

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1440
DATE RECEIVED 1/13/88
REVIEW DATE 1/22/88
DUE DATE 1/27/88

APPROVED 1/22/88 JA2
DISAPPROVED
WITHDRAWN

Docket No. 05.0009, 0780
ADOPTED W/O HEARING X
EMERGENCY RULE

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

✓ Rule as adopted (4 copies) ~~Waiting for~~ 2
✓ Notice to Solicit Outside Information/Opinion
4/22/87 Date published in State Register
Yes Comments
— Petition for Adoption of a Rule
— Board's Authorizing Resolution
✓ Proposed rule
✓ Revisor's Certificate
✓ Notice of Intent to Adopt Rule
Laws 1987, Ch. 393, Art 1 § 1 Statutory Authority ~~Authority~~ OK check this
Yes Small Business Statement
— Expenditure of public money statement
Yes Signature
✓ Statement of Need and Reasonableness
✓ Small Business Statement
— Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
11/9/87 Date 30/25 days before adoption
✓ Publication in State Register
11/23/87 Date 30/25 days before adoption
— Resolution Adopting
✓ Findings of Fact, Conclusions & Order Adopting
1/11/88 Date
✓ Written requests, submissions or comments
✓ Declaration of attorney
Sherry Enzler Name of SAAG representing agency
— Notice of Submission to Attorney General
— Affidavit of Mailing Notice to Attorney General

ATTORNEY GENERAL

January 27, 1988

ELIZABETH M. PARKER
Minnesota Department of Transportation

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to
Licensing of Hazardous Waste

The above-referenced rule has been approved as to its legality by the Attorney General on January 22, 1988.

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, submissions 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
Duane Harves

AG. Copy

Department of Transportation

Adopted Permanent Rules Relating to Licensing of Hazardous Waste Transporters

Rules as Adopted

8870.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

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

Subp. 3. **Department.** "Department" means the Department of Transportation.

Subp. 4. **Hazardous waste.** "Hazardous waste" means waste considered hazardous under Minnesota Statutes, section 116.06, subdivision 13.

Subp. 5. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 6.

Subp. 6. **Trailer.** "Trailer" includes a semitrailer and any other cargo-carrying unit.

Subp. 7. **Transport.** "Transport" means to move hazardous waste by motor vehicle over a public highway.

Subp. 8. **Vehicle.** "Vehicle" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 3.

8870.0200 SCOPE.

Subpart 1. **License required.** Parts 8870.0100 to 8870.1100 apply to the transportation of hazardous waste on a public highway. Except as provided in subpart 2, no person shall transport a hazardous waste without a license.

Subpart 2. **Exceptions.** The following hazardous wastes may be transported without a hazardous waste transporter license:

A. exempt wastes described in part 7045.0120;

B. farm pesticide wastes exempt under parts 7045.0213 and 7045.0304 that are disposed of in a manner consistent with the disposal instructions on the pesticide label;

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C. wastes identified under part 7045.0131, subpart 6, items A and B, and exempted under part 7045.0133;

D. industrial ethyl alcohol that is reclaimed;

E. used batteries returned to a manufacturer for regeneration;

F. scrap metal that exhibits a hazardous characteristic but is being recycled;

G. used oil that does not contain a waste listed under part 7045.0135, and ~~that does not exhibit a hazardous characteristic described in part 7045.0131,~~ that is to be recycled; and

H. spent lead-acid batteries that are being reclaimed.

8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

Subpart 1. **Application procedure.** An applicant for a license shall submit to the commissioner:

A. the information described in this part;

B. the fees described in Laws of Minnesota 1987, chapter 393, article 1, section 1, subdivision 1, paragraph (b); and

C. an insurance certificate under Minnesota Statutes, section 221.141.

Subp. 2. **Information required.** The applicant shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business;

B. the location from which applicant's transportation business is conducted;

C. the addresses of applicant's Minnesota terminals, if any;

D. the address of applicant's principal place of business;

E. the state where applicant's business is incorporated;

F. the applicant's mailing address;

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by Revisor _____

G. if the applicant is a foreign corporation authorized to transact business in Minnesota, the name and address of its registered agent ~~for service of process, if any~~;

H. the names of corporate officers, general partners, associates, or other owners of applicant's business;

I. the name and phone number of a person who can answer questions about the applicant's transportation business;

J. the Environmental Protection Agency identification number of the applicant;

K. the Interstate Commerce Commission MC number of the applicant, if any;

L. the intrastate permit or certificate number of the applicant, if any;

M. whether the applicant's business is a corporation, partnership, association, or sole proprietorship;

N. whether the transporter is also a generator, recycler, or a treatment, storage, or disposal facility as defined in chapter 7045, or a combination of them;

O. other states in which the applicant has authority to transport hazardous wastes; and

P. a description of any conviction, plea of guilty, or payment of a civil or criminal fine for violating a law, ordinance, or regulation related to transporting hazardous waste.

Subp. 3. **Fee.** The license fee is $500.

Subp. 4. **Insurance requirements.** The applicant shall file a certificate of insurance with the commissioner. This certificate must state that the applicant's policy meets federal public liability requirements prescribed in Code of Federal Regulations, title 49, part 387.

8870.0400 HAZARDOUS WASTE TRANSPORTER LICENSE.

Subpart 1. **Issuance of license.** The commissioner shall issue a license to an applicant who meets the requirements of part 8870.0300. The license must be numbered and bear an effective date.

Subp. 2. **Maintenance of license.** The license must be

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maintained at the licensee's principal place of business and, upon request, must be available for inspection by the commissioner or law enforcement officer.

Subp. 3. **Duration.** The license expires three years from its effective date.

Subp. 4. **Transferability.** A license may not be transferred to another person.

Subp. 5. **Records.** The commissioner shall keep a record of each hazardous waste transporter license issued.

8870.0500 VEHICLE IDENTIFICATION DECAL REQUIRED.

A single-unit vehicle and each trailer used to transport hazardous waste must bear one valid and readily legible decal. The decal must be kept clean and legible.

8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

Subpart 1. **Information required.** An applicant for a decal shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business, mailing address, and telephone number;

B. the applicant's Minnesota hazardous waste transporter license number;

C. the name, address, and telephone number of a person who can answer questions about the applicant's transportation business;

D. if the licensee does not own the vehicle, the name and address of the owner;

E. the state and license <u>plate</u> number of vehicle registration;

F. the vehicle identification number;

G. the vehicle year and make; and

H. a description of the type of vehicle or vehicle combination.

Subp. 2. **Fees.** An applicant shall pay a fee of $25 for each decal.

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8870.0700 VEHICLE IDENTIFICATION DECAL.

Subpart 1. **Issuance.** The commissioner shall issue a vehicle identification decal for each vehicle for which vehicle identification information is provided in an application.

Subp. 2. **Description.** Vehicle identification decals must ~~be serially numbered and~~ bear an identifying number and the month and year of expiration and the words "hazardous waste transporter."

Subp. 3. **Placement.** The decal must be affixed on the side of the vehicle opposite the driver and within three feet of the front of each trailer or the cargo part of the single-unit vehicle.

Subp. 4. **Duration.** The decal expires one year from the effective date of the decal or upon expiration of the person's hazardous waste transporter license, whichever occurs first.

Subp. 5. **Transferability.** A vehicle identification decal may not be transferred to another vehicle.

Subp. 6. **Department record.** The commissioner shall keep a record of each vehicle identification decal issued.

8870.0800 ACKNOWLEDGMENT.

Subpart 1. **Signature required.** An application for a hazardous waste transporter license or for a vehicle identification decal must be signed by a corporate officer, general partner, or sole proprietor. An application may not be signed by an agent or attorney.

Subp. 2. **Certification.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "I understand that the transportation of hazardous waste under the license or decal for which I am applying is subject to the Hazardous Waste Transporter License Law, Laws of Minnesota 1987, chapter 393, article 1; Minnesota Statutes, section 221.033; the federal motor carrier safety regulations; and the Minnesota Pollution Control Agency rules applicable to hazardous waste transportation. I understand and agree to comply with those

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laws, rules, and regulations."

Subp. 3. **Statement of truth and accuracy.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "The above information is, to the best of my knowledge, complete, truthful, and accurate."

Subp. 4. **Signature notarized.** The signatures of corporate officers and general partners must be notarized.

8870.0900 TRAINING.

Subpart 1. **Requirement.** The applicant or licensee shall instruct employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179.

Subp. 2. **Certification.** The applicant or licensee must sign the following statement: "I have complied with the requirement of Code of Federal Regulations, title 49, section 177.800, and have instructed my employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179."

8870.1000 REPORTING REQUIREMENTS.

Subpart 1. **Information change.** The licensee shall report to the commissioner within ten days any change in the following information:

A. the licensee's name, including an assumed or fictitious name used by the applicant in doing business;

B. the licensee's physical business location;

C. the licensee's mailing address; or

D. the name and telephone number of a person who can answer questions about the applicant's transportation business.

Subp. 2. **Accident report.** Within 30 days after the occurrence, the licensee shall report to the commissioner, on a form prescribed by the commissioner, an accident involving a vehicle transporting hazardous waste that results in:

A. the death of a human being;

B. bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

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by Revisor _____

C. total damage to all property aggregating $4,400 or more based on actual costs or reliable estimates.

Subp. 3. **Exceptions.** An accident does not include:

A. an occurrence involving only entering and leaving a stationary motor vehicle; and

B. an occurrence involving only the loading or unloading of cargo.

Subp. 4. **Report of hazardous waste incident.** A licensee must report hazardous waste incidents as required by Minnesota Statutes, section 221.034, and Code of Federal Regulations, title 49, sections 171.15 and 171.16.

Subp. 5. **Grounds for suspension, revocation.** Failure to comply with the requirements in this part is grounds for suspension or revocation of a license.

8870.1100 RENEWAL PROCEDURE.

Renewal applications must be made according to the procedure described in part 8870.0300 for new applications.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 25 1988
Joan Anderson Growe
Secretary of State 8:29AM

APPROVED AS TO FORM AND LEGALITY
January 22 1988
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Julie A. Zeppenfeld
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Transportation

Proposed Permanent Rules Relating to Licensing of Hazardous Waste Transporters

Rules as Proposed (all new material)

8870.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

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

Subp. 3. **Department.** "Department" means the Department of Transportation.

