforced, said DNR wildlife officials.

Transportation Department Minnesota, is now available. "Along the Mississippi—The Great River Road from Lake Itasca to The second in a five-part series of Great River Road route travel guides detailing the route through Grand Rapids," describes historic, geologic and natural features along the route besides supplying information about recreational opportunities in the area. The guide can be obtained at a cost of $4.50. Orders must be prepaid with checks made out to the "Commissioner of Transportation" and sent to Map Sales, B-20 Transportation Bldg., John Ireland Blvd., St. Paul, MN 55155. For more information, call (612) 296-2216.

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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.

Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
10	Monday 24 August	Monday 31 August	Monday 7 September
11	Monday 31 August	Friday 4 September	Monday 14 September
12	Friday 4 September	Monday 14 September	Monday 21 September
13	Monday 14 September	Monday 21 September	Monday 28 September

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The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register.***

When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register.***

After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules.** These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as **Proposed Rules.** To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register,*** the issue the rule appeared in as proposed, and later as adopted.

For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-16; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August.

For copies of the ***State Register,*** a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services,*** contact the 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."

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Proposed Rules

Pursuant to Minn. Stat. of 1984, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

Department of Agriculture

Proposed Permanent Rules Relating to Buying and Storing Grain

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room A, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, on October 13, 1987, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the department'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 Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7608, 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 department 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,* sections 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.

The department's authority to adopt the proposed rules is contained in *Minnesota Statutes,* sections 16A.128; 223.19; 232.22, subds. 3 and 4; 232.24, subd. 1; and 236.08.

The proposed rules govern licensing of grain buyers and storers and licensee requirements. The proposed rules do not impose any additional compliance or reporting requirements on small business as defined in Minnesota Statutes, section 14.115, other than what is required by statute. Standards set by the rules are necessary for safe storage to protect the quality of grain.

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

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Carol Milligan, Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107; telephone (612) 296-6906.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Carol Milligan.

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 department 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 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 rules. Copies of the Statement of 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 than 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.

Dated: 22 July 1987

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

DEPARTMENT OF AGRICULTURE
BUYING AND STORING OF GRAIN

1562.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Cash sale.** "Cash sale" means:

A. a sale for which payment is tendered to the seller not later than the close of business on the next business day after the sale, either by cash or by check, or by mailing or wiring funds to the seller's account in the amount of at least 80 percent of the value of the grain at delivery; or

B. a sale of a shipment of grain which is part of a multiple shipment sale, for which a scale ticket clearly marked "cash" has been received by the seller before completion of the entire sale, and for which payment is tendered in cash or by check not later than ten days after the sale of that shipment, except that when the entire sale is completed, payment is tendered in cash or by check not later than the close of business on the next business day, or within 48 hours, whichever is later.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's designee.

Subp. 4. **Department.** "Department" means the Minnesota Department of Agriculture.

Subp. 5. **Depositor.** "Depositor" means a person who is the owner or legal holder of an outstanding grain warehouse receipt, grain bank receipt, or open scale ticket marked for storage on which a receipt is to be issued, representing any grain stored in a public grain warehouse or grain bank.

Subp. 6. **Grain.** "Grain" means any cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota Board of Grain Standards, or any other agricultural crop which the commissioner may designate by rule.

Subp. 7. **Grain bank.** "Grain bank" means a feed-processing plant that receives and stores grain, the equivalent of which, except as is otherwise permitted by Minnesota Statutes, section 236.04, it processes and returns to the grain's owner in amounts, at intervals, and with added ingredients that are mutually agreeable to the grain's owner and the person operating the plant.

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Subp. 8. **Grain bank receipt.** "Grain bank receipt" means a nonnegotiable receipt issued to the owner of the grain, or the owner's agent, for grain which is being stored for the purpose of being processed into feed.

Subp. 9. **Grain buyer.** "Grain buyer" means a person who purchases grain from a producer with the exception of a person who purchases seed grain for crop production or who purchases grain as feed for the person's own livestock.

Subp. 10. **Grain buyer's bond.** "Grain buyer's bond" means an obligation acceptable to and running to the state, as obligee, for the purpose of indemnifying producers of grain against the breach of a cash sale contract by a licensed grain buyer.

Subp. 11. **Grain purchase receipt.** "Grain purchase receipt" means a memorandum issued by a grain buyer to a seller at the time grain is delivered from the seller to the grain buyer, and which shows the weight or quantity and kind of grain.

Subp. 12. **Grain storage bond.** "Grain storage bond" means an obligation to and running to the state, as obligee, for the purpose of indemnifying depositors of grain against the breach of a grain storage contract by a person licensed to store grain.

Subp. 13. **Grain warehouse.** "Grain warehouse" means an elevator, flour, cereal or feed mill, malthouse or warehouse in which grain belonging to a person other than the warehouse operator is received for purchase or storage.

Subp. 14. **Grain warehouse receipt.** "Grain warehouse receipt" means a formal record issued to a depositor by a grain warehouse operator under Minnesota Statutes, section 232.23.

Subp. 15. **Independent grain buyer.** "Independent grain buyer" means a person who buys grain from producers and does not operate a grain warehouse.

Subp. 16. **Person.** "Person" means a corporation, company, joint stock company or association, partnership, firm, or individual and includes their agents, trustees, assignees, or duly appointed receivers.

Subp. 17. **Private grain warehouse operator.** "Private grain warehouse operator" means a person operating a grain warehouse for the sole purpose of purchasing, handling, processing, and shipping grain or its byproducts who is not licensed by the commissioner to accept grain belonging to others for storage. "Private grain warehouse operator" includes any person licensed under the United States Warehouse Act.

Subp. 18. **Producer.** "Producer" means a person who grows grain on land that the person owns or leases.

Subp. 19. **Public grain warehouse operator.** "Public grain warehouse operator" means a person operating a grain warehouse in which grain belonging to persons other than the grain warehouse operator is accepted for storage or purchase or who offers grain storage or warehouse facilities to the public for hire.

Subp. 20. **Public terminal warehouse.** "Public terminal warehouse" has the meaning given in Minnesota Statutes, section 233.01.

Subp. 21. **Scale ticket.** "Scale ticket" means a memorandum issued by a grain elevator or warehouse operator to a depositor at the time grain is delivered showing the weight and kind of grain.

Subp. 22. **Vehicle.** "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Subp. 23. **Voluntary extension of credit contract.** "Voluntary extension of credit contract" means a contract for the purchase of a specific amount of grain from a producer in which title to the grain passes to the grain buyer upon delivery but the price is to be determined or payment for the grain is to be made at a date later than the date of delivery of the grain to the grain buyer. Voluntary extension of credit contracts include deferred or delayed payment contracts, unpriced sales, no-price-established contracts, average pricing contracts, and all other contractual arrangements with the exception of cash sales and grain storage agreements evidenced by a grain warehouse receipt or scale ticket marked "storage."

Subp. 24. **Warehouse.** "Warehouse" means all or a portion of a building, structure, or other protected enclosure in which grain is or may be stored.

1562.0200 LICENSING.

Before purchasing or storing grain in Minnesota a person must file with the commissioner an application for a license on forms provided by the commissioner. No person may buy grain from producers in Minnesota without first obtaining a grain buyer's license or store grain for others in Minnesota without first obtaining a grain storage license.

Applications may be submitted any time during the year. Each license must be renewed every year on July 1. All licenses expire at midnight each June 30. Only one person may obtain a license to buy or store grain at any one grain warehouse.

A separate license is required for each home rule charter or statutory city or town in which a grain buyer or public grain warehouse operator buys or stores grain.

1562.0300 LICENSE EXCEPTIONS.

The following persons are not required to obtain a license to buy grain in Minnesota:

A. a person who does not buy grain from producers;

B. a producer selling the producer's own grain;

C. a person who buys seed grain for crop production; and

D. a person who purchases grain as feed for the person's own livestock or poultry.

1562.0400 TYPES OF LICENSES.

Subpart 1. **Grain buyer.** A license to buy grain is a license issued to an independent grain buyer, private grain warehouse operator, or public grain warehouse operator who buys grain from producers.

Subp. 2. **Grain storage.** A license to store grain is a license issued to a public grain warehouse operator who accepts grain for storage or who offers grain storage facilities to the public for hire.

Subp. 3. **Grain bank.** A grain bank license is a license issued to a private or public grain warehouse operator who processes grain into feed and who has a license to buy grain.

1562.0500 GRAIN STORAGE LICENSE REQUIREMENTS.

Subpart 1. **Place of business.** A public grain warehouse operator must have a permanent established place of business at each licensed location where the books, records, and files necessary to conduct the business are kept and maintained, and where the license and tariff are posted in a conspicuous place.

Subp. 2. **Warehouse equipment.** Each licensed location must include a warehouse that is equipped for the weighing, drying, grading, storing, handling, processing, and shipping of grain.

Subp. 3. **Multiple warehouse license.** Grain warehouses located within the same home rule charter or statutory city or town and operated by the same person may be included under the same license.

Subp. 4. **Inspection; approval.** A grain warehouse must be inspected and approved by the commissioner before a license is issued and grain is stored.

Subp. 5. **Cleanliness.** A grain warehouse must be kept reasonably clean of dust, rubbish, and materials that might increase the fire hazard or interfere with the handling of grain.

Subp. 6. **Grain quality.** Grain must be maintained in good quality condition at all times and be kept free of rodents, insects, birds, and contaminants harmful to the quality of the grain.

Subp. 7. **Records and accounts.** A person licensed to store grain shall maintain a daily position record of each kind of grain stored in the warehouse including warehouse-owned cash grain, grain priced but not paid, and grain bought but not priced.

1562.0600 LICENSING OF LEASED FACILITIES.

A person shall obtain a grain buyer's license or storage license for each grain warehouse leased, except that all grain warehouses located within the same home rule charter or statutory city or town and leased and operated by the same person may be covered by a single license. A person may not lease storage space that is licensed and operated by another person licensed to buy or store grain.

A warehouse must be under the control of the licensed warehouse operator leasing the warehouse.