Subp. 4. **Hazardous waste.** "Hazardous waste" means waste considered hazardous under Minnesota Statutes, section 116.06, subdivision 13.

Subp. 5. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 6.

Subp. 6. **Trailer.** "Trailer" includes a semitrailer and any other cargo-carrying unit.

Subp. 7. **Transport.** "Transport" means to move hazardous waste by motor vehicle over a public highway.

Subp. 8. **Vehicle.** "Vehicle" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 3.

8870.0200 SCOPE.

Subpart 1. **License required.** Parts 8870.0100 to 8870.1100 apply to the transportation of hazardous waste on a public highway. Except as provided in subpart 2, no person shall transport a hazardous waste without a license.

Subpart 2. **Exceptions.** The following hazardous wastes may be transported without a hazardous waste transporter license:

A. exempt wastes described in part 7045.0120;

B. farm pesticide wastes exempt under parts 7045.0213 and 7045.0304 that are disposed of in a manner consistent with the disposal instructions on the pesticide label;

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C. wastes identified under part 7045.0131, subpart 6, items A and B, and exempted under part 7045.0133;

D. industrial ethyl alcohol that is reclaimed;

E. used batteries returned to a manufacturer for regeneration;

F. scrap metal that exhibits a hazardous characteristic but is being recycled;

G. used oil that does not contain a waste listed under part 7045.0135, and that does not exhibit a hazardous characteristic described in part 7045.0131, that is to be recycled; and

H. spent lead-acid batteries that are being reclaimed.

8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

Subpart 1. **Application procedure.** An applicant for a license shall submit to the commissioner:

A. the information described in this part;

B. the fees described in Laws of Minnesota 1987, chapter 393, article 1, section 1, subdivision 1, paragraph (b); and

C. an insurance certificate under Minnesota Statutes, section 221.141.

Subp. 2. **Information required.** The applicant shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business;

B. the location from which applicant's transportation business is conducted;

C. the addresses of applicant's Minnesota terminals, if any;

D. the address of applicant's principal place of business;

E. the state where applicant's business is incorporated;

F. the applicant's mailing address;

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G. if the applicant is a foreign corporation, the name and address of its agent for service of process, if any;

H. the names of corporate officers, general partners, associates, or other owners of applicant's business;

I. the name and phone number of a person who can answer questions about the applicant's transportation business;

J. the Environmental Protection Agency identification number of the applicant;

K. the Interstate Commerce Commission MC number of the applicant, if any;

L. the intrastate permit or certificate number of the applicant, if any;

M. whether the applicant's business is a corporation, partnership, association, or sole proprietorship;

N. whether the transporter is also a generator, recycler, or a treatment, storage, or disposal facility as defined in chapter 7045, or a combination of them;

O. other states in which the applicant has authority to transport hazardous wastes; and

P. a description of any conviction, plea of guilty, or payment of a civil or criminal fine for violating a law, ordinance, or regulation related to transporting hazardous waste.

Subp. 3. **Fee.** The license fee is $500.

Subp. 4. **Insurance requirements.** The applicant shall file a certificate of insurance with the commissioner. This certificate must state that the applicant's policy meets federal public liability requirements prescribed in Code of Federal Regulations, title 49, part 387.

8870.0400 HAZARDOUS WASTE TRANSPORTER LICENSE.

Subpart 1. **Issuance of license.** The commissioner shall issue a license to an applicant who meets the requirements of part 8870.0300. The license must be numbered and bear an effective date.

Subp. 2. **Maintenance of license.** The license must be maintained at the licensee's principal place of business and,

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by Revisor _____

upon request, must be available for inspection by the commissioner or law enforcement officer.

Subp. 3. **Duration.** The license expires three years from its effective date.

Subp. 4. **Transferability.** A license may not be transferred to another person.

Subp. 5. **Records.** The commissioner shall keep a record of each hazardous waste transporter license issued.

8870.0500 VEHICLE IDENTIFICATION DECAL REQUIRED.

A single-unit vehicle and each trailer used to transport hazardous waste must bear one valid and readily legible decal. The decal must be kept clean and legible.

8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

Subpart 1. **Information required.** An applicant for a decal shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business, mailing address, and telephone number;

B. the applicant's Minnesota hazardous waste transporter license number;

C. the name, address, and telephone number of a person who can answer questions about the applicant's transportation business;

D. if the licensee does not own the vehicle, the name and address of the owner;

E. the state and license number of vehicle registration;

F. the vehicle identification number;

G. the vehicle year and make; and

H. a description of the type of vehicle or vehicle combination.

Subp. 2. **Fees.** An applicant shall pay a fee of $25 for each decal.

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8870.0700 VEHICLE IDENTIFICATION DECAL.

Subpart 1. **Issuance.** The commissioner shall issue a vehicle identification decal for each vehicle for which vehicle identification information is provided in an application.

Subp. 2. **Description.** Vehicle identification decals must be serially numbered and bear the month and year of expiration and the words "hazardous waste transporter."

Subp. 3. **Placement.** The decal must be affixed on the side of the vehicle opposite the driver and within three feet of the front of each trailer or the cargo part of the single-unit vehicle.

Subp. 4. **Duration.** The decal expires one year from the effective date of the decal or upon expiration of the person's hazardous waste transporter license, whichever occurs first.

Subp. 5. **Transferability.** A vehicle identification decal may not be transferred to another vehicle.

Subp. 6. **Department record.** The commissioner shall keep a record of each vehicle identification decal issued.

8870.0800 ACKNOWLEDGMENT.

Subpart 1. **Signature required.** An application for a hazardous waste transporter license or for a vehicle identification decal must be signed by a corporate officer, general partner, or sole proprietor. An application may not be signed by an agent or attorney.

Subp. 2. **Certification.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "I understand that the transportation of hazardous waste under the license or decal for which I am applying is subject to the Hazardous Waste Transporter License Law, Laws of Minnesota 1987, chapter 393, article 1; Minnesota Statutes, section 221.033; the federal motor carrier safety regulations; and the Minnesota Pollution Control Agency rules applicable to hazardous waste transportation. I understand and agree to comply with those laws, rules, and regulations."

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by Revisor _____

Subp. 3. **Statement of truth and accuracy.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "The above information is, to the best of my knowledge, complete, truthful, and accurate."

Subp. 4. **Signature notarized.** The signatures of corporate officers and general partners must be notarized.

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B. the licensee's physical business location;

C. the licensee's mailing address; or

D. the name and telephone number of a person who can answer questions about the applicant's transportation business.

Subp. 2. **Accident report.** Within 30 days after the occurrence, the licensee shall report to the commissioner, on a form prescribed by the commissioner, an accident involving a vehicle transporting hazardous waste that results in:

A. the death of a human being;

B. bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

C. total damage to all property aggregating $4,400 or

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more based on actual costs or reliable estimates.

Subp. 3. **Exceptions.** An accident does not include:

A. an occurrence involving only entering and leaving a stationary motor vehicle; and

B. an occurrence involving only the loading or unloading of cargo.

Subp. 4. **Report of hazardous waste incident.** A licensee must report hazardous waste incidents as required by Minnesota Statutes, section 221.034, and Code of Federal Regulations, title 49, sections 171.15 and 171.16.

Subp. 5. **Grounds for suspension, revocation.** Failure to comply with the requirements in this part is grounds for suspension or revocation of a license.

8870.1100 RENEWAL PROCEDURE.

Renewal applications must be made according to the procedure described in part 8870.0300 for new applications.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensing of Hazardous Waste Transporters

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8870

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Assistant Revisor

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE STATE DEPARTMENT OF TRANSPORTATION GOVERNING THE LICENSING OF HAZARDOUS WASTE TRANSPORTERS	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Transportation intends to adopt the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedure Act, Minnesota Statutes, section 14.22 to 14.28, for adopting rules without a public hearing. The statutory authority to adopt these rules is Laws 1987, Chapter 393, Article 1, Section 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 rules 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 must state his or her name and address, and is encouraged to provide a telephone number and 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 14.14 to 14.20.

Comments or written requests for a public hearing must be submitted to: Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155, (612)297-2913.

The proposed rules 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 rules as noticed.

The adoption of the proposed rules will not require the expenditure of public money by local public bodies as the rules will not apply to government agencies and political subdivisions.

The rules proposed for adoption relate to the following matters. The proposed rules repeat the requirement in the law that, with certain exceptions, no person may transport hazardous waste without a license. They also describe the categories of hazardous waste that may be transported without obtaining a hazardous waste transporter

license. The exemption of those wastes is authorized by the statute, but is described in greater detail in the rules. The proposed rules describe the kind of information that will be required on the application forms for the license and the vehicle decals. The law requires a decal on each vehicle, and the rules describe where the decal must be placed on the vehicle. The rules restate the fees and insurance requirements imposed by the law. The proposed rules require transporters to notify the Commissioner of Transportation of changes in name, address, and telephone number, and to report each accident and each accidental release of hazardous waste involving motor vehicle transportation.

The proposed rules also require the applicant to sign statements accepting responsibility for knowing and complying with all state and federal laws and regulations that govern hazardous waste transportation. In addition, the applicant must certify that it has trained the drivers of hazardous waste vehicles in compliance with the federal hazardous material transportation regulations that are adopted by reference in Minnesota Statutes, section 221.033. The proposed rules will make failure to comply with reporting requirements grounds for revocation or suspension of the license.

The proposed rules will affect small businesses and all other businesses that transport hazardous wastes that must be transported with a manifest or shipping papers. The rules will require payment of a license fee of $500 every three years for each person (business, not per driver) that transports hazardous waste. That fee and the decal fee of $25 per vehicle per year are required by the law and are restated in the rules. The rules will require the transporter to fill out an application form or renewal form every three years, and a decal purchase form every year. They require the transporter to maintain insurance that meets the requirements of the U. S. Department of Transportation. In addition, each transporter that has not previously filed a certificate of insurance with the Minnesota Department of Transportation must do so in order to obtain a license. This is a new requirement for private carriers that transport hazardous waste and is required by the authorizing statute.

For motor carriers that are small businesses, there will probably be no increase in costs except for the cost of the fees themselves. Carriers now required by federal law to maintain insurance will continue to do so, so there will be no additional cost for insurance. Private carriers transporting hazardous waste will be required to report accidents to the commissioner. This is a new requirement with little or no cost. For-hire carriers are already subject to this requirement. As all carriers of hazardous waste are now required to comply with federal and state safety and hazardous material transportation regulations, there will be no increase in cost due to compliance with safety regulations.

A free copy of the rules is available upon request from Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155.

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 pro-

posed rule has been prepared and is available from Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted 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 date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155. 9

11-9-87
Date

Leonard W. Levine
Commissioner
Minnesota Department of Transportation

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE
MINNESOTA COMMISSIONER
OF TRANSPORTATION

In the Matter of Proposed
Rules Relating to Licensing
of Hazardous Waste Transporters

STATEMENT OF NEED
AND REASONABLENESS

The Commissioner of Transportation, pursuant to Laws 1987, Chapter 393, Article 1, presents facts establishing the need for and the reasonableness of proposed rules relating to licensing of hazardous waste transporters.

I. STATUTORY AUTHORITY

Laws 1987, Chapter 393, Article 1, Section 1, subdivision 1, says

> Subdivision 1. (LICENSE REQUIREMENT.) (a) A person may not transport hazardous waste that is required to have a manifest under Minnesota Rules, part 7045.0261, or is required to have shipping papers under Minnesota Rules, part 7045.0125, without a license issued under this section.

Subdivision 1. requires the creation of a licensing program for hazardous waste transporters. Section 1. requires the Commissioner to issue licenses and vehicle identification decals to applicants who comply with the requirements of the section. The requirements include payment of the fees prescribed by law and filing of insurance certificates.

Section 1, subdivision 4, of that law, says

> Subd. 4. (RULEMAKING AUTHORITY.) The Commissioner shall adopt rules to implement this section. The Commissioner may adopt rules to require licensed transporters to report to the Commissioner.

The Commissioner of Transportation is required to adopt rules to initiate and administer a hazardous waste transporter licensing program. Implementing that section necessarily implies the adoption of rules prescribing application forms for licenses and vehicle identification decals and the display of the decals as required by Section 1, Subdivision 1.(b).

II. STATEMENT OF COMPLIANCE WITH CHAPTER 14

The Minnesota Department of Transportation (Mn/DOT) published a Notice of Intent to Solicit Outside Information in the State Register on June 22, 1987. On June 17, 1987, a copy of the Notice of Intent to Solicit Outside Information was mailed to all persons who have registered with Mn/DOT for the purpose of receiving rulemaking notices. Mn/DOT also issued a news release on July 8, 1987 that requested information or opinions on the subject of licenses for hazardous waste transporters. The news release was mailed to trade associations that represent truckers, motor carrier trade journals, regional development commissions, about 230 daily and weekly newspapers, numerous large private businesses, and law enforcement agencies. On July 29, 1987, Mn/DOT sent a memorandum to all carriers listed by the Minnesota Pollution Control Agency (MPCA) as hazardous waste transporters in Minnesota. That memorandum described the content of the proposed rules, specifically stated that the proposed rules would affect small business and requested comments on the effect on small businesses. Mn/DOT has received 7 letters in response to all those notices.

The proposed hazardous waste transporter rules do not impose "costs mandated by the state" as defined in Minnesota Statutes, section 3.981, subdivision 2, do not require the expenditure of money by local public bodies, (Minnesota Statutes, section 14.11) and do not effect agricultural land use. The licensing rules are largely dictated by the language of Laws 1987, Chapter 393. Chapter 393, Article I defines hazardous waste, prescribes the license and decal fees, sets the length of time that the licenses and decals will be effective, and requires that hazardous waste transporters file proof that they carry the amount of insurance required by federal law.

The licensing rules prescribe the information to be asked of license and decal applicants. They prescribe the appearance of the decal and where it must be placed on the vehicle. The rules also prescribe the information a licensee will be required to report to the Commissioner.

Although the rules contain license and decal fees, the fees are not imposed by the rules. They are imposed by the licensing law. See Laws 1987, Chapter 393, Article 1, Section 1, Subdivision 1(b). The fees are restated in the rules for the convenience of applicants.

III. NEED AND REASONABLENESS - GENERAL

Due to the inherently dangerous characteristics of hazardous materials, a need to minimize the high risk of its transportation has been nationally recognized. The Office of Technology Assessment of the U.S. Congress estimates that over 1.5 billion tons of hazardous materials were transported in the United States in 1982. Half of this transportation occurred on the highway.(1) A more recent estimate is that at least 250,000 shipments of hazardous materials are made each day, totaling at least 4 billion tons per year. This volume is expected to double every ten years.(2)

This rulemaking process addresses the transportation of only one type of hazardous material: hazardous waste. Hazardous waste can be roughly described as a material with hazardous characteristics that is no longer of any use to anyone. It is estimated that hazardous waste accounts for about 4 percent of the total volume of hazardous material transported, which is about 160 million metric tons each year.(3) The transportation of waste is particularly in need of regulation because hazardous waste generally has no economic value to anyone. The generator of the waste must pay to have it removed. Hazardous waste cannot be legally disposed of in the sewer, a landfill or a dump. It must be taken to government approved treatment, storage or disposal facilities. Because of the expense and difficulty of disposing of the waste, there is a temptation to dispose of it improperly, or to hire the least expensive means of having it transported away. The hazardous characteristics of the material and the difficulty of packaging, transporting and disposing of it make close government regulation and oversight necessary in order to protect the public.

Data from the Hazardous Waste Management Information System, Solid and Hazardous Waste Division, Minnesota Pollution Control Agency, show that 57,600 hazardous waste manifests were filed

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(1) U.S. Congress, Office of Technology Assessment, Transportation of Hazardous Materials, (U.S. Government Printing Office, Washington D.C., July 1986), p. 4.

(2) National Research Council, Transportation Research Board, Transportation of Hazardous Materials, Transportation Research Record 1063, Transportation of Hazardous Wastes in Arizona: Development of a Data Base Management System for Basic Analysis, (1986), p. 1.

(3) Ibid.

with the Minnesota Pollution Control Agency from January 1, 1984 to October 12, 1987. Each manifest represents a shipment from one generator of hazardous waste. The size of shipments varies greatly. A shipment might be a tank, a barrel, a drum, or other smaller package, or any number of those containers.

The U.S. Department of Transportation classifies hazardous materials according to the properties of the materials and the kind of dangers the materials present to life and health. Of the 57,600 shipments noted above, the following hazard classes are represented:

60 % flammable
10 % corrosive
5 % other regulated material (may pose risk when transported, but does not meet definitions of other hazard classes)
2 % combustible
.5 % poison
.5 % explosive

Data from the Office of Motor Carrier Safety and Compliance, Minnesota Department of Transportation, show that the following spills of hazardous waste on highways in Minnesota have been reported:

1982	6
1983	2
1984	1
1985	3
1986	1

Data from the Hazardous Material Information System, Information Systems Division, Research and Special Programs Administration (RSPA), U.S. Department of Transportation, show that 18 Hazardous Waste Incidents on Minnesota highways were reported to RSPA between January 1, 1981 and December 31, 1986. Of the 18, 5 were the result of vehicular accidents and the rest were releases due to some kind of package failure. No deaths or injuries were reported. Property damage from all 18 totaled $128,500 (one accident accounted for $125,000 of the loss). The wastes were from the following hazard classes:

8	flammable liquid
7	ORM-E
1	radioactive
1	poison
1	corrosive

When Mn/DOT has inspected vehicles carrying hazardous waste or other hazardous materials, over twenty percent of the vehicles have been mechanically unfit for service. In 1986, Mn/DOT inspected 557 vehicles carrying hazardous materials and issued 122 misdemeanor citations, 133 notices to take a vehicle out of service on the highway, and 1,318 violation warnings.

Minnesota adopted the Federal Hazardous Material Regulations, Title 49, Code of Federal Regulations, Parts 1-99 (now numbered Parts 100-199) as revised January 1, 1970, in 1970. The Minnesota rules mirror the federal regulations with few exceptions. Under the federal rules, transporters of hazardous waste must notify the EPA of their status, refuse any shipment which lacks a manifest and report any cargo discharges or spills.

In 1987, with the passage of Laws 1987, Chapter 393, the Minnesota Legislature approved a licensing program for hazardous waste transporters. This law and two related laws were proposed by the Attorney General. Laws of Minnesota 1987, Chapter 174, amended Minnesota Statutes, section 116.072 to give the MPCA Director the authority to assess administrative penalties for violations of hazardous waste laws and rules, including violations of the hazardous waste transporter law. Laws of Minnesota, Chapter 267, amended Minnesota Statutes, section 115.071, subd. 2 and section 609.671 to increase the severity of criminal penalties for the violation of hazardous waste laws and rules. It was the intent of the Legislature and Attorney General to create a comprehensive system of regulation and enforcement for the handling of hazardous waste.

The need for hazardous waste transporter licensing rules is closely tied to public demand for safe use and disposal of hazardous materials and substances. The Office of Technology Assessment in its report to the Congress in 1986, noted that a survey of 3,107 local emergency management organizations by the Federal Emergency Management Agency showed that a highway hazardous materials incident was regarded as the second most serious hazard threatening local jurisdictions. The only hazard perceived as more significant was the threat of nuclear attack.(4)

As of 1986, 34 states had established registration and fee requirements for hazardous waste transportation.(5)

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(4) Ibid., page 218.

(5) U.S. Congress, Office of Technology Assessment, Transportation of Hazardous Materials, (U.S. Government Printing Office, Washington, D.C., July 1986), pp. 178-179.

IV. PART BY PART ANALYSIS OF PROPOSED RULES RELATING TO LICENSING OF HAZARDOUS WASTE TRANSPORTERS

PART 8870.0100 DEFINITIONS.

The definitions are needed to provide a shorthand, easy reference. The definitions of "Commissioner" and "Department" are short references to the Commissioner of Transportation and the Minnesota Department of Transportation.

"Hazardous waste" is defined using the definition in Minnesota Statutes, Chapter 116, which authorizes the MPCA to regulate hazardous waste. Pursuant to Subdivision 1 of the licensing law, the application of the licensing requirement is based on the MPCA rules that prescribe which wastes must be shipped with a manifest or shipping papers. This definition is reasonable because it is the one adopted by MPCA in regulating hazardous waste (see Minnesota Rules, part 7045.0200, subp. 33), and is, therefore, consistent with other hazardous waste regulations. This uniformity makes it easier for transporters to comply with rules governing hazardous waste.