All grain or commodities stored in a leased warehouse must be covered under the licensee's storage bond and must be included under the licensee's insurance policy, as required by Minnesota Statutes, section 232.23, subdivision 16.

1562.0700 BOND.

Subpart 1. **Requirement.** Before a license to buy or store grain is issued, the applicant for the license must file with the commissioner a bond in an amount prescribed by this part. The bond provides coverage at all licensed locations.

Subp. 2. **Grain buyer's bond.** The grain buyer's bond amount is based on the latest total annual dollar amount of grain purchased by the grain buyer in Minnesota as follows:

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GRAIN BUYER'S BOND	TOTAL ANNUAL GRAIN PURCHASES
$10,000	$100,000 or less
$20,000	$100,001 to $750,000
$30,000	$750,001 to $1,500,000
$40,000	$1,500,001 to $3,000,000
$50,000	more than $3,000,000

Subp. 3. **Grain buyer's bond; first-time applicant.** A first-time applicant for a grain buyer's license shall file a $20,000 grain buyer's bond with the commissioner. This bond must remain in effect for the first year of the license. A first-time applicant includes a person previously licensed to buy grain who has not renewed the license for one or more years.

Subp. 4. **Grain storage bond.** The amount of bond required for grain storage is based on 50 percent of the local market value of grain stored by a public grain warehouse operator in Minnesota. The minimum grain storage bond is $20,000. The maximum grain storage bond is $500,000, excluding any grain bank liability. The storage bond amount may be increased during the license year. However, the storage bond may not be reduced during the license year.

Subp. 5. **Grain bank bond.** The grain bank bond is based on 50 percent of the local market value of grain stored in grain banks in Minnesota. A person licensed to store grain may include the additional liability for grain bank grain in the determination of the amount of the storage bond in lieu of obtaining a separate grain bank bond. The minimum grain bank bond is $1,500. The maximum grain bank bond is $150,000. The grain bank bond amount may be increased during the license year. The grain bank bond may not be reduced during the license year.

1562.0800 FEES.

Subpart 1. **License to buy grain.** The fee for a license to buy grain is based on the latest total annual dollar amount of grain purchased in Minnesota as follows:

A. For annual grain purchases under $1,500,000, the license fee is $100 plus $50 for each additional home rule charter or statutory city or town in which the grain buyer is to be licensed to buy grain.

B. For annual grain purchases of $1,500,000 to $3,000,000, the license fee is $200 plus $50 for each additional home rule charter or statutory city or town in which the grain buyer is to be licensed to buy grain.

C. For annual grain purchases over $3,000,000, the license fee is $300 plus $50 for each additional home rule charter or statutory city or town in which the grain buyer is to be licensed to buy grain.

Subp. 2. **License to store grain.** The fees for a license to store grain are as follows:

A. For a license to store grain, the license fee is $40 for each home rule charter or statutory city or town in which a public grain warehouse is operated.

B. A person with a license to store grain in a public grain warehouse is subject to an examination fee for each licensed location, based on the following schedule for one examination:

BUSHEL CAPACITY	EXAMINATION FEE
Less than 150,001 bushels	$ 275
150,001 to 250,000 bushels	385
250,001 to 500,000 bushels	495
500,001 to 750,000 bushels	605
750,001 to 1,000,000 bushels	715
1,000,001 to 1,200,000 bushels	825
1,200,001 to 1,500,000 bushels	935
1,500,001 to 2,000,000 bushels	1,045
More than 2,000,000 bushels	1,155

The fee for the second examination is $22 per hour per examiner for warehouse operators who choose to have it performed by the commissioner.

Subp. 3. **Grain bank license.** The license fee is $30 for each home rule charter or statutory city or town in which a private or public grain warehouse is operated and which will be used to operate a grain bank.

1562.0900 STATEMENT OF GRAIN IN STORAGE.

Subpart 1. **Monthly grain storage reports.** A person with a grain bank license or a license to store grain must, by the tenth day of each month, file with the commissioner on forms provided by the commissioner a monthly storage report showing the net monetary

liability, based on the local market price, of all grain outstanding on grain bank receipts, grain warehouse receipts, and scale tickets marked "store" as of the close of business on the last day of the preceding month.

Subp. 2. **Determination of grain bank and grain storage bond amount.** The monthly grain storage reports referred to in subpart 1, shall be used for the purpose of determining the dollar amount of the grain bank bond and the grain storage bond, and for determining whether these bond amounts should be increased during the license year.

Subp. 3. **Penalty.** If a person wilfully neglects or refuses to file the reports required in subpart 1 for two consecutive months, the commissioner may immediately suspend the person's license and the licensee must surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to Minnesota Statutes, chapter 14 to determine if the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Subp. 4. **Exceptions.** A person with the maximum grain bank bond or grain storage bond is not required to submit a monthly grain storage report. A person who has the maximum grain bank bond or storage bond and who requests a reduction in the bond amount must submit 12 consecutive monthly grain storage reports, to verify the request for a reduced bond amount. Persons having their bond amount reduced under this procedure must continue to submit monthly storage reports to the department. A reduction in the bond amount under this provision shall commence with the next licensing period.

1562.1000 VOLUNTARY EXTENSION OF CREDIT CONTRACT.

Subpart 1. **Form.** A voluntary extension of credit contract must include a statement of the legal and financial responsibilities of the grain buyer and seller and the following statement in not less than ten point, all capital type, framed in a box with space provided for the seller's signature:

"THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT. THIS CONTRACT IS NOT COVERED BY ANY GRAIN BUYER'S BOND."

BUYER _____ SELLER _____
(Type or print name) (Type or print name)

BY _____ BY _____
(Buyer's signature) (Seller's signature)

If a written contract is provided at the time the grain is delivered to the grain buyer, the seller shall sign the contract in the space provided directly beneath the statement. If the seller does not sign the contract at the time of delivery, then the buyer shall send the contract to the seller by certified mail, return receipt requested, to be signed. All contracts must be put in writing.

Subp. 2. **Requirements.** Voluntary extension of credit contracts must be consecutively prenumbered.

Subp. 3. **Not a storage agreement.** A contract sale of grain is not a storage agreement. The title to grain delivered on a voluntary extension of credit contract transfers to the grain buyer upon delivery, and no storage charges may be charged with respect to that grain. A voluntary extension of credit contract sale of grain is not covered by either the grain storage bond or the grain buyer's bond.

1562.1100 WAREHOUSE EXAMINATIONS.

Subpart 1. **Required examinations.** A person with a license to store grain is subject to two grain inventory examinations per year, for the purpose of determining whether there is enough grain at the warehouse to satisfy all grain storage obligations.

Subp. 2. **First warehouse examination.** The commissioner shall perform at least one of the required warehouse examinations during the license year.

Subp. 3. **Second warehouse examination.** The second examination may be performed by an independent third party qualified to do a physical grain measure-up, or weigh-up, if the independent third party agrees to perform the second warehouse examination, within 30 days of the date of the licensee's fiscal year end. In the absence of such an agreement the commissioner shall perform the second examination. The results of the grain inventory examination must include an accounting of all outstanding warehouse receipts, grain bank receipts, and other evidence of grain storage obligations.

Subp. 4. **Warehouses with a Commodity Credit Corporation storage agreement.** At the request of Commodity Credit Corporation, the commissioner shall perform warehouse examinations at warehouses with a uniform grain storage agreement. The results of these examinations must be forwarded to Commodity Credit Corporation.

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Subp. 5. **Required information; form.** A grain inventory examination must include the following information:

GRAIN INVENTORY EXAMINATION

Name of Elevator

Date

	KIND OF GRAIN
I. Physical Measurement of Grain Inventory	
Grain Inventory as of	# bushels
plus or minus Receipts	"
plus or minus Sales—Shipments	"
Adjusted Inventory as of .....*	# bushels
II. Grain Inventory per Books as of .....*	
Storage Liability	# bushels
Grain Bank Liability	"
Other	"
Warehouse Owned	"
Total Grain Inventory per Books	# bushels
III. Other Grain Detail	
Obligations on Grain Delivered to the Elevator	
Deferred Payment Contracts	# bushels
Delayed Price Contracts	"
Other	"
Total	# bushels
IV. Grain Inventory Measured by	
This Report Prepared by	

*These dates should be the same.

1562.1200 GRAIN PURCHASE RECEIPT.

An independent grain buyer, upon purchasing grain, shall issue a grain purchase receipt. A duplicate copy of each grain purchase receipt must remain in the possession of the independent grain buyer as a permanent record. The original grain purchase receipt must be delivered to the seller upon receipt of each load of grain.

The grain purchase receipt must state specifically whether the grain was sold on contract or for cash and the price at which the grain was sold. For contract purchases, if the price is not determined at the time of delivery, then the grain purchase receipt must be marked "price later."

All grain purchase receipts must be consecutively prenumbered and must contain the following information:

A. the name and address of the grain buyer;

B. the name of the seller;

C. the location and date of the transaction;

D. the weight or volume and kind of grain; and

E. the signature of the grain buyer.

For the sale of grain designated "contract" on the grain purchase receipt, the grain buyer must put the terms of the contract in writing as required by Minnesota Statutes, section 223.177, subdivision 3. The term "contract" signifies any form of sale except a cash sale. A contract sale of grain is not covered by the grain buyer's bond.

1562.1300 SCALE TICKET.

A grain warehouse operator, upon receiving grain, shall issue a scale ticket for each load of grain received. A duplicate copy of each scale ticket must remain in the possession of the grain warehouse operator as a permanent record. The original scale ticket must be delivered to the seller or depositor upon receipt of each load of grain.

The scale ticket must state specifically whether the grain was sold on contract or for cash and the price at which the grain was sold. If the grain was not sold, then the scale ticket must state whether the grain was received for storage. The term "contract" signifies any form of sale except a cash sale.

All scale tickets must be consecutively prenumbered and must contain the following information:

A. the name and address of the grain warehouse operator;

B. the name of the seller or depositor;

C. the location and date of the transaction;

D. the weight, volume, and kind of grain; and

E. the signature of the grain warehouse operator.

1562.1400 DETERMINATION OF GRADE.

If the grade of grain is established at the time of delivery to a warehouse, it must be recorded on the original and duplicate copy of the scale ticket. If the grade is not established at the time of delivery, the grade and factors that relate to the grade must be recorded on the duplicate copy of the scale ticket retained by the grain warehouse operator. The depositor or seller must be notified of the grade within 48 hours after the grade has been determined.