"Person" is needed to define who is subject to these rules. Since these rules are required pursuant to Minnesota Statutes, Chapter 221, the definition of "person" in section 221.011, subdivision 6 was used. Under Minnesota Statutes, section 645.27, the state is not bound by passage of a law unless explicitly or unmistakably included. County and local government agencies are not named among the entities listed in the definition of "person" in section 221.011, subd. 6. Therefore, neither the state, nor other units of government will be subject to the licensing law and rules, but all other individuals, businesses and non-government entities will be subject to the rules.

"Trailer" describes the units of motor vehicles to which the rules apply. A trailer has no independent power. Trailers include full trailers that support their own weight when drawn by a power unit, and semi-trailers, which rest partially on the power unit and have axles and wheels only at the rear. Trailer includes all cargo carrying units that are drawn behind a powered unit. The definition makes it clear that the decal is required on all vehicles that transport hazardous waste by specifying that "trailer" includes any other cargo-carrying unit. Due to frequent changes in technology, there are too many different configurations of vehicles to be able to describe all of them. An all-inclusive definition of trailer carries out the legislative intent to regulate all transporters who are not specifically exempted by the law. Those exemptions are based, not on the kind of vehicle used, but on the kind of waste that is transported.

"Transport" is defined to show that the licensing rules apply only to motor carriage on a public highway. This is so because the Legislature has placed the licensing requirement in Chapter 221 and stated that the decal requirement applies to "vehicles." Under Minnesota Statutes, section 221.011, subdivision 3, "vehicle" means "vehicles used upon the highways for the transportation of persons or property." Testimony during committee hearings showed that the Legislature intended to license transportation of hazardous waste only on highways.

8870.0200 SCOPE.

Subpart 1. License Required. The scope section of the rule is divided into two parts. Subpart 1 states the general requirement that the rules apply to hazardous waste transportation on a public highway and that except as provided in subpart 2 no person shall transport it without a license. The law says that "a person may not transport hazardous waste that is required to have a manifest under Minnesota Rules, part 7045.0261, or is required to have shipping papers under Minnesota Rules, part 7045.0125, without a license issued under this section."

Subpart 2 states the exceptions to the general rule. All the exceptions provided in the rule are the exceptions provided by the law, but they are stated in longer form in order to make it easier for people to understand them. The Minnesota Rules parts specified in the law are rules adopted by the Pollution Control Agency. The law states that if the hazardous waste requires a manifest or shipping papers, the transporter must obtain a license. If the transportation of the hazardous waste does not require a manifest or shipping papers under Minnesota Rule, parts 7045.0261 or 7045.0125, then a license is not required. Because the Legislature has specifically stated the conditions under which hazardous waste transportation will require a license, Mn/DOT is not at liberty to grant any exemptions other than those provided by law.

8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

Subpart 1. Application Procedure. Subpart 1 lists the documents that an applicant for a hazardous waste transporter license must submit to the Commissioner. The applicant must submit the information required on the application form, the fees described in the law, and the insurance certificate that is required by law.

Subpart 2 describes the information required on the application form. The Commissioner must have information that enables him to identify the transporter, the transporter's business address and telephone, and the vehicles that the applicant will use to

transport the hazardous waste. Having the assumed name used by an applicant in doing business also enables the Commissioner to identify the applicant. The business location is needed so that the licensee can be located if it is necessary to conduct an audit or inspection to make sure that the licensee is complying with the law. It is reasonable to request the applicant to provide the location from which his transportation business is conducted and the address of his terminals because he may have trucks in more than one location. In addition, the applicant may be maintaining the paperwork for his business at a terminal. It might be necessary to visit that location to examine driver qualification files, records that show the hours of service that drivers of hazardous waste transporter vehicles drive, and other records required by law to be maintained by persons who transport hazardous waste.

It is necessary to know the state where the applicant's business is incorporated because it provides an additional means of maintaining contact with an applicant whose business is such that he wishes to hide his activities from the state. It also provides a means of legal contact with carriers that are not Minnesota corporations. In most states, the Secretary of State or Commerce can be served in a legal action against anyone incorporated in that state. Under certain conditions, it might be necessary to take legal action against a transporter who illegally transported or dumped hazardous waste in Minnesota. The applicant's mailing address enables Mn/DOT to communicate with applicants who do not maintain local offices. Some applicants receive mail, not at a terminal or garage, but at a post office box. Names of corporate officers, general partners, associates, or other owners of the applicant's business show what persons are legally responsible for the conduct of the business in the event that it is necessary to seek compliance or to communicate changes in law or procedure.

The name and phone number of a person who can answer questions about the applicant's transportation business is a very important requirement because there must be someone who can be reached easily if there is an accident or a release of hazardous waste on the highway. In most cases it is necessary to contact someone in the business to have spilled material cleaned up, to arrange for the filing of accident or discharge reports, and to provide information about how accidents can be avoided in the future.

The Environmental Protection Agency identification number of the applicant is required by both federal and state law, Title 49, Code of Federal Regulations, Part 263.11(a) and Minnesota Rules, part 7045.0361. It verifies that the applicant may legally transport hazardous waste in Minnesota. This number must be placed on the manifest or the shipping papers in the vehicle

transporting the hazardous waste. The manifest or shipping paper will be inspected when a truck is stopped at a scale site or at a road check on the highway. It provides a way to track each hazardous waste shipment from the generator to the disposal site and helps to determine who is responsible for the hazardous waste.

The Interstate Commerce Commission MC number of the applicant provides an additional means of identifying interstate carriers of hazardous waste. An MC number is assigned to all interstate carriers who have a permit or certificate from the Interstate Commerce Commission to haul regulated commodities. It provides an additional source of information about the carrier's business and safety history that would be useful if it were necessary to take enforcement action against the carrier.

The information as to whether the applicant's business is a corporation, partnership, association, or sole proprietorship provides additional information about the carrier's form of business in the event the state needs to take legal action against the business. The information as to whether the transporter is also a generator, recycler or a treatment, storage or disposal facility is a reasonable means of determining the degree of experience of the applicant in handling hazardous waste.

In the event that it must take enforcement action against the applicant, the state needs to know whether the applicant has been convicted, pled guilty to, or paid a civil or criminal fine for violating other laws or regulations governing hazardous waste. This information will help the state decide how to prosecute violations of Minnesota's hazardous waste law. If the Commissioner wishes to assess an administrative penalty against a transporter, he must, under section 2 of the law, consider the transporter's history of past violations. The history could suggest that the transporter is a danger to the public and appears to have little regard for the law, or it could show that the transporter has a good safety record and should not be severely penalized.

Subpart 3. Fee. This subpart merely restates the requirement in the law that the license fee is $500.

Subpart 4. Insurance Requirements. This subpart restates the requirement in the law that the applicant shall file a certificate of insurance with the Commissioner and that the certificate must meet the requirements of federal law for transporters of hazardous waste.

8870.0400 HAZARDOUS WASTE TRANSPORTER LICENSE.

Subpart 1. Issuance of License. This subpart restates the provision in the law that the Commissioner issue a license to an applicant who meets the requirements. The Commissioner has no discretion to refuse a license to an applicant who provides the application information required by the rule. The license must be numbered to allow the Department to keep track of the issuance of licenses. The effective date implements the provision in the law requiring that the license be effective for a period of three years. Printing the effective date on the license enables the applicant to determine the date, three years from the effective date, when the license will expire. Then he must apply for a new license.

Subpart 2. Maintenance of License. Subpart 2 requires the licensee to keep the license at his principal place of business and to present it upon request for inspection by the Commissioner or any law enforcement officer. This allows enforcement personnel to determine whether or not a transporter is licensed. Law enforcement officers are authorized to enforce the general criminal laws of the state, of which this is one. The penalties provided for violation are criminal penalties.

Subpart 3 restates the requirement in the law that the license expires three years from its effective date.

Subpart 4 restates the requirement in the law that the license may not be transferred to another person.

Subpart 5 requires the Commissioner to keep a record of each hazardous waste transporter license. This would allow the commissioner to maintain a list of all licensed transporters or to verify that a licensee had been issued a license if he lost the license.

Requirements of the law are restated in the rules to bring together all the requirements for licensing to make it easier for people to use the rules and comply with the law.

Part 8870.0500 VEHICLE IDENTIFICATION DECAL REQUIRED.

This part requires that each single unit vehicle and trailer used to transport hazardous waste must bear one valid and readily legible decal and that it must be kept clean. This restates a requirement in Article 1, Section 1, subdivision 1(b), which says that the vehicle identification decal must be displayed on the single unit vehicle or trailer to which it is assigned. It is certainly reasonable to require that the decal be kept clean and legible so that enforcement officers will be able to tell without

stopping the vehicle and waiting for the operator to clean it that the vehicle is validly licensed. The presence of the decal is evidence that the vehicle has been registered for use under a license granted by the Commissioner. It also alerts an inspector or officer to the presence of hazardous waste so that compliance with packaging, placarding, manifest and other safety requirements can be examined.

8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

Subpart 1 of this part specifies the information that an applicant for a decal must submit. Some of the information duplicates that required on the initial license application. A licensee may apply to purchase decals after he has obtained the license if he adds newly purchased or leased vehicles to his fleet. It is necessary to have the applicant's name, transporter license number, and address on the decal application so that it can be matched with the license. The identification information about the vehicle is required so that the vehicle can be identified on the road. Many transporters do not own their vehicles. They rent or lease them from a leasing company whose name appears on the vehicle. The leasing company is not providing the transportation and is not responsible for the operation of the vehicle. It is necessary to have as much information as possible about the vehicle to identify who is responsible for it when it is transporting hazardous waste.

Subpart 2 requires the applicant to pay the decal fee described in the law. That requirement is restated for consistency.

8870.0700 VEHICLE IDENTIFICATION DECAL.

Subpart 1. Issuance. This subpart requires the Commissioner to issue a decal for each vehicle for which the identification information is provided. If the required information is provided and the applicant has already been granted a license, the Commissioner will issue the decal.