1562.1500 WAREHOUSE RECEIPT.

If grain is received for storage, the grain warehouse operator shall issue a grain warehouse receipt to the depositor within five working days of the date of deposit.

Storage contracts on grain being stored end on the expiration date of the storage license if not ended earlier by the depositor. In the absence of a demand for delivery, order to sell, or notice by the grain warehouse operator, it is presumed that the parties intended to renew the storage contract for the next licensing year.

1562.1600 CHARGES; RATES.

Subpart 1. **Filing of rates for storing and handling grain.** A person licensed to store grain shall file with the commissioner a tariff or schedule of all charges relating to the storage of grain including charges for receiving, storing, redelivery, and handling on forms provided by the commissioner.

Subp. 2. **Posting of charges.** Every warehouse operator shall post conspicuously in the warehouse, at each licensed location, a statement of all charges relating to the storage of grain.

Subp. 3. **Charges to depositor.** No charge different from that filed with the commissioner and posted may be made to any depositor for the same service.

All depositors must be notified of any changes in the tariff or schedule of charges prior to their implementation. A conspicuous posting of the revised tariff in the warehouse, plainly visible to all customers, qualifies as notification to depositors.

1562.1700 CLAIMS AGAINST A BOND.

Subpart 1. **Filing a claim.** Claims against a bond may be filed by the persons indicated in this subpart.

A. A producer claiming to be damaged by the breach of an agreement to purchase grain according to the terms of a cash sale must file a claim with the commissioner within 180 days of the date of breach.

B. A depositor claiming to be damaged by the breach of an agreement to store grain, including an agreement to sell grain which was originally delivered for storage, must file a claim with the commissioner within 180 days of the date of breach.

Subp. 2. **Form of claim.** All claims must be in writing, must state the facts upon which the claim is based, must include any supporting evidence, and must be signed by the claimant. The supporting evidence may consist of, but is not limited to, a purchase agreement, a scale ticket, a grain purchase receipt, a check indicating insufficient funds, a warehouse receipt, or an assembly sheet.

Subp. 3. **Where to file.** All claims must be filed at the following address: Minnesota Department of Agriculture, Grain Inspection Division, Warehouse Section, 316 Grain Exchange Building, Minneapolis, MN 55415.

Subp. 4. **Bond limitations.** The bonds are not cumulative from one year to the next. A claim against the bond may only be made against the bond in effect at the time the agreement is breached. A bond is not liable for claims filed after 180 days from the date of breach of the bond.

Subp. 5. **Public notice of a claim.** Upon determining that a producer or depositor has filed a valid claim, the commissioner shall publish notice of the claim in the official county newspaper of the county in which the licensee's place of business is located.

The notice must state that a claim against the bond of a licensee has been filed with the commissioner, the name and address of

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the licensee, that any additional claims should be filed with the commissioner, the bond disbursement date, and where the claims should be filed.

The public notice of the claim must appear for three consecutive days in newspapers with a daily circulation and for two consecutive publications in newspapers published less than daily.

Subp. 6. **Bond disbursement date.** The bond disbursement date is 90 days from the date the commissioner publishes a public notice of a claim. At the end of this time period, the commissioner will initiate bond payments on all valid claims received by the department.

1562.1800 BOND COVERAGE.

Subpart 1. **Grain buyers bond.** The grain buyers bond provides for payment of loss to producers caused by a licensed grain buyer's failure to pay, upon the owner's demand, for grain purchased in Minnesota according to the terms of a cash sale.

Subp. 2. **Grain storage bond.** The grain storage bond provides for payment of loss caused by the failure of a person licensed to store grain in Minnesota to deliver stored grain to the depositor's order, or for nonpayment of grain when the depositor orders that the grain be sold in lieu of taking redelivery of the grain in storage.

Subp. 3. **Grain bank bond.** The grain bank bond provides for payment of loss caused by the failure of a person with a grain bank license in Minnesota to deliver grain bank-receipted grain to the depositor's order, or for nonpayment of grain when the depositor orders that the grain bank-receipted grain be sold in lieu of taking redelivery of the grain in the grain bank.

1562.1900 LOST, STOLEN, OR DESTROYED WAREHOUSE RECEIPTS.

While a warehouse receipt is outstanding, no other warehouse receipt may be issued for any part of the grain represented by the original warehouse receipt except that, in case of a lost, stolen, or destroyed warehouse receipt, the depositor is entitled to a new warehouse receipt, plainly designated to be a duplicate or substitute for the one missing or destroyed indicating the dates of issuance of the original and the replacement warehouse receipts. Before issuing a duplicate warehouse receipt the warehouse operator shall require the depositor to make and file an affidavit stating that the depositor is lawfully entitled to possession of the original receipt and that the depositor has not negotiated or assigned it, the circumstances in which it was lost or destroyed, and that, if lost, a diligent effort has been made to find it. The warehouse operator may require the depositor to post a bond in an amount not more than double the value at the time the bond is given of the grain represented by the missing or destroyed warehouse receipt. The bond must be conditioned to indemnify the warehouse operator against any loss which might be sustained because of the issuance of a duplicate receipt, must be in a form approved by the commissioner, and must be executed by a corporate surety licensed to operate in Minnesota. A valid duplicate or substitute warehouse receipt has all the rights of the document in lieu of which it was issued.

1562.2000 SHORTAGES OF GRAIN.

Whenever it appears that a warehouse operator does not have on hand grain of sufficient quality and quantity to cover the outstanding warehouse receipt obligations, notice must be given by the commissioner to the warehouse operator requiring that the shortage be corrected immediately. If the warehouse operator fails to comply with that order and the commissioner determines that the interests of depositors may be threatened, then the commissioner shall seal the warehouse to prevent any further removal of grain until the shortage is corrected.

If it appears that the warehouse operator is in default to warehouse receipt holders and unable to correct the default within a reasonable time the commissioner shall make arrangements to protect the warehouse receipt holders by either redelivering the grain, on a pro rata basis, to each warehouse receipt holder of record or liquidating the grain inventory, depositing the proceeds in an interest-bearing trust account, and distributing the proceeds, on a pro rata basis, to each warehouse receipt holder of record. The proceeds must remain in the trust account until the bond disbursement date, if applicable. Valid claims by warehouse receipt holders in excess of the amount in the trust account will be applied against the storage bond. The warehouse operator, the operator's surety, and each warehouse receipt holder of record must be notified of the shortage and the proposed action to be taken by the commissioner to protect warehouse receipt holders. Notice must be mailed to each warehouse receipt holder's last known address as evidenced by the records of the warehouse operator.

If any interested party files a written objection to the department's proposed action within ten days of receipt of the commissioner's notice, the commissioner shall apply to the district court for the appointment of a trustee or receiver to manage and supervise the operations of the grain warehouse operator in default.

An audit or other investigation of the affairs of the warehouse operator must be made by the commissioner for the purpose of determining the amount of the shortage and computing the loss sustained by each depositor.

1562.2100 MOVEMENT OF ENCUMBERED GRAIN.

Grain encumbered by a warehouse receipt may be moved to another public grain warehouse with the depositor's request, pursuant to Minnesota Statutes, section 232.23, subdivision 13. The original warehouse receipt must be canceled and the receiving public

grain warehouse operator must issue a currently-dated warehouse receipt for the grain being moved and stored. All storage charges must be paid through the date of cancellation of the original warehouse receipt.

1562.2200 TERMINATION OF LICENSE; CHANGE OF OWNERSHIP.

When a license is terminated by reason of sale, discontinuance of business, failure to renew a license, or for any other reason, the grain buyer or warehouse operator must discontinue buying grain from producers or storing grain, and redeliver or purchase all grain belonging to others in the warehouse. If a licensee sells or leases a grain warehouse to another person, proper indemnity must be provided to all depositors. Agreement in writing by the warehouse operator's successor to assume liability for all warehouse receipts outstanding at the time of take-over and reissuance of warehouse receipts by the successor constitutes sufficient indemnity. The commissioner must be notified of a change in ownership so that a new license and bond may be issued.

REPEALER. Minnesota Rules, parts 1560.5400; 1560.5500; 1560.5600; 1560.5700; 1560.5800; 1560.5900; 1560.6000; 1560.6100; 1560.6200; 1560.6300; 1560.6400; 1560.6500; 1560.6600; 1560.6700; 1560.6800; 1560.6900; 1560.7000; 1560.7100; 1560.7200; 1560.7300; 1560.7400; 1560.7500; and 1560.7600 are repealed.

Board of Electricity

Proposed Permanent Rule Relating to Licenses; Expiration and Fees.

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Electricity ("board") proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 14.28. Authority for the adopting of these rules is contained in *Minnesota Statutes* § 326.241 subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Quinn upon request.

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 with 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 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule.

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

Mr. John Quinn
Executive Secretary
State Board of Electricity
N-191, Griggs Midway Building
1821 University Avenue
Saint Paul, Minnesota 55104
Telephone (612) 642-0800

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** rules is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

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.

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You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

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 State board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity

Rule as Proposed

3800.1000 LICENSES:; EXPIRATION; AND FEES.

Subpart 1. **Expiration.** Except as otherwise provided in this part, all licenses issued or renewed under this part expire two years from the date of issuance or renewal. All Class "A" master ~~and~~, Class "B" master, and master elevator constructor licenses issued or renewed ~~before~~ prior to March 1, ~~1982~~ 1989, expire ~~one year from the date of issuance or renewal~~ on March 1, 1989. Class "A" master ~~and~~, Class "B" master, and master elevator constructor licenses issued or renewed on or after March 1, ~~1982~~ 1989, expire March 1 of the next ~~even-numbered~~ odd-numbered year after issuance or renewal. ~~Electrical contractor licenses issued or renewed after August 31, 1981, but before September 1, 1982, expire September 1, 1982.~~ Electrical contractor licenses issued or renewed ~~after August 31, 1982,~~ expire March 1 of ~~the next~~ each even-numbered year after issuance or renewal. Alarm and communication contractor licenses expire July 1 of each odd-numbered year after issuance or renewal.