Subpart 2 provides that the decals will be serially numbered and bear the month and year of expiration. The decals are serially numbered so that the restriction against transfer of the decal can be enforced. Each decal will be identified with a specific transporter and a specific vehicle. If decals are serially numbered, there can be only one decal with each number. This discourages counterfeiting and illegal transfer of decals. The decals will bear the month and year of expiration so that the operator of the vehicle can determine when it must be replaced. The decal will bear the words "hazardous waste transporter" so that the vehicle will be identifiable to law enforcement officers at weigh scales and on the road.

Subpart 3 requires the decal to be affixed to the side of the vehicle opposite the driver and within three feet of the front of each trailer or the cargo part of the single unit vehicle. Establishing a particular place on every vehicle where the decal can be found, makes it easier for law enforcement officers to locate the decal. Requiring the decal to be affixed to the side of the vehicle opposite the driver enables law enforcement officers in vehicles and in the fixed scale sites to observe the decal and to identify vehicles transporting hazardous waste so that they can be inspected for compliance with the motor carrier safety regulations.

Subpart 4 is consistent with the requirements in the licensing law that new decals must be purchased each year and are effective only when the license is effective.

Subparts 5 and 6 require the Department to keep a record of each decal issued, and prohibit transfering the decal as provided in subdivision 1 of the law.

8870.0800 ACKNOWLEDGEMENT.

Subpart 1. Signature required. Each application for a license or decal be signed by a corporate officer, general partner or sole proprietor. In the trucking business it is common for owner-operators or persons who own only one vehicle to lease themselves and their vehicle to someone else to provide transportation. In that situation, the owner-operators or other persons often obtain documents, stickers and other indicia that appear to grant them authority to provide certain transportation services while they are working for the company to whom they have leased themselves. Under the federal motor carrier safety regulations and the federal hazardous material transportation regulations, the person who contracts to provide the transportation is responsible for the safety of the transportation, not the person who supplies the vehicle. The responsible person is the motor carrier, or in some cases, a private business operating its own vehicles to transport its own hazardous waste. In Minnesota, motor carriers must have a permit or certificate from the Minnesota Transportation Regulation Board to transport hazardous waste. The restriction that only certain persons may sign applications for licenses or decals is intended to restrict the issuance of licenses and decals to the people who are legally responsible for the transportation and to make them take and acknowledge responsibility for it, instead of allowing the responsibility to be taken by a person who is leasing his vehicle to the carrier and whose job is simply to drive the truck. The application may not be signed by an agent or attorney because those persons usually are not familiar with the business and merely act as conduits or signatories on various documents.

They have no control over the operation of the vehicles, driver qualifications, vehicle safety inspections, or completion of the manifest. Under federal and state law, those persons are not legally responsible for the safe transportation of the waste, and therefore, they may not sign these license applications.

Subpart 2 requires the applicant to state that he understands the laws that govern his business and that he will obey them.

Subpart 3 requires the person who signs the statement to attest that the statement is, to the best of his knowledge, complete, truthful and accurate. These requirements are an attempt to bring home to the person who signs the application that this is not an activity to be entered into lightly, and that there are numerous complicated laws and regulations that he must obey.

Subpart 4 requires the signatures of corporate officers and general partners to be notarized in order to assure that those signatures are actually the signatures of the persons whose names appear on the application.

8870.0900 TRAINING.

Subpart 1 requires the licensee to instruct his employees about the federal hazardous material transportation regulations. Code of Federal Regulations, Title 49, Part 177.800(a), states that "It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto." Every person who transports hazardous waste is subject to this requirement, which is adopted by reference in Minnesota Statutes, section 221.033. It is restated here to remind applicants and licensees that they are bound by this requirement.

Subpart 2 requires the applicant to sign a statement that he has complied with that requirement and has instructed his employees. This reinforces the state's position that this is considered an important safety requirement and will be enforced. It reinforces the regulation adopted by reference in Minnesota Statutes, section 221.033.

8870.1000 REPORTING REQUIREMENTS.

Subpart 1. Information Change. A licensee must report to the Commissioner of Transportation within ten days any change in name, address, or telephone number. This is essential information in the administration and enforcement of any licensing program, and particularly here because the state must be able to contact the transporter in the event of an accident, an injury, or a discharge. It may be necessary to have the name

and address so that the transporter can be informed of enforcement activity that will be undertaken against him. Ten days is a reasonable amount of time for people to notify the Department of these changes. That is ample time for the carrier to become settled or to complete paperwork.

Subpart 2 requires that within 30 days after the occurrence, the licensee must report to the Commissioner any accident involving the death of a human being, bodily injury to a person treated away from the scene, or total damage to all property aggregating $4400 or more. These requirements are based on identical requirements in Minnesota law for motor carriers and in federal law for carriers operating in interstate commerce. This rule extends the requirement to private carriers who transport hazardous waste and to interstate carriers transporting hazardous waste in Minnesota. Adopting these standards for accident reports promotes uniformity. It alerts the Commissioner to a carrier who has an accident or releases waste, so that an officer or inspector can be sent to the carrier's office to talk to the safety director. The carrier's safety record and transportation activities can be examined and assistance can be provided if necessary to help him transport hazardous waste more safely.

Subpart 3 contains the same exceptions to accident reporting that the Minnesota motor carrier accident reporting requirement and the federal requirement contain. This accident report must be filed in addition to the accident report filed under Minnesota Statutes, section 169.09, with the Commissioner of Public Safety. The additional filing is needed because the accident reports filed with the Commissioner of Public Safety are not maintained in a way that makes them useful for identifying problems with hazardous waste transportation. The Department of Public Safety accident reports do not collect information about carriers, vehicle lessors, the type of commodity carried, the hazard class of the material, whether the driver met motor carrier safety qualifications, and the number of hours the driver had driven at the time of the accident.

Subpart 4 restates requirements in Minnesota Statutes, section 221.034, and adopted by reference in section 221.033, that require a report of a hazardous waste release. The carrier must provide immediate notice to the Emergency Services Division of the Department of Public Safety of death, injury, property damage over $50,000, release of radioactive materials or etiologic agents, or any other release that presents a continuing danger to life. In addition, any other unintentional release must be reported in writing within 15 days. Restating the requirement in these rules alerts transporters that they are subject to those requirements and is a reasonable method of promoting compliance.

Subpart 5 provides that failure to comply with the accident reporting requirement is grounds for suspension or revocation of a license. Because hazardous waste can be dangerous, it is necessary for the state to have immediate notice of any life threatening discharge. The state must have an opportunity to supervise clean-up, or to check later to determine that the material has been safely removed. It gives the state an opportunity to do testing or to alert emergency response personnel. Without a strictly enforced release and accident notification requirement, the state loses the opportunity to mitigate danger or damage and to assist the transporter in providing safer transportation.

8870.1100 RENEWAL PROCEDURE.

Renewal applications must be made according to the procedure described for new applications. This allows the state to use the same forms for new or renewal applications. It simplifies renewal for the carrier and Mn/DOT. No additional information is required for renewal.

V. SMALL BUSINESS CONSIDERATIONS.

In accordance with Minnesota Statutes, section 14.115, subdivision 2, Mn/DOT has considered the methods described in subdivision 2(a) through (e) for reducing the impact of the rule on small businesses.

Item (a) requires considering whether less stringent compliance or reporting requirements can be established for small businesses. The hazardous waste transporter licensing law specifies who must obtain the license. The rule only prescribes the application information, all of which is necessary to identify the transporter and his vehicles. The rule has 2 reporting requirements: licensees must report changes of name, address, and telephone number and they must report accidents and releases of hazardous waste. These are truly minimal requirements and are necessary to protect the public no matter what the size of the business.

With respect to item (b), the only deadlines for compliance are those established by law for applying for and renewing licenses and decals, and those described above for reporting name and address changes and reporting releases and accidents. Mn/DOT lacks the authority to change the deadlines for obtaining and renewing licenses and decals, and feels that name and address and accident information is necessary from all businesses.

(c) There are no compliance or reporting requirements to simplify or consolidate other than those discussed above.

(d) The rule imposes no design or operational standards.

(e) The Department lacks the authority to exempt any business transporting hazardous wastes other than those transporting wastes described as exempt in the authorizing statute. Many farmers are small businesses. They are exempt from the license requirement when transporting used pesticide containers in compliance with MPCA regulations that govern rinsing and disposal of containers.

November 4, 1987

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

Exhibit F

In the Matter of the Proposed)
Adoption of the Rules of the)
State Department of Transporta-)
tion Governing the Licensing of)
Hazardous Waste Transporters)

AFFIDAVIT OF MAILING

- -

Kenneth H. Bjork, being first duly sworn deposes and says:

That on the 19th day of November, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the 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 Commissioner of Transportation for the purpose of receiving notices concerning proposals for or proposed rules of the Department of Transportation.

AFFIANT

Kenneth H. Bjork, Manager
Administrative Procedures &
Documentation Section
Finance & Management Systems
Division

RAMONA T. MACKENROTH
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

Subscribed and sworn to before me

this 19 day of November, 1987.

Ramona T. Mackenroth
Notary Public

Washington County, Minnesota.

My Commission expires January 29, 1993.

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE STATE DEPARTMENT OF TRANSPORTATION GOVERNING THE LICENSING OF HAZARDOUS WASTE TRANSPORTERS	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Transportation intends to adopt the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedure Act, Minnesota Statutes, section 14.22 to 14.28, for adopting rules without a public hearing. The statutory authority to adopt these rules is Laws 1987, Chapter 393, Article 1, Section 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 rules 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 must state his or her name and address, and is encouraged to provide a telephone number and 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 14.14 to 14.20.

Comments or written requests for a public hearing must be submitted to: Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155, (612)297-2913.

The proposed rules 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 rules as noticed.

The adoption of the proposed rules will not require the expenditure of public money by local public bodies as the rules will not apply to government agencies and political subdivisions.

The rules proposed for adoption relate to the following matters. The proposed rules repeat the requirement in the law that, with certain exceptions, no person may transport hazardous waste without a license. They also describe the categories of hazardous waste that may be transported without obtaining a hazardous waste transporter

license. The exemption of those wastes is authorized by the statute, but is described in greater detail in the rules. The proposed rules describe the kind of information that will be required on the application forms for the license and the vehicle decals. The law requires a decal on each vehicle, and the rules describe where the decal must be placed on the vehicle. The rules restate the fees and insurance requirements imposed by the law. The proposed rules require transporters to notify the Commissioner of Transportation of changes in name, address, and telephone number, and to report each accident and each accidental release of hazardous waste involving motor vehicle transportation.