Subp. 2. **Examination, issuance, and renewal fees.** The following fees shall be payable for examination, issuance, and renewal:

A. For examination for each class of ~~electrician's~~ license:, $25.

B. For issuance of original license and renewal:

(1) Class "A" master and master elevator constructor, $35 a year;

(2) Class "B" master, $20 a year;

(3) Class "A" journeyman, Class "B" journeyman, Class "A" or "B" installer, elevator constructor, maintenance, lineman, or special electrician, $10 a year; and

(4) Electrical contractor and alarm and communication contractor, $75 a year.

Subp. 3. **Prorating fees.** If a new Class "A" master or ~~Class "B"~~ master elevator constructor license is issued ~~or renewed~~ in accordance with subpart 1 for less than two years, the fee for the license shall be prorated on a ~~monthly~~ quarterly basis ~~for each month or part of a month that the license is issued or renewed~~. The electrical contractor's and alarm and communication contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued ~~or renewed~~ in accordance with subpart 1.

Subp. 4. **Refunds.** A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with ~~the requirements of~~ subpart 3, the amount of the overpayment shall be refunded.

Subp. 5. **Reissuance fee.** Any electrical contractor or alarm and communication contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to part 3800.0800 of the Board of Electricity shall submit a reissuance fee of $100 before the license is reinstated.

Subp. 6. **Duplicate license fee.** The fee for the issuance of each duplicate license is $3.

Department of Public Safety

Proposed Permanent Rules Relating to Driver's License Revocation

Notice of Intent to Adopt Rules Without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in *Minnesota Statutes,* Sections 14.21 through 14.28.

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

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rules addressed, the particular objections, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes,* Sections 14.13 through 14.20.

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

Jeff Bruce
Department of Public Safety
211 Transportation Building
St. Paul, Minnesota 55155

The Department's authority to adopt the proposed rules is contained in *Minnesota Statutes,* Section 169.128. 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 free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to *Minnesota Statutes,* Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota.

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

Please be advised that *Minnesota Statutes,* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to comunicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative 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 Practice Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years

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immediately following their adoption, within the meaning of *Minnesota Statutes,* Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed

7503.0800 REVOCATION PERIODS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Driving after revocation.** The commissioner shall ~~revoke the driver's license or driving privilege of~~ increase the revocation period imposed for any person convicted under Minnesota Statutes, section 169.121 or 169.129 ~~for a period of,~~ or convicted under a statute from another state in conformity with either of these provisions, if the driver's license or driving privilege of the person was suspended, revoked, or canceled at the time of the driving incident for which the person was subsequently convicted. The length of the additional revocation period is 30 days, 90 days, or one year, depending on the number of ~~convictions for violations of Minnesota Statutes, section 169.129 or 171.24 on the person's driving record during the one-year period preceding the date of the incident~~ times the person has been convicted of a moving traffic offense while the person's driver's license was canceled, revoked, suspended, or otherwise withdrawn at the time of the offense. For the purposes of this subpart, a moving traffic offense is a conviction under a law regulating the use of motor vehicles in which the operation of a motor vehicle is an element of the offense charged. Only convictions that occur during a three-year period that includes the date of the incident for which the driver is convicted under Minnesota Statutes, section 169.121 or 169.129, or convicted under a statute from another state in conformity with either of these provisions, are counted in determining the length of the revocation period. The additional revocation ~~shall be~~ period is 30 days if there are no other convictions ~~for driving after withdrawal~~ during ~~the preceding year~~ a three-year period. The additional revocation period ~~shall be~~ is 90 days if there is one other conviction ~~for driving after withdrawal~~ during ~~the preceding year~~ a three-year period. The additional revocation period ~~shall be~~ is one year if there are two or more other convictions ~~for driving after withdrawal in the preceding year. A revocation ordered for a conviction under Minnesota Statutes, section 169.129 shall not run concurrently with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under Minnesota Statutes, section 169.129 is based~~ during a three-year period.

Subp. 4. to 7. [Unchanged.]

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 Seed Potato Production

The rules proposed and published at *State Register*, Volume 11, Number 50, pages 2275-2277, June 15, 1987 (11 S.R. 2275) are adopted as proposed.

Housing Finance Agency

Adopted Permanent Rules Relating to Accessibility Deferred Loan Program and Definition of Income Applicable to Home Improvement Loans, Accessibility Improvement Assistance, and Accessibility Deferred Loans

The rules proposed and published at *State Register*, Volume 11, Number 50, pages 2279-2281, June 15, 1987 (11 S.R. 2281) are adopted as proposed.

Department of Labor and Industry

Adopted Permanent Rules Relating to Safety and Health Standards

Rules as Adopted

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the Code of Federal Regulations as follows:

Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~December 31, 1986~~ June 1, 1987:

Federal Register, Vol. 52, No. 83, dated April 30, 1987; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of the Partial Stay and Amendment of Final Rule."

Federal Register, Vol. 52, No. 85, dated May 4, 1987; "Hazardous Waste Operations and Emergency Response; Corrections to Interim Final Rule (29 CFR 1910.120)."

Federal Register, Vol. 52, No. 91, dated May 12, 1987; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Corrections and Information Collection Requirements Approval."

Part 1928: Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the Federal Register on April 25, 1975 and subsequent changes made prior to June 1, ~~1984~~ 1987:

Federal Register, Vol. 52, No. 84, dated May 1, 1987; "Field Sanitation, Final Rule (29 CFR 1928.110)."

Vocational Technical Education Board

Adopted Emergency Rules Relating to a License to Teach Courses and Programs in Automated Systems Technology

The rules proposed and published at *State Register*, Volume 11, Number 32, page 1404, February 9, 1987 (11 S.R. 1404); and Volume 11, Number 45, pages 2079-2080, May 11, 1987 (11 SR 2079) are adopted as proposed.

State Board of Vocational Technical Education

Adopted Permanent Rules Relating to Postsecondary Vocational Licensure, Agricultural Occupations

The rules proposed and published at *State Register*, Volume 11, Number 46, pages 2108-2117, May 18, 1987 (11 S.R. 2108) are adopted as proposed.

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State Board of Vocational Technical Education

Adopted Emergency Rules Relating to Vocational Licenses; Information Processing

The rule proposed and published at *State Register*, Volume 11, Number 45, May 11, 1987, (11 S.R. 2079) is adopted as proposed.

Board of Accountancy

Adopted Permanent Rules Relating to Fees

The rule proposed and published at *State Register*, Volume 11, Number 50, pages 2274-2275, June 15, 1987 (11 S.R. 2274) is adopted as proposed.

Board of Teaching

Adopted Permanent Rules Relating to License Criteria

The rules proposed and published at *State Register*, Volume 11, Number 44, pages 2034-2043, May 4, 1987 (11 S.R. 2034) are adopted with the following modifications:

Rules as Adopted

8700.0502 PROVISIONAL LICENSES; TEACHING IN UNLICENSED SUBJECTS OR FIELDS.

Subp. 2. **Criteria for issuance.** The Board of Teaching shall issue provisional licenses authorized by subpart 1 if it finds that the following conditions are met:

B. the superintendent of schools of the employing school district verifies in writing that:

(a) no teacher holding a teaching license in a subject or field for which a provisional license is requested ~~is available~~ has applied for the vacant position which has been advertised at least statewide, and found to be acceptable for employment; and

8700.1000 CLOCK HOURS.

Subp. 2. **Allocation of clock hours.** In each five-year relicensure period, a minimum of 90 clock hours of the required 125 clock hours of continuing education must be earned from among the categories in subpart 3, items A to D. At least 45 of the 90 clock hours must be earned in programs that are consistent with local continuing education committee goals if the programs are locally available. A maximum of 35 clock hours may be earned from among the categories in subpart 3, items E to G.

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.

Department of Administration

Building Codes & Standards Division

Notice of Extension for Comments or Request for a Public Hearing on Proposed Permanent Rules Relating to the Minnesota State Building Code

Notice is hereby given that the period for comments or written requests for a public hearing, as published in the *State Register*, August 24, 1987, Vol. 12, No. 8 and stating they must be received by 4:30 p.m., September 22, 1987, has been extended to 4:30 p.m., September 25, 1987.

Department of Human Services

Income Maintenance Bureau
Assistant Payments Division

Notice of Intent to Solicit Outside Opinion Concerning Proposed Permanent Rules Governing the Work Readiness Program

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions in preparing to propose permanent rules governing the work readiness program, parts 9500.1300 to 9500.1318.

The adoption of these rules is authorized by *Laws of Minnesota 1987*, chapter 403,, article 3, section 37.

These rules, if adopted, will affect work readiness applicants and registrants who refuse to accept legitimate offers of suitable employment and work readiness registrants who voluntarily quit suitable employment while receiving work readiness payments or services.

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

Written statements of information and comment may be addressed to:

Dan Lipschultz
Rules Division
Minnesota Department of Human Services
4th Floor Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-4302.

All statements of information and comment will be accepted until further notice is given or the Notice of Hearing or Notice of Intent to Adopt Without a Hearing is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record.

Nonpublic Education Council

Applications Being Accepted for State Recognition of Education Accreditation Organizations

In compliance with the state's new compulsory school attendance law (Chapter 178 of the *1987 Minnesota Session Laws*), the Nonpublic Education Council is now accepting applications from education accreditation organizations who wish to have state approval for the 1987-88 school year.

All nonpublic schools must meet certain state requirements in order to fulfill the standards the compulsory attendance law as amended by the 1987 Minnesota Legislature. Nonpublic schools must either be accredited by state-approved accreditation organizations or work with local school districts in following state reporting requirements. Also, all nonpublic schools that choose the accreditation route to compliance are urged to affiliate with a state-approved accrediting organization by October 1, 1987.