The proposed rules also require the applicant to sign statements accepting responsibility for knowing and complying with all state and federal laws and regulations that govern hazardous waste transportation. In addition, the applicant must certify that it has trained the drivers of hazardous waste vehicles in compliance with the federal hazardous material transportation regulations that are adopted by reference in Minnesota Statutes, section 221.033. The proposed rules will make failure to comply with reporting requirements grounds for revocation or suspension of the license.

The proposed rules will affect small businesses and all other businesses that transport hazardous wastes that must be transported with a manifest or shipping papers. The rules will require payment of a license fee of $500 every three years for each person (business, not per driver) that transports hazardous waste. That fee and the decal fee of $25 per vehicle per year are required by the law and are restated in the rules. The rules will require the transporter to fill out an application form or renewal form every three years, and a decal purchase form every year. They require the transporter to maintain insurance that meets the requirements of the U. S. Department of Transportation. In addition, each transporter that has not previously filed a certificate of insurance with the Minnesota Department of Transportation must do so in order to obtain a license. This is a new requirement for private carriers that transport hazardous waste and is required by the authorizing statute.

For motor carriers that are small businesses, there will probably be no increase in costs except for the cost of the fees themselves. Carriers now required by federal law to maintain insurance will continue to do so, so there will be no additional cost for insurance. Private carriers transporting hazardous waste will be required to report accidents to the commissioner. This is a new requirement with little or no cost. For-hire carriers are already subject to this requirement. As all carriers of hazardous waste are now required to comply with federal and state safety and hazardous material transportation regulations, there will be no increase in cost due to compliance with safety regulations.

A free copy of the rules is available upon request from Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155.

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 pro-

posed rule has been prepared and is available from Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted 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 date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155.

11-9-87
Date

Leonard W. Levine
Commissioner
Minnesota Department of Transportation

Department of Transportation

Proposed Permanent Rules Relating to Licensing of Hazardous Waste Transporters

Rules as Proposed (all new material)

8870.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

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

Subp. 3. **Department.** "Department" means the Department of Transportation.

Subp. 4. **Hazardous waste.** "Hazardous waste" means waste considered hazardous under Minnesota Statutes, section 116.06, subdivision 13.

Subp. 5. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 6.

Subp. 6. **Trailer.** "Trailer" includes a semitrailer and any other cargo-carrying unit.

Subp. 7. **Transport.** "Transport" means to move hazardous waste by motor vehicle over a public highway.

Subp. 8. **Vehicle.** "Vehicle" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 3.

8870.0200 SCOPE.

Subpart 1. **License required.** Parts 8870.0100 to 8870.1100 apply to the transportation of hazardous waste on a public highway. Except as provided in subpart 2, no person shall transport a hazardous waste without a license.

Subpart 2. **Exceptions.** The following hazardous wastes may be transported without a hazardous waste transporter license:

A. exempt wastes described in part 7045.0120;

B. farm pesticide wastes exempt under parts 7045.0213 and 7045.0304 that are disposed of in a manner consistent with the disposal instructions on the pesticide label;

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C. wastes identified under part 7045.0131, subpart 6, items A and B, and exempted under part 7045.0133;

D. industrial ethyl alcohol that is reclaimed;

E. used batteries returned to a manufacturer for regeneration;

F. scrap metal that exhibits a hazardous characteristic but is being recycled;

G. used oil that does not contain a waste listed under part 7045.0135, and that does not exhibit a hazardous characteristic described in part 7045.0131, that is to be recycled; and

H. spent lead-acid batteries that are being reclaimed.

8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

Subpart 1. **Application procedure.** An applicant for a license shall submit to the commissioner:

A. the information described in this part;

B. the fees described in Laws of Minnesota 1987, chapter 393, article 1, section 1, subdivision 1, paragraph (b); and

C. an insurance certificate under Minnesota Statutes, section 221.141.

Subp. 2. **Information required.** The applicant shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business;

B. the location from which applicant's transportation business is conducted;

C. the addresses of applicant's Minnesota terminals, if any;

D. the address of applicant's principal place of business;

E. the state where applicant's business is incorporated;

F. the applicant's mailing address;

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G. if the applicant is a foreign corporation, the name and address of its agent for service of process, if any;

H. the names of corporate officers, general partners, associates, or other owners of applicant's business;

I. the name and phone number of a person who can answer questions about the applicant's transportation business;

J. the Environmental Protection Agency identification number of the applicant;

K. the Interstate Commerce Commission MC number of the applicant, if any;

L. the intrastate permit or certificate number of the applicant, if any;

M. whether the applicant's business is a corporation, partnership, association, or sole proprietorship;

N. whether the transporter is also a generator, recycler, or a treatment, storage, or disposal facility as defined in chapter 7045, or a combination of them;

O. other states in which the applicant has authority to transport hazardous wastes; and

P. a description of any conviction, plea of guilty, or payment of a civil or criminal fine for violating a law, ordinance, or regulation related to transporting hazardous waste.

Subp. 3. **Fee.** The license fee is $500.

Subp. 4. **Insurance requirements.** The applicant shall file a certificate of insurance with the commissioner. This certificate must state that the applicant's policy meets federal public liability requirements prescribed in Code of Federal Regulations, title 49, part 387.

8870.0400 HAZARDOUS WASTE TRANSPORTER LICENSE.

Subpart 1. **Issuance of license.** The commissioner shall issue a license to an applicant who meets the requirements of part 8870.0300. The license must be numbered and bear an effective date.

Subp. 2. **Maintenance of license.** The license must be maintained at the licensee's principal place of business and,

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upon request, must be available for inspection by the commissioner or law enforcement officer.

Subp. 3. **Duration.** The license expires three years from its effective date.

Subp. 4. **Transferability.** A license may not be transferred to another person.

Subp. 5. **Records.** The commissioner shall keep a record of each hazardous waste transporter license issued.

8870.0500 VEHICLE IDENTIFICATION DECAL REQUIRED.

A single-unit vehicle and each trailer used to transport hazardous waste must bear one valid and readily legible decal. The decal must be kept clean and legible.

8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

Subpart 1. **Information required.** An applicant for a decal shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business, mailing address, and telephone number;

B. the applicant's Minnesota hazardous waste transporter license number;

C. the name, address, and telephone number of a person who can answer questions about the applicant's transportation business;

D. if the licensee does not own the vehicle, the name and address of the owner;

E. the state and license number of vehicle registration;

F. the vehicle identification number;

G. the vehicle year and make; and

H. a description of the type of vehicle or vehicle combination.

Subp. 2. **Fees.** An applicant shall pay a fee of $25 for each decal.

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8870.0700 VEHICLE IDENTIFICATION DECAL.

Subpart 1. **Issuance.** The commissioner shall issue a vehicle identification decal for each vehicle for which vehicle identification information is provided in an application.

Subp. 2. **Description.** Vehicle identification decals must be serially numbered and bear the month and year of expiration and the words "hazardous waste transporter."

Subp. 3. **Placement.** The decal must be affixed on the side of the vehicle opposite the driver and within three feet of the front of each trailer or the cargo part of the single-unit vehicle.

Subp. 4. **Duration.** The decal expires one year from the effective date of the decal or upon expiration of the person's hazardous waste transporter license, whichever occurs first.

Subp. 5. **Transferability.** A vehicle identification decal may not be transferred to another vehicle.

Subp. 6. **Department record.** The commissioner shall keep a record of each vehicle identification decal issued.

8870.0800 ACKNOWLEDGMENT.

Subpart 1. **Signature required.** An application for a hazardous waste transporter license or for a vehicle identification decal must be signed by a corporate officer, general partner, or sole proprietor. An application may not be signed by an agent or attorney.

Subp. 2. **Certification.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "I understand that the transportation of hazardous waste under the license or decal for which I am applying is subject to the Hazardous Waste Transporter License Law, Laws of Minnesota 1987, chapter 393, article 1; Minnesota Statutes, section 221.033; the federal motor carrier safety regulations; and the Minnesota Pollution Control Agency rules applicable to hazardous waste transportation. I understand and agree to comply with those laws, rules, and regulations."

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Subp. 3. **Statement of truth and accuracy.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "The above information is, to the best of my knowledge, complete, truthful, and accurate."

Subp. 4. **Signature notarized.** The signatures of corporate officers and general partners must be notarized.

8870.0900 TRAINING.

Subpart 1. **Requirement.** The applicant or licensee shall instruct employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179.

Subp. 2. **Certification.** The applicant or licensee must sign the following statement: "I have complied with the requirement of Code of Federal Regulations, title 49, section 177.800, and have instructed my employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179."

8870.1000 REPORTING REQUIREMENTS.

Subpart 1. **Information change.** The licensee shall report to the commissioner within ten days any change in the following information:

A. the licensee's name, including an assumed or fictitious name used by the applicant in doing business;

B. the licensee's physical business location;

C. the licensee's mailing address; or

D. the name and telephone number of a person who can answer questions about the applicant's transportation business.

Subp. 2. **Accident report.** Within 30 days after the occurrence, the licensee shall report to the commissioner, on a form prescribed by the commissioner, an accident involving a vehicle transporting hazardous waste that results in:

A. the death of a human being;

B. bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

C. total damage to all property aggregating $4,400 or

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more based on actual costs or reliable estimates.

Subp. 3. **Exceptions.** An accident does not include:

A. an occurrence involving only entering and leaving a stationary motor vehicle; and

B. an occurrence involving only the loading or unloading of cargo.

Subp. 4. **Report of hazardous waste incident.** A licensee must report hazardous waste incidents as required by Minnesota Statutes, section 221.034, and Code of Federal Regulations, title 49, sections 171.15 and 171.16.

Subp. 5. **Grounds for suspension, revocation.** Failure to comply with the requirements in this part is grounds for suspension or revocation of a license.