The Nonpublic Education Council, formerly the Nonpublic School Advisory Committee, is a group of 15 citizens appointed by the commissioner of education who are broadly representative of state nonpublic education interests. For information about application procedures or the law, contact:

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Nonpublic Education Council
Attention: Daniel Skoog, Assistant Commissioner
Minnesota Department of Education
726 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone Number (612) 296-3116

All interested accreditation organizations must apply to the Nonpublic Education Council before September 18, 1987 if they wish to be recognized as a state-approved accreditation organization for the 1987-88 school year. Applications for future school years are acceptable at any time.

Department of Transportation

Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of St. Paul has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards for a construction project on Municipal State Aid Street 188 (St. Clair Avenue) from Cretin Avenue to Lexington Parkway.

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes*, Chapter 161 and 162, so as to permit a street width of 32′ with parking on one side from Cretin Avenue to Cleveland Avenue instead of the required width of 36′ with parking on one side; a street width of 40′ with parking on both sides from Cleveland Avenue to Snelling Avenue instead of the required width of 44′ with parking on both sides; a street width of 40′ with parking on both sides from Snelling Avenue to Hamline Avenue instead of the required width of 48′ with parking on both sides; a street width of 40′ with parking on both sides from Hamline Avenue to Short Line Road instead of the required width of 44′ with parking on both sides; and a street width of 40′ with parking on both sides from Short Line Road to Lexington Parkway instead of the required width of 48′ with parking on both sides.

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

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

Dated: 31 August 1987

Leonard W. Levine
Commissioner of Transportation

Department of Transportation

Notice of Public Information Meetings

Minnesota Statutes, Section 169.832, Subd. 13, requires the Minnesota Department of Transportation (Mn/DOT) to adopt rules to define "significant centers of population and commerce" and "temporary emergency service". These rules will be used to identify state trunk highway market artery routes in order to establish a statewide network of roads designated to carry maximum allowable truck loads year around, without seasonal weight restrictions.

Mn/DOT is seeking public participation in the development of these rules. If you wish to participate in defining these terms, you may attend any of the following public information meetings.

September 17, 1987
8:00 p.m.
Auditorium, Staples Tech. Inst.
Airport Road
Staples, Minnesota

October 7, 1987
10:15 a.m.
Room 300—Council Chambers
Metro Square Building
7th and Robert Streets
St. Paul, Minnesota

October 8, 1987
9:00 a.m.
Ottertail Power Company
320 4th Street
Bemidji, Minnesota

October 14, 1987
8:00 p.m.
Civic Center
323 West Schlieman Avenue
Appleton, Minnesota

October 15, 1987
7:30 p.m.
Room 130—Friedell Building
1200 South Broadway
Rochester, Minnesota

October 19, 1987
7:00 p.m.
Northwest RDC
525 Brooks Avenue South
Thief River Falls, Minnesota

October 19, 1987
7:00 p.m.
East Central RDC Hdqts.
100 South Park Street
Mora, Minnesota

October 19, 1987
7:30 p.m.
Murray Co. Courthouse Annex
Slayton, Minnesota

October 22, 1987
1:30 p.m.
Arrowhead RDC
Arrowhead Center
330 Canal Park Drive
Duluth, Minnesota

October 22, 1987
2:00 p.m.
Room 500 North
State Office Building
100 Constitution Avenue
St. Paul, Minnesota

November 4, 1987
7:15 p.m.
1st Floor Auditorium
Blue Earth Co. Govt. Center
410 South 5th Street
Mankato, Minnesota

November 5, 1987
7:30 p.m.
Olivia City Office Building
1009 West Lincoln
Olivia, Minnesota

The rules may affect Minnesota businesses that have transportation activities that are affected by spring weight restriction on trunk highways. This may include the transportation activities of small businesses as defined in *Minnesota Statutes*, Section 14.115, Subdivision 1.

Persons interested in this rulemaking are invited to attend the public informational meetings in their area. Written or oral comments will be accepted until December 1, 1987. Comments or questions may be submitted to: Jonette Kreideweis, Manager, Highway Planning Unit, Room 807, Transportation Building, St. Paul, Minnesota 55155, (612) 296-8477.

Dated: 31 August 1987

Leonard Levine
Commissioner

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.

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.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, 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 #
Maintenance & repair of vindicators & microwave security (PA)	September 9	Correction Facility	Lino Lakes	Price Contract
Preventative maintenance & upgrading of CCTV system (PA)	September 9	Correction Facility	Lino Lakes	Price Contract
Car wash service (EFS)	September 9	Various	Various	Price Contract
Intergraph equipment (PA)	September 10	Transportation	St. Paul	79 000 81719
Lateral files (LP)	September 10	Vo-Tech Education	St. Paul	36 000 09129
Sewing machines (DRT)	September 10	Correctional Facility	Oak Park Heights	78 630 07 560
Meat & meat products for the month of October 1987 (JD)	September 10	Various		Various
Lease purchase of 3 copiers (JPK)	September 11	Corrections	Various	78 000 18681
Purchase of copier (JPK)	September 11	State University	Marshall	26 175 07173
Rental of copier (JPK)	September 11	Employee Relations	St. Paul	24 000 81140
Radio communications equipment addendum #1 & #2 (EFS)	September 15	Various	Various	Price Contract

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
18 Bonds	September 9	Finance	St. Paul	1220-9 & 1230-9
College volleyball programs	September 10	Community College	Bloomington	1485
Fluoride report form	September 10	Health	Minneapolis	1505
Cross-country ski license	September 10	Natural Resources	St. Paul	1206,7,8
Affix labels to income tax booklets	September 15	Revenue	St. Paul	67320 04732
Carrier route code address & print income tax labels	September 15	Revenue	St. Paul	67320 04733

Department of Administration

Printing and Mailing Services Division

Request for Proposals for Graphic Arts Design

The Minnesota Department of Administration, Printing and Mailing Services Division, is accepting bid proposals for Graphic Arts Design work. Those persons interested in receiving a detailed copy of the request for proposal may write to the address below or contact Geri Christen at 612-296-3277.

Minnesota Department of Administration
Printing and Mailing Services Division
117 University Avenue
St. Paul, Minnesota 55155

About $10,000 has been budgeted for this project. Proposals are due by 4:30 p.m., September 21, 1987.

Department of Education

Request for Proposals for Program Evaluation of the Pilot Demonstration Program on Performance Based Education

Proposals are requested from individuals or agencies qualified to conduct program evaluation activities. The purpose is the evaluation of the implementation and effectiveness of the pilot Demonstration Program on Performance Based Education.

The program is based on the notion of allowing school districts flexibility in the design of alternative educational programs in relation to student outcomes.

The selected proposal will be funded via state contract. Funding shall not exceed $15,000.00.

For further information, contact:

Dr. John Comstock
Office of Assessment and Program Evaluation
Minnesota Department of Education
725 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Proposals must be submitted by October, 5, 1987.

Department of Human Services

Health Care Programs Division

Notice of Availability of Health Care Consultation Contracts

The Department of Human Services intends to issue a consultant contract to a Licensed Doctor of Pharmacy (Pharm D.) or R.Ph. with clinical background and experience in clinical pharmacy and clinical evaluation of drug therapy. Experience in prescription dispensing and extemporaneous compounding including parenteral products is preferred.

The contract will be available immediately and extend to March 1, 1988.

This contract will be awarded to a candidate based on his/her experience, education, achievements and professional standing. The Department of Human Services will make the final selection of a consultant and issue a contract based upon the Department's needs, but not to exceed $4,000.00 for the period from present through March 1, 1988.

Proposals must be received by September 14, 1987 and should be directed to:

Larry Woods, Supervisor
Health Care Programs Division
Health Services Policy Section
Space Center
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2846

Department of Human Services

Division for Persons with Developmental Disabilities

Request for Proposals to Seek Applicants for Regional Review Committee Membership to Monitor and Facilitate Compliance with *Minnesota Rules*, parts 9525.2700 to 9525.2810, (Standards Governing Aversive and Deprivation Procedures)

The Division for Persons with Developmental Disabilities of the Department of Human Services is seeking applications from individuals interested in serving on regional review committees to monitor and facilitate compliance with *Minnesota Rules*, parts 9525.2700 to 9525.2870, (Standards Governing Aversive and Deprivation Procedures).

Membership of each regional review committee shall include at least a licensed psychologist; an employee from a daycare, residential or supported living arrangement; a parent or guardian of a person with mental retardation or related conditions; a concerned citizen and a Department employee. Members will be assigned by the Commissioner to a regional review committee.

Members of regional review committees will meet at least quarterly at sites determined and arranged for by the Department. Members will be reimbursed for each meeting.

Individuals interested in applying for regional review committee membership should submit in writing to Gerald Nord, Division for Persons with Developmental Disabilities, 4th Floor Centennial Building, St. Paul, Minnesota 55155, by September 24, 1987, their name; home/work address and phone numbers; and a brief summary of work experience, educational background and interests or provide a resume.

If you have any questions, please contact Mr. Nord at (612) 297-3828.

Department of Human Services

Bureau of Health Care and Residential Programs

Request for Information about Computer Software Related to the Operation of the State Regional Centers and Nursing Homes

The Department of Human Services is soliciting information from vendors concerning computer software and hardware related to the operation of the eight State Regional Centers and two State Nursing Homes located throughout the State. These facilities provide residential and treatment services to mentally ill, developmentally disabled, chemically dependent, and geriatric populations. Desired products will support a full range of services such as Admissions, Accounting, Dietary, Electronic Charting, Pharmacy, Central Supply, Material Management, Medical Records, Plant Management, Utilization Review, and Quality Assurance. Of added importance is the ability to interface this information with several divisions at the State's central site.

It is the State's intent that this request is for information about packaged computer software that can handle facility applications with minor modification, not for detailed design and development of such a system.

Interested parties may obtain a Request for Information (RFI) document by calling or writing:

Connie J. Cobb, Director
State Facility MIS Project
Office of the Assistant Commissioner
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 297-2192

Information regarding the formal response to this request is outlined in the RFI document. Vendors wishing to be seriously considered in responding to a subsequent Request for Proposal, must also respond to the RFI. All formal responses must be received no later than October 2, 1987.

Department of Jobs and Training

State Job Training Office

Notice of Request for Proposals for Operation of Job Training Programs for Older Individuals

The Minnesota Department of Jobs and Training, State Job Training Office, is requesting proposals from appropriate organizations and units of government to provide employment and training services to older individuals. The program, authorized by Section 124 of the Job Training Partnership Act, is designed to provide for the training and placement of low income persons 55 years of age and older into jobs with private business concerns. A minimum of $300,000 is available to fund programs to operate between January 1, 1988 and December 31, 1988. Proposals must be received no later than 4:30 p.m. November 6, 1987.

Request for Proposal application materials are available upon request. Inquiries and requests should be directed to:

Jim Korkki
State Job Training Office
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-6061

Minnesota Waste Management Board

Notice of Request for Proposals/Request for Qualifications for Consultants

The Waste Management Board (WMB) seeks to retain a consultant to conduct air quality monitoring of waste tire chips burned at one or more facilities in Minnesota. All qualified consultants are invited to submit proposals. Proposals must adhere to the format described in the Request for Proposal/Request for Qualifications (RFP/RFQ). The WMB expects to enter into a contract during the fall of 1987.

Copies of the RFP/RFQ are available from:

Andrew Ronchak
Waste Management Board
7323 58th Ave. N.
Crystal, MN 55428
(612) 536-0816

All proposals must be submitted to the WMB by September 21, 1987 at 4:00 p.m.

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.

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.

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.

Great Lakes States USA

Request for Proposal to Engage a Marketing Coordinator



BACKGROUND

State travel and tourism agencies in six Great Lakes States (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin) oversee advertising and promotion campaigns to sell their individual states as travel destinations. They compete against each other and against other states for the domestic traveling dollar, but they also cooperate as a group to sell the Great Lakes region as a whole to international travelers. This regional group is called Great Lakes States USA.

For the past four years, in various combinations, the six states have participated jointly at the World Travel Market in London, the ITB in Berlin and JATA in Tokyo. At these travel trade marketplaces, the cooperative state travel representatives pool their promotional efforts on the assumption that international visitors do not choose just one community or state to visit, but visit a larger region or area.

The Great Lakes States have defined their primary markets as the United Kingdom, German-speaking countries and Japan. (Marketing strategies for Canada are handled by individual states.)

To become more effective in attracting the international traveler requires great commitments of time, coordination and balance, more than any one state can provide or more than a representative committee can easily address. The projects of the home state are more immediate; the needs of the overall region take secondary priority.

AUDIENCE:

The primary audience for this program is the travel trade and the media. Directors agree that efforts directed at those audiences will thereby increase consumer awareness.

RESPONSIBILITIES

The following means should be used to implement the International Marketing Strategy for Great Lakes States USA and would be the primary responsibilities for the coordinator.

SPECIFIC PROJECTS:

1. Create and produce a sales product catalog for the European and Japanese markets production of a Great Lakes map and Press/Trade kits. Also include an audio visual presentation project for trade missions.

2. Coordinate Great Lakes States USA participation in trade shows—World Travel Market, ITB and JATA. This includes public relations, publications, advertising, airline sponsorship and booth design.

3. Prepare written monthly progress and activity reports for each member of the marketing committee and the State Travel directors. These reports will include budget report, public-private partnership report and ongoing project update.

4. Seek public/private partners to create sales tools and opportunities. Please estimate in the proposal the amount of inkind and cash contributions from the private sector you could generate.

5. Function as accountant and bookkeeping agent for Great Lakes States USA. The coordinator will invoice the state of Minnesota, as fiscal agent for Great Lakes States USA, for expenses. This will require monthly budget analyses and appropriate record-keeping functions. The coordinator will also manage a program implementation plan.

6. Make written recommendations to the International Marketing Committee on ways to increase the visibility and influence of the Great Lakes region in the international market.

7. Recommend in writing a public relations plan as a means to provide current information about Great Lakes States USA to the international travel media. Implementation will be subject to the committee's subsequent approval.

8. Initiate and implement a program to allow for private sector participants in the marketing programs of Great Lakes States USA.

9. Complete an investigation, report and implement the operational structure of Great Lakes States USA. This will involve research on how other regional groups (i.e. Travel South) are incorporated and coordinated.

10. Travel is required to all quarterly meetings of the marketing committee. Participation at trade shows is desirable but not mandatory. The day to day operation of the organization may require some travel. However, costs may be deferred by formulation of public/private partnerships with travel suppliers. All travel costs must be inclusive in consultant's monthly fee.

11. A proposal to conduct a sales mission to Germany (2 cities) and London in April of 1988 should be part of the proposal. Cost should be quoted on this item as a separate project and recommendations are requested in the proposal.

12. Perform other activities as directed by the marketing committee chairperson. This will meet the need to be responsive to opportunities that arise after the adoption of the marketing plan. Coordinator should specify a policy on implementation and estimate hours to conduct projects.

BID PROCESS

The *total budget* for this program for Great Lakes States USA will be $65,000.00 including coordinator fees and project implementation costs for the year running from November 1, 1987 to October 31, 1988. The public/private partnerships developed are crucial to supplement this program.

1) The $65,000.00 fee is based on the following assumptions:

a. All consultant expenses (i.e. travel, meals, phone calls, etc.) will be included in the contract amount. Please bid as a separate item.

b. Production costs of the sales tools are included in the contract amount. If sponsors are secured, production costs may be offset and money would be available for other uses.

c. Trade show space rental is shared by participating individual states and does not need to be reflected in the budget.

Proposals should include the following:

1) An estimate of the number of hours broken out by project necessary to carry out the responsibilities indicated above, including number 13 above. Please specify travel commitments included in contract.

2) An itemized recommendation of how budget should be allocated and how private sector will be involved.

3) The name, background and related international experience of the individual who will handle this account.

To give us a better indication of your ideas and abilities, please include answers to the following questions in your proposal:

1) What do you suggest would be the most productive promotional projects/avenues for the Great Lakes States USA to pursue? Please give your input on concepts presented (i.e. catalog, map, audio visual).

2) What do you perceive as the potential for the Great Lakes region in the international market, and why?

3) Respond to all concepts with recommendations.

SELECTION PROCESS

All proposals must be submitted no later than September 30, 1987 at 5:00 p.m. EST. Eight (8) copies of the proposal should be enclosed (to be distributed to the interviewing and screening committee).

Send proposals to:

Deborah Hart, Senior Promotions Manager
Attn: International Coordinator
Michigan Travel Bureau
P.O. Box 30226
Lansing, MI 48909

Decisions for finalists will be made October 8, 1987. The Great Lakes States USA reserves the right to refuse any and all proposals.

Please direct all questions regarding this proposal to Deborah Hart at 517/373-0670.

Non-State Public Contracts

Metropolitan Council, Metropolitan Waste Control Commission and the Regional Transit Board

Request for Proposals (RFP) for Telecommunications Consultant Services

The metropolitan agencies are seeking a telecommunications consultant to assist in the preparation of bid documents and selection of a 500-station-capacity telephone system.

The scope of services requested involves the preparation of a network design and layout configuration for a state-of-the-art telephone system bid specification document. The agencies will also require assistance in the selection and negotiating the purchase of a system.

The contract period is from October 1, 1987, through December 31, 1987. A copy of the agencies' RFP document and submittal procedures may be obtained by directing requests to:

Michael Kloss
Metropolitan Waste Control Commission
Regional Maintenance Facility
3565 Kennebec Rd.
St. Paul, MN 55123
(612) 681-4503

Four copies of the proposal must be received by the Metropolitan Waste Control Commission, Regional Maintenance Facility, September 21, no later than 4 p.m.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Agriculture

Agriculture Marketing Division

Applications Accepted for Minnesota Grown Agricultural Market Development Grant Program

Notice is hereby given that the Minnesota Department of Agriculture is accepting applications for agricultural development grants to promote use of the Minnesota grown logo as provided for in *Minnesota Statutes*, section 17.101, subd. 2; *Laws 1987*, chapter 396, article 6; and *Minnesota Rules*, chapter 1552.

Organizations wishing to apply for a grant should request a copy of the rules governing the program and other related application material. The rules describe eligibility criteria, application content and application procedures. Separate proposals must be submitted for each grant being sought. Other information may be obtained by contacting:

Ralph Groschen
Agricultural Marketing Division
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107
(612) 297-2223

Applicants are to submit their proposal(s) to Mr. Groschen at the above address. Applications will be accepted until funds for fiscal year 1988 are expended. The total of all grants to the same grantee may not exceed $70,000 for the biennium ending June 30,

1989. The grant amount for any project may not exceed $70,000. It is anticipated due to the availability of Minnesota Grown funds that projects approved will be less than $10,000 per project.

Announcements

Department of Natural Resources: Some new laws passed by the 1987 Legislature affecting various activities monitored by the DNR that went into effect August 1, 1987 are listed here for clarification. For more information, contact Andy Brewer, DNR Legislative Services, (612) 296-0915.

Prosecution of Boating While Intoxicated (BWI) Violations: This clause amends the law against boating while intoxicated to clarify that the county or city attorney serving the area where the violation occurs is responsible for both misdemeanor and gross misdemeanor violations.

Changes in Boating While Intoxicated Law: It makes a number of changes in the BWI law, including adding snowmobiles to the legal prohibition and applying "implied consent" provisions to snowmobile and all-terrain vehicle (ATV) operators. It provides for the suspension or revocation of operating privileges of snowmobiles and ATVs under certain circumstances. It provides for rights of accused and obligations of persons requesting the test.

It requires a report from an officer to the commissioner for a refusal to agree to testing, and it imposes a $500 civil penalty and prohibits the person from operating any motorboat in the state for one year. It allows for a judicial review to be requested in the county where it occurred, and it requires the court to act within 60 days on a request for judicial review and to forward a copy of its decision to the commission. Finally, it provides for the enforcement of the civil penalty and extends the prohibition against further operation of a boat until the penalty is paid.

(The motorboat provisions of the law went into effect June 3. The snowmobile and ATV provisions were effective Aug. 1.)

Highway Crossing by Young Snowmobilers: This provision provides that a person aged 14-17 may cross a highway by snowmobile if they are in the possession of either a valid snowmobile safety certificate or a valid drivers' license.