8870.1100 RENEWAL PROCEDURE.

Renewal applications must be made according to the procedure described in part 8870.0300 for new applications.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensing of Hazardous Waste Transporters

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8870

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Assistant Revisor

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



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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
21	Monday 9 November	Monday 16 November	Monday 23 November
22	Monday 16 November	Monday 23 November	Monday 30 November
23	Monday 23 November	Monday 30 November	Monday 7 December
24	Monday 30 November	Monday 7 December	Monday 14 December

*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.

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Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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Contents

Minnesota Rules: Amendments & Additions

Issues 14-21 inclusive 1092

Proposed Rules

Secretary of State
Approval of voting machines or systems 1094

Agricultural & Economic Development Board
Minnesota Development Program 1095

Transportation Department
Licensing of hazardous waste transporters 1100

Commerce Department
Credit Unions 1104
Real Estate education 1105

Emergency Rules

State Board of Vocational Technical Education Board
Continuation of emergency rules on postsecondary vocational teaching licenses for courses and programs in emerging occupations 1106

Adopted Rules

Education Department
Cooperative secondary facilities grants 1107

Official Notices

Commerce Department
Activation of the Minnesota Joint Underwriting Association to insure specified classes of business and public hearing 1107

Health Department
Opinion sought on rules for health maintenance organizations 1109

Human Services Department
Legislative hearing on the federal alcohol, drug abuse and mental health block grant, and the availability of a statement describing the intended use of funds for federal fiscal year 1988 1109

State Contracts & Advertised Bids

Administration Department
Materials Management Division 1110

State Designer Selection Board
Request for proposal for project at the University of Minnesota, Minneapolis campus 1111

Health Department
Request for proposal for development of case management protocol(s) and training module 1112

Human Services Department
Request for proposals for special focus—Indian child welfare programs 1113

Natural Resources Department
Request for proposals for riverboat concession, Fort Snelling State Park 1114

Transportation Department
Notice to consulting engineers—registered civil and structural 1116

Vocational Technical Education Board
Request for proposals for professional consultant services contract 1116

Non-State Public Contracts

Anoka County
Computer applications consultants sought 1117

Ramsey County
Notice for prequalifications for highway reconstruction preliminary engineering—design 1117

Supreme Court Calendar

Cases to be heard during the month of December 1987 .. 1118

Supreme Court Decisions

Decisions and Orders filed Friday 20 November 1987 ... 1120

Announcements 1120

Minnesota Rules Amendments and Additions

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. 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.***

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.***

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 1-26; 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."

Administration Department

1370.0100-.0230 (proposed) 1030

Agriculture & Economic Development Board

1580.2000-.2120 (proposed emergency) 1100
1580.0100-.0900 (proposed emergency repealer) 1100

Commerce Department

2675.2600; .2610; .2620 (adopted) 623
2675.6400 (proposed) 928
2675.6400 (proposed) 1104
2760.0300 (proposed) 926
2760.0300 s.10 (proposed repealer) 926
2765.0900; .1300 (adopted) 845
2765.1300 s.4 (repealed) 845
2766.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300 (proposed) 605
2767.0100; .0200; .0400; .0600; .0700 (adopted) 846
2767.0300; .0500; .0950 (repealed) 846
2770.8000 (adopted) 845
2780.0100 (adopted) 846
2780.0100 s.1,2,5; .0200; .0300; .0400 s.5; .1400 s.1; .2700; .9910 (repealed) 846
2791.0100 (adopted) 749
2800.2100; .5100; .5600; .5700; .5900; .6700; .6710; .6720 (proposed) 930
2800.2100; .5100; .5600; .5700; .5900; .6700; .6710; .6720 (proposed) 1105
2800.2175 (proposed repealer) 1105
2800.2175 (proposed repealer) 930
2820.2900; .3000; .9000 (proposed) 741
2890.0010-.0120 (proposed emergency) 773
2890.0010-.0120 (proposed) 945

Corrections Department

2945.0100; .0110; .0120; .0130; .0500; .0510; .0520; .0530; .0540; .1000; .1600; .1610; .1620; .2100; .2110; .2120; .2130; .2500; .2510; .2520; .2530; .2540; .2550; .3400; .3410; .3420; .3430; .3440; .3450; .3460; .4700; .4710; .4720; .4730; .4740; .4750; .4760; .5400; .5410; .5420; .5430; .5440; .5450; .5460; .5470; .5480; .5490 (proposed) 982

Dentistry Board

3100.2000 (adopted) 952

Jobs & Training Department

3310.2901-.2928 (proposed) 795
3310.2900; .3500; .3600; .4100; .4200; .4300; .4400; .4900; .5300 (proposed repealer) 795

Education Department

3445.3000-.3024 (adopted) 1107
3500.0710 (proposed) 614
3500.0700 (proposed repealer) 614
3510.9100 (adopted) 1065

Vocational Technical Education Board

3515.5051-.5056; .5058-.5062; .5064-.5066 (emergency extended) 1106

Health Department

4610.2800 (adopted) 846
4670.1200; .1320; .4200; .4210; .4220; .4230; .4240 (proposed) 777
4670.1200 s.2,4,6 (proposed repealer) 777
4705.0100; .0300; .0900 (adopted) 846
4715.3150; .3170; .5900 (adopted) 624
4717.0310 (proposed) 747

Higher Education Coordinating Board

4830.1560-.1565 (adopted emergency) 826

Housing Finance Agency

4900.0010 (proposed) 994
4900.0010 (proposed) 995

Labor & Industry Department

5200.0280 (proposed) 825

5205.0116; .0401; .0675; .0710; .0755; .0865; .0880; .1000; .1010; .1030; .1040; 5207.0300; .0310; .0610; .0620; .0720 (proposed) 616
5205.0010; .0015; .0040; .0050; .0065; .0070; .0100; .0105; .0110; .0115; .0140; .0200; .0400; .0410; .0420; .0430; .0450; .0460; .0490; .0650; .0660; .0665; .0675; .0680; .0685; .0686; .0690; .0700; .0750; .0755; .0760; .0765; .0770; .0860; .0865; .0870; .0880; .0890; .1000; .1010; .1020; .1030; .1040; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; 5207.0010; .0020; .0030; .0035; .0040; .0050; .0060; .0100; .0200; .0210; .0220; .0250; .0260; .0300; .0310; .0320; .0400; .0410; .0500; .0510; .0520; .0530; .0540; .0600; .0610; .0620; .0630; .0700; .0710; .0720; .0730; .0740; .0800; .0810; .0900; .0910 (adopted) 634
5205.0160; .0170; .0180; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0460 s.15,19; .0900; .0910; .0920; .0930; .0940; .0950 (repealed) 634
5219.0010; .0020; .0030 (withdrawn) 1066
5219.0010; .0020; .0030 (proposed emergency amended) 1066
5221.1100; .1200; .1300; .1400; .1500; .1700; .1800; .1900; .2000; .2100; .2200; .2250; .2300; .2400; .2500; .2700; .2800; .2900; .3000; .3100; .3200 (adopted) 662
5221.1600 (repealed) 662

Medical Examiners Board

5600.2500 (adopted) 846

Optometry Board

6500.2800; .2900 (proposed) 744

Pollution Control Agency

7001.0560; .0580; .0650; 7045.0020; .0075; .0120; .0219; .0292; .0452; .0478; .0490; .0498; .0528; .0556; .0564; .0584; .0600; .0608; .0628; .0629 (proposed) 1038
7045.0528 s.9 (proposed repealer) 1038
7002.0100 (proposed) 1036
7035.6500-.7600 (repealed) 847
7045.0020; .0125; .0135; .0139; .0219; .0296; .0302; .0375; .0381 (proposed) 802

Hazardous Substance Injury Compensation Board

7190.0100-.0108 (adopted) 846
7190.0020 (withdrawn) 1034
7190.0020 (proposed) 1035
7190.1000; .1005; .1010; .1015; .1020; .1025; .1026 (proposed) 936

Public Safety Department

7503.0800 (withdrawn) 939
7520.0620; .0650; .1000; .1100 (proposed) 809
7520.0620 s.2,4,6 (proposed repealer) 809

Public Service Department

7680.0100-.0200 (adopted) 1065

Public Utilities Commission

7817.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000 (proposed) 814

Secretary of State

8220.0650; .0800 (proposed) 940
8210.3000; .3005; .3010; .3015 (proposed) 942
8220.0650 (proposed) 1094

Public Service Department: Energy Division

8300.2500-.2509 (adopted) 750
8300.2501 s.2,3 (repealed) 750

Water & Soil Resources Board

8400.3000; .3100; .3150; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600 (adopted emergency) 949
8400.3100 s.34, 36 (repealed emergency) 953

Transportation Department

8870.0100-.1100 (proposed) 1101

Veterans Affairs Department

9050.0100-.3900 (withdrawn) 1064

Waste Management Board

9200.6000; .6001; .6002; .6003; .6004; .6007; .6008; .6010 (proposed) 819
9200.6200; .6300; .6500; .6600; .6700; .6800; .8220; .8300; .8500; .8600; .9000; .9100 (adopted) 847
9200.6900-.6906 (adopted) 846
9200.9501; .9502; .9503; .9506; .9508 (proposed) 822

Human Services Department

9500.1206; .1232; .1257; .1262; .1266 (proposed emergency) 953
9500.2890 (proposed emergency) 956
9505.0170; .0175; .0180; .0185; .0190; .0195; .0200; .0205; .0210; .0215; .0220; .0221; .0225; .0235; .0240; .0245; .0250; .0255; .0270; .0275; .0280; .0285; .0290; .0295; .0300; .0305; .0310; .0315; .0320; .0325; .0330; .0335; .0340; .0345; .0350; .0353; .0355; .0360; .0365; .0380; .0395; .0405; .0415; .0420; .0425; .0430; .0440; .0445; .0450; .0455; .0460; .0465; .0470; .0475; 9500.1070 (adopted) 624
9500.0900; .0930; .0960; .0970; .0990; .1000; .1060; .1070 s.2,3,5,7,8,9,10,11,16,17,18,19,20,21,22,24; 9505.1080 (repealed) 624
9505.0420 s.2 (correction) 953
9525.1500-.1690 (adopted) 997
9550.0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370 (adopted) 827
9575.0320; .0350; .1500 (proposed) 783
9575.0320 s.2,4,6 (proposed repealer) 783

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.