Probable Cause for Conservation Officers: Conservation officers must now have probable cause to believe wild animals possessed or stored in violation of game and fish laws are present in order to enter and inspect any commercial facilities.

Amendment to Trapping Laws: This amendment eliminates a 30-day maximum otter season, and gives DNR the authority to establish this season from Oct. 25 up to April 30. It also authorizes trappers to use a .22 caliber handgun while tending traps with an artificial light during legal trap-tending hours, and it totally prohibits the setting of traps within 50 feet of any water, other than "temporary surface water," within 30 days before the open season for mink and muskrat (formerly, this restriction was within 150 feet of a stream, lake, or navigable water).

Omnibus Game and Fish Law Changes: This change establishes a Wild Rice Management Account and requires the revenue from the sale of wild rice licenses be deposited into that account for the management of designated public waters and to improve natural wild rice production.

It further requires that birds harvested from a shooting preserve have tags on them while being transported. It provides an option for purchasing land for public hunting and wildlife areas and it allows the commissioner of administration to transfer federal money to DNR for acquiring wildlife lands and wetlands.

It exempts big game licenses from a law that prevents someone from obtaining the kind of license relating to a conviction. It also deletes a requirement that annual reports for fur dealers, tanners, and taxidermists be notarized, while requiring the commissioner to supply them with a book for keeping necessary records.

It also requires that a nonresident under age 16 purchase a non-resident fishing license to take and possess a limit of fish. It now allows a person to transport more than one big game animal, and permits a hunter to retrieve wounded game from agricultural land that is not posted, except when the hunter is prevented by the owner, occupant, or lessee.

It deletes the requirement that a person must have written permission to take a wild animal within 500 feet of a stockade, or corral containing livestock, and it deletes the prohibition against taking a wild animal with a firearm within 500 feet of a burning area. It clarifies that a shotgun with No. 4 buckshot, smaller lead or steel shot may be possessed before and after the deer season.

It clarifies that raccoons may be taken with dogs, using lights, firearms, or bows and allows for the use of dogs to pursue and tree raccoons during the closed season without a small game license. It permits the commissioner to restrict taking fisher, pine marten, and opossum and deletes the requirement for possessing a license and seal to take beaver that are damaging property. Finally, it prohibits the use of fire to take protected birds.

Use Of Mechanical Release Bows: This provision allows the use of a mechanical release bows during the archery season.

Requirements for Arrowheads In Big Game Hunting: This amendment changes the requirements for arrowheads used for big game hunting. They must now be broadhead in design, have at least two metal cutting edges, and a diameter of at least seven-eighths inch.

Lake Aeration: This adds the loss caused by aeration systems operated under DNR permit to the list of state activities excluded from tort liability. It clarifies posting requirements by changing the language to read, "that a sign is posted at least every 100 feet." It also requires the adoption of rules relating to permits for aeration, bubbler, water circulation and similar systems used to increase dissolved oxygen or maintain open water (by Sept. 1, 1988).

Commercial Fish Raising: This provision establishes a commercial fish-raising program. It creates an advisory committee of the commissioners of DNR, Agriculture, Energy and Economic Development, the University of Minnesota, the director of the State Planning Agency, representatives of the private fish raising industry and the chairs of the legislative policy committees in each house.

It sets a fish farm license at $250. It also lists priorities for the disposition of game fish eggs and fry and requires that, until July 1, 1990, at least 2 percent of the game fish eggs collected by DNR must be made available to private hatcheries. It also allows the commissioner to establish rules to maintain and operate a fish farm and set a fee to cover the cost of inspection for diseases.

Recovery of Fire Fighting Costs: This change clarifies provisions relating to the burden of proof and negligence for forest fire crimes. It allows forest fire expenses collected by the state to be returned to the fund from which they were spent, and increases the reward which may be paid for information on forest fire crimes from $25 to $100.

Sale of Certain Land In St. Louis County: It authorizes St. Louis County to sell the state's partial interest in a certain piece of land (Bradley Island) to the City of Biwabik.

Permits for Diversion of Water: The provision requires the DNR commissioner to consult with state and Canadian officials before issuing certain water use or diversion permits and to obtain legislative approval for major permits such as for large commercial users and power plants.

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.

Human Services Rules Supplement 1987. Includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

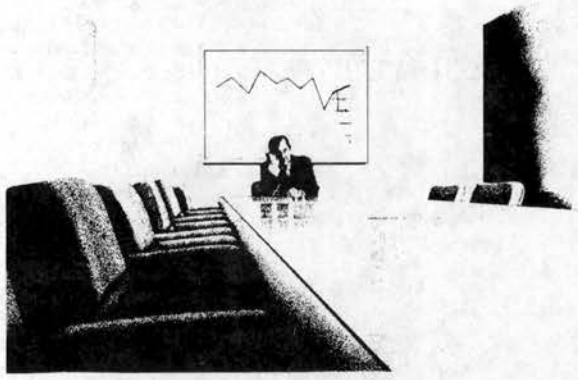
3 ring binder. 2″ capacity. 1 required for each of above listed publications. Code No. 10-21. $4.25.

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.



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.

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.

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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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.

CHARITABLE GAMBLING RULES, governing the conduct of charitable gambling events like bingo. Code #3-3, $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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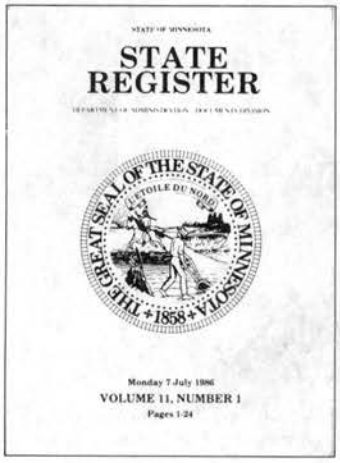

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Each year over $1 billion in state contracts are awarded. About $20 million in state contracts per week are advertised in the **State Register,** the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting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

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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.

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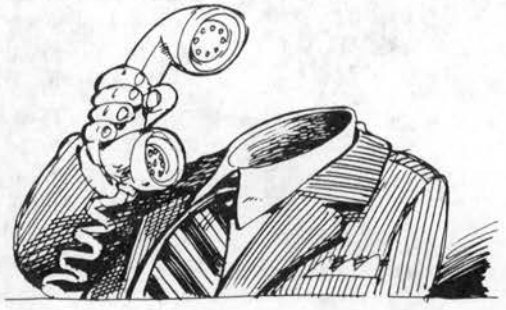
Ever called and been transferred to this guy?

1987 & 1988 State of Minnesota Telephone Directory. Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically name, agency, Minnesota region, plus an index for cross referencing. Over 250 pages, paperback, 8½"x11". Code #1-87, $10.95

U.S. Government Manual 1986-87. Contains comprehensive information on federal agencies of the legislative, judicial and executive branches of government. Each agency description includes address, phone number, a list of principal officials, a summary of each agency's purpose and programs and activities. Paperback 940 pages with appendices and index. Code #16-46, $19.00



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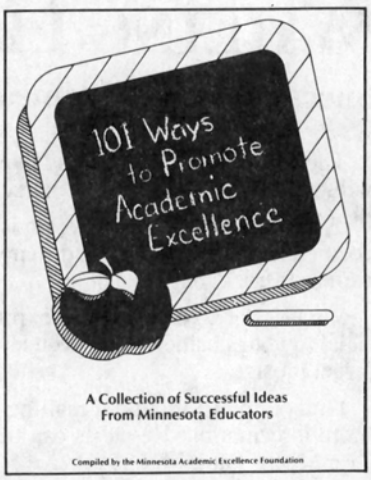

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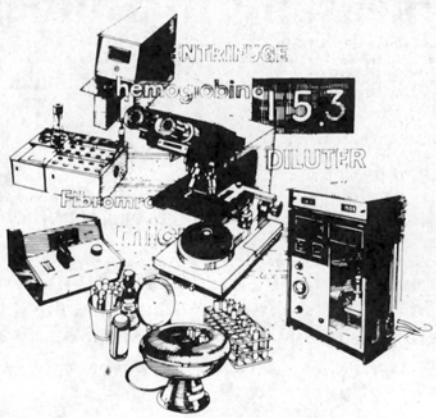

In either case, **The Medical Alley Directory** can help you do your job better. Double your business; the 1986 edition is nearly twice as large as last year's. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

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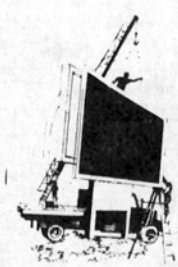
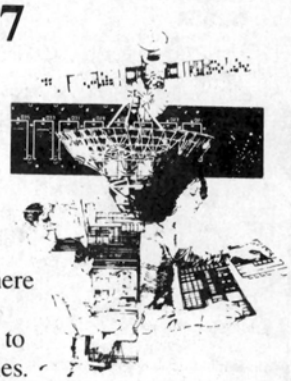
Minnesota Manufacturer's Directory 1986-87



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.

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





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

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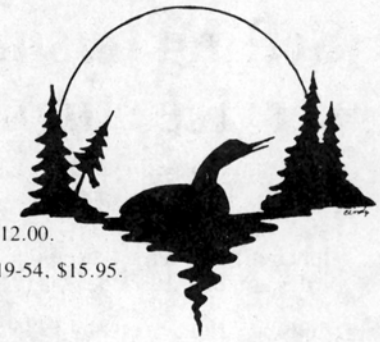
Voices of the Loon



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.

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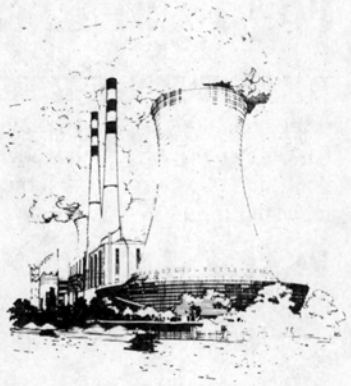
Minnesota's future environment



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STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Adoption of the 1985 Uniform Building Code, Specifically Chapter 8, Sections 801, 802 and Table 33-A

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, August 24, 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 August 25, 1987. Because of an unintentioned delay in mailing, a notice was published in the State Register, Volume 12, Number 10 dated Monday, September 7, 1987, extending the comment period from September 22, 1987 to September 25, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

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

No requests for notice of submission to the attorney general of the rules published in the State Register, Monday, August 24, 1987 were received by the Building Codes and Standards Division.

These rules were originally published as proposed rules with notice of intent to adopt without a public hearing in the State Register, Volume 11, Number 7, Monday, August 18, 1986. No requests for a public hearing were received by the Building Codes and Standards Division. The rules were submitted to the Attorney Generals Office for review.

Subsequent to the publication and comment period of the proposed rules of the Building Codes and Standards Division, a legal suit was filed in January, 1986 by the Handle With Care, Inc. Vs. the Department of Human Services, 393 N.W. 2d 421 (Minn. App. 1986) petitioning for a declaratory judgement to restrain the Department of Human Services from enforcing the new Rule 2 (Minnesota Rules Sections 9545.0310 to 9545.0450) claiming that the department had exceeded its statutory authority in the promulgation of the rules. In September, 1986, the Appeals Court ruled that Rule 2 was invalid and that the old 1973 version of the rules be reinstated. The Court of Appeals' order was stayed pending action of the Supreme Court and the Department of Human Services Rule 2 could remain in effect pending the decision of the Supreme Court.

The proposed rule was based upon the Department of Human Services new Rule 2 and was incompatible with the old 1973 version. With the Supreme Court pending the Building Codes and Standards Division thought it prudent not to proceed with the filing of the Division's proposed rule amending the Group E Division 3 Occupancies (day care facilities). The Division verbally asked the Attorney General's Office to hold the proposal from review until the Supreme Court decision had been rendered. The decision of the Supreme Court was filed June 5, 1987, upholding the Department of Human Services Rule 2.

The 180 day limit on filing the rule on day care had expired prior to the Supreme Court decision. The Building Codes and Standards Division republished the rules as newly proposed rules in the State Register, Volume 12, Number 8, Monday, August 24, 1987.

Rule 1305.6200 as proposed (State Register, Volume 12, Number 8, August 24, 1987) was based upon the 1985 State Building Code Rules. The adoption of the 1987 Building Code Rules (State Register, Volume 11, Number 32, Monday, February 9, 1987) resulted in changes to Rule 1305.6200. The modifications to the rules as proposed reflect those changes.

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 with modifications this 30th day of October, 1987, pursuant to authority vested in me by Minnesota Statutes Section 16B.61.

STATE OF MINNESOTA

Sandy J. Hale

SANDRA J. HALE, COMMISSIONER
DEPARTMENT OF ADMINISTRATION

IN THE MATTER OF THE PROPOSED ADOPTION
OF THE RULE OF THE STATE BUILDING CODE
AMENDING THE 1985 UNIFORM BUILDING CODE
CHAPTER 8, SECTION 801 (CHILD DAY CARE)
SECTION 802 AND TABLE 33-A

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 the Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposed, the four-digit docket client code is 0004.

Gilbert S. Buffington

GILBERT S. BUFFINGTON
Special Assistant Attorney General

DEPARTMENT OF ADMINISTRATION

TO: The Honorable Rudy Perpich
The Legislative Commission
to Review Administrative Rules
Senate Committee for Health and Human Services
House Committee for Health and Human Services

DATE: July 27, 1987

FROM: Sandra J. Hale, Commissioner
Dept. of Administration

PHONE: 6-3862

SUBJECT: FAILURE TO ADOPT PROPOSED RULE

The 1984 legislature enacted 1984 Minnesota Laws, Chapter 658, Section 2 adding a new subdivision 4 requiring a comprehensive study of the issues surrounding the licensure of family or group family day care homes and day care centers. The law required a report to be prepared and submitted to the appropriate legislative committees by February 1, 1985.

In March 1985 the Department of Human Services (DHS) submitted a "Status Report" to the legislature. The DHS did consult with the State Fire Marshal and the State Building Inspector in the preparation of their report as directed by the statute. This action was done as a result of the study by the Department of Human Services (DHS) and the Legislative Commission to Review Administrative Rules (LCRAR). The task force report made recommendations on fire and building safety to the DHS.

Subsequent to the preceeding action the DHS and the Department of Administration (DOA), Building Codes and Standards Division (BCSD) proceeded to promulgate rules to accomplish reasonable correlation of their respective rules. On March 8, 1985 the DHS adopted the revised Rule 2, with an effective date of April 1, 1985.

On April 22, 1985 the DOA, BSCS published a notice of solicitation of outside opinion regarding proposed amendments to the State Building Code, including the adoption of the 1985 Edition of the Uniform Building Code. (Published in State Register, Vol. 9, No. 43.)

The DOA, BCSD worked throughout the following year to develop various amendments to the State Building Code as well as the 1985 Uniform Building Code. Informational meetings were held with various interest groups by the DOA, BCSD seeking concurrence or ajustment to the proposed rules. On the advice of the Administrative Law Judge assigned to the potential public hearing on the building code matters, it was determined that the amendment to the 1985 Uniform Building Code, Chapter 8, Sections 801, 802 and Chapter 33, Table 33-A, be separated from the balance of the proposed rules and advertised as a separate matter. The DOA, BCSD proceeded to have the issue separated from the total proposed rules and published it in the State Register on August 18, 1986. (State Register, Vol. 11, No. 7.)

In response to the solicitation of opinions published in 1985 the DOA, BCSD received one request for information from DHS and one letter from the Hennepin County Family Day Care Association supporting changes to the rules. The DOA, BCSD received no adverse correspondence from the proposed rule publication in August, 1986, consequently no public hearing was necessary on the proposed rule as advertised.

Late in 1986 the DOA, BCSD became aware that Rule 2 had been challenged and that the Minnesota Court of Appeals had determined that the DHS had not followed the proper procedure in promulgating their ules and made a declaration that the old 1973 version of their rules be reinstated. The DOA,

BCSD was also appraised of the action by DHS in seeking a ruling from the Minnesota Supreme Court. On December 9, 1986 the Findings of Fact was signed. December 16, 1986 the appropriate information was transmitted to the agency's attorney general staff for its review and filing with the Secretary of State. This was approximately 90 days following the time closing of the thirty day response period for the proposed rules.

With the pending action by the Supreme Court the DOA, BCSD determined it prudent to ask the review by the Attorney General to be withdrawn pending the outcome of the Supreme Court's action.

The 180 days period for filing of rules as established in Minnesota Statutes 14.26 expired prior to the decision of the Supreme Court filed June 5, 1987. The rule as promulgated and published on August 18, 1986 was not filed.

The DOA, BCSD is proceeding to republish the proposed rules as originally published with revised dates and information of the State Building Code Rules.

Because of the lack of response to the publication of August 18, 1986, the proposed rules will be published as non-controversial rules as provided in Minnesota Statutes 14.22 to 14.28.

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of the Rule of the State Building Code
Amending the 1985 Uniform Building Code
Chapter 8, Section 801 (Child Day Care)
Section 802 and Table 33-A

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 25th day of August, 1987.

Margaret Opalinski

DEPARTMENT OF ADMINISTRATION

BUILDING CODES & STANDARDS DIVISION

NOTICE OF EXTENSION FOR COMMENTS OR REQUEST FOR A PUBLIC HEARING

PROPOSED PERMANENT RULES RELATING TO MINNESOTA STATE BUILDING CODE

Notice is hereby given that comments or written requests for a public hearing as published in the State Register, August 24, 1987, Vol. 12, No. 8 as must be received by 4:30 p.m., September 22, 1987 has been extended to 4:30 p.m., September 25, 1987.

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

RB	✓		RH		
EB	✓		RK		
DG			NS		
TJ	✓		RW		
AK	✓		SR		
JP			FO	✓	
WS			JJ		
AO			CJ		
TV			GG		
Review & See Me					
Take Action					
File					

August 28, 1987

Al Kleinbeck
Department of Administration
408 Metro Square
Saint Paul, Minnesota 55101

RE: AR01178

Dear Mr. Kleinbeck:

Enclosed are four copies of your rule with the modifications you requested.

Please submit the rules to the Attorney General or the Office of Administrative Hearings, as appropriate.

If you have any questions or need further modifications, please call.

Very truly yours,

Craig

Craig E. Lindeke

Filing copy / AG's

CEL/nj
Encl.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Administration
BUILDING CODES & STANDARDS

Office Memorandum

TO: Steve Buffington
Special Asst. Attorney General

DATE: 10/30/87

FROM: Richard A. Brooks
Director

PHONE: 6-4627

SUBJECT: REVIEW OF A RULE ADOPTED WITHOUT A PUBLIC HEARING -- CHILD DAY CARE

Enclosed for your review and submission are:

1. A photocopy of the notice of solicitation as published in the S.R. April 22, 1985.

2. A copy of the proposed rule with certificate of approval from the revisor's office.

3. The notice of intent to adopt the rule without a public hearing signed by Commissioner Hale.

4. The statement of need and reasonableness signed by Commissioner Hale.

5. The affidavit of mailing and mailing list certificate.

6. State Register, Volume 12, Number 8 containing the notice of intent, statement of need and reasonableness and proposed rule.

7. State Register, dated September 7, 1987, Volume 12, Number 10 containing the notice of extension for comments or request for a public hearing printed due to a mailing error.

8. Four copies of the rule as adopted.

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

Please review the above package for submission. If you have any questions please contact either myself or Elroy Berdahl at 296-9991.

RAB:p
enclosures

RECEIVED
ATTORNEY GENERAL'S OFFICE
NOV 19 1987
204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

RECEIVED
ATTORNEY GENERAL'S OFFICE
OCT 30 1987
204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

Notice to Solicit was published on 4/22/85.

Changes are made on the Rule as Adopted.

This rule was withdrawn #1337 earlier this year (12/29/86).
It was republished on 8/24/87

Authority: 16B.58-16B.73

~~Bld~~ 16B.59 - the Commissioner shall amend a state Bldg Construction . . .

16B.61 OK