Secretary of State

Proposed Permanent Rules Relating to Approval of Voting Machines or Systems

Notice of Intent to Adopt Rules Without a Public Hearing

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

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Election Division and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the Secretary of State will proceed according to the provisions of *Minnesota Statutes*, sections 14.13 to 14.18.

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

Jeffrey Sigurdson
Election Procedures Assistant
180 State Office Building
St. Paul, MN 55155-1299
(612) 296-2805

Authority for the adoption of this rule is contained in *Minnesota Statutes*, section 206.57. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness 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 Election Division upon request.

The Elections Division has considered the effect on small businesses, as required by *Minnesota Statutes* 14.115 (1986) and has determined that the effect will be minimal and no more than required by statute. Also pursuant to *Minnesota Statutes*, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor will the adoption of these rules result in additional spending by local public bodies in excess of $100,000 per year, for the first two years following the adoption of these rules.

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 Election Division.

The rules proposed for adoption are as follows:

Rules as Proposed

8220.0650 APPROVAL OF MACHINES OR SYSTEMS.

Subpart 1. [Unchanged]

Subp. 2. **Decertification.** If a voting machine or system no longer meets the standards of Minnesota statutes or parts 8220.0050 to 8230.4250, the secretary of state may withdraw ~~approval~~ certification of the voting machine or system ~~after a hearing~~. The vendor must be given written notification of intent to withdraw certification and may within ten days of receipt of the notification submit a written request to the secretary of state for a contested case hearing under Minnesota Statutes, sections 14.57 to 14.62.

Department of Trade and Economic Development Minnesota Agricultural and Economic Development Board

Proposed Emergency Rules Relating to the Minnesota Development Program

Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the Minnesota Agricultural and Economic Development Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 41A.04, subd. 4. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

John J. O'Brien
Office of Business Finance
Department of Trade and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101-1429
Telephone: 612-297-1944

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

A free copy of the proposed emergency rule is available by contacting John J. O'Brien.

The proposed emergency 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 emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent 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 wish to receive a copy of the adopted rule, must submit the written request to John J. O'Brien.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 360 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 6 November 1987

Thomas Triplett, Chair, Minnesota
Agricultural and Economic Development Board

Rules as Proposed (all new material)

1580.2000 [Emergency] PURPOSE AND AUTHORITY.

Parts 1580.2000 to 1580.2120 [Emergency] are authorized by Minnesota Statutes, section 41A.04, subdivision 4, to carry out the purposes of Minnesota Statutes, chapter 41A, and to establish a process for application and approval of financial assistance for eligible projects. The Small Business Development Loan Program and the Hazardous Waste Processing Facility Loan Program are also authorized by Minnesota Statutes, chapter 41A, and have separate rules governing them. Eligible applicants may determine under which program they wish to apply for financial assistance for eligible projects.

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.

1580.2010 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 1580.2000 to 1580.2120 [Emergency], the terms defined in this part and in Minnesota Statutes, section 41A.02, have the meanings given to them.

Subp. 2. **Chair.** "Chair" means the commissioner of finance acting as chair of the Minnesota Agricultural and Economic Development Board.

Subp. 3. **Administrator.** "Administrator" means the commissioner of trade and economic development acting as the chief administrative officer of the Minnesota Agricultural and Economic Development Board, or a designee.

Subp. 4. **County authority.** "County authority" means a rural development finance authority, or any county exercising the power of a rural development finance authority, under Minnesota Statutes, chapter 362A.

1580.2020 [Emergency] AVAILABILITY OF ELIGIBLE FINANCIAL ASSISTANCE.

Subpart 1. **Amount of loan guarantee, participation, or bond issue; criteria.** The amount of and criteria of a loan guarantee, participation, or bond issue determined under Minnesota Statutes, sections 41A.03 and 41A.035.

Subp. 2. **Eligible project costs.** Project costs eligible for a guaranteed loan, bond issue, or loan participation are defined in Minnesota Statutes, section 41A.02.

Subp. 3. **Security for guaranteed loan, loan participation, or bond issue.** Security for a guaranteed loan, loan participation, or bond issue is determined under Minnesota Statutes, sections 41A.03 and 41A.036.

Subp. 4. **Increase in project costs.** If the actual cost of a project exceeds the cost estimate, the board may consent to an increase in the amount of the guaranteed loan, loan participation, or bond issue under Minnesota Statutes, sections 41A.03, subdivision 2, and 474.17 to 474.25, if it determines that the increased costs will not jeapordize the board's interest and are necessary for the successful completion or operation of the project. The increase in the principal amount of the guaranteed loan, loan participation, or bond issue must not exceed 80 percent of the increased costs. The board may guarantee up to 90 percent of the increase in the principal amount of the guaranteed loan and interest on that amount.

1580.2030 [Emergency] CONTENTS OF APPLICATION.

Subpart 1. **Application forms.** The administrator shall prepare application forms for use by applicants. The application must provide the information required by Minnesota Statutes, section 41A.04, subdivision 1, paragraphs (a) and (c), and the following information, unless waived by the board under subpart 2:

A. The following financial statements that include a balance sheet, an opening statement, and footnotes to the statements if available for the following time periods:

(1) financial statements for the previous three years, if applicable; and if unaudited, the statements must be signed by an authorized financial officer of the business making application;

(2) a current quarterly financial statement that was compiled within 90 days of the date the application was submitted, if quarterly financial statements are regularly prepared;

(3) federal tax returns filed by the business for the previous three years if applicable, if the applicant is an individual or partnership; and

(4) pro forma cash flow statements for the first five years of the project operation, including income statements and balance sheets.

B. If a loan guarantee or loan participation is requested, a statement from the lender, concerning the lender's general experience in financing and servicing debt incurred for projects of the size and general type of the project, and its proposed servicing and monitoring plan. In addition, the following information must be submitted:

(1) the term of the loan, the interest rate, and amortization schedule, and other terms and conditions of the lender;

(2) a certification and supporting documentation that the lender has determined the project to be economically feasible in accordance with generally accepted commercial lending practices;

(3) an appraisal of collateral showing total loan value; and

(4) a statement of informed consent signed by an authorized officer of the lender regarding the use and dissemination of the private data as provided in Minnesota Statutes, section 13.05, subdivision 4, paragraph (d).

C. A description of any legal actions pending or to be commenced against the applicant, including an explanation of each of these actions and applicant's defenses, if any.

D. A description of all potentially competitive products that are produced or processed in Minnesota and an analysis of the

competitive products that are produced or processed in Minnesota and an analysis of the competitive impact of the project on the competing products and producers.

E. A statement of informed consent by the applicant regarding the use and dissemination of the private data as provided in Minnesota Statutes, section 13.05, subdivision 4, paragraph (d).

Subp. 2. **Waiver of application requirements.** An applicant may request the board to waive any of the requirements of subpart 1. The request must be made in writing to the administrator. The board may waive a requirement if it determines that the requirement is not necessary to evaluate the eligibility or feasibility of the project. A request for waiver must state the reasons why, in the applicant's judgment, the required information is not necessary.

Subp. 3. **Feasibility study.** The board must require a feasibility study for the project if the board determines that a study is necessary for its consideration of the project's eligibility for a loan guarantee, loan participation, or loan from bond proceeds. The feasibility study must address those factors that the board determines are necessary in light of generally accepted commercial lending practices and the requirements of Minnesota Statutes, chapter 41A.

1580.2040 [Emergency] REVIEW OF APPLICATION.

Subpart 1. **Review by administrator.** The administrator shall review the application to determine conformity with Minnesota Statutes, chapter 41A, and according to generally accepted commercial lending practices, to determine whether or not to submit the application to the board for approval or rejection. The administrator shall notify the applicant of the administrator's decision whether or not to submit the application to the board.

Subp. 2. **Board review of the application.** If the administrator determines not to submit the application to the board for approval or rejection, the applicant may request the board to review the administrator's decision. The request must be made in writing and submitted to the chair. Upon request, the board shall review the application for approval or rejection. The board shall review the completed application under part 1580.2050 [Emergency].

Subp. 3. **Approval and conditional commitment.** If the board approves an application, it shall adopt a resolution under Minnesota Statutes, section 41A.04, subdivision 3.

Subp. 4. **Denial of application.** If the application is rejected by the board, the administrator shall promptly notify the applicant in writing.

Subp. 5. **Misrepresentation in application.** Whenever a change occurs in the information provided by an applicant to the board or to the lender, the applicant shall immediately update and correct that information. Misrepresentation in the application or failure to update any required information constitutes grounds to reject any application, revoke any notice of approval, and refuse to close any loan guaranty, loan participation, or issue bonds.

1580.2050 [Emergency] CRITERIA FOR APPROVAL OF ELIGIBLE FINANCIAL ASSISTANCE.

In determining whether to approve or deny an application for financial assistance, the board shall consider the following criteria:

A. the extent to which the project will further the economic development in Minnesota;

B. the extent to which the public financial assistance sought by the applicant under the program would provide the project with an unfair advantage in competing with other products produced or processed in Minnesota;

C. the viability of the project, including economic and commercial feasibility, technical feasibility, financial projections, and managerial capability;

D. conformity of the project to environmental standards;

E. the qualifications and credit history of the owners, operators, and lenders;

F. the nature and extent of the security;

G. the degree of financial participation by private persons not supported by the program financial assistance;

H. the availability of the board's bonding authority, proceeds, and money from other sources to support the financial assistance; and

I. the market conditions and terms required for the sale of any bonds or other financial assistance.

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.

1580.2060 [Emergency] GENERAL TERMS AND CONDITIONS OF LOAN GUARANTEES AND LOAN PARTICIPATIONS.

The loan guarantee or participation agreement between the state and the lender, and the loan agreement between the lender and the borrower must contain the following provisions, unless the board determines that the applicant has shown in writing that a required term or condition is not necessary to ensure the lender and the state of repayment according to the terms of the loan agreement according to generally accepted commercial lending practices:

A. Payments of principal and interest made by the borrower under the loan must be applied by the lender to reduce the loan on a proportionate basis, and the lender's or nonguaranteed portion may not in any event receive preferential treatment over the guaranteed or participated portion.

B. The lender shall not accelerate payment of the loan or exercise other remedies available to the lender if the borrower defaults, unless:

(1) the borrower fails to make a required payment of principal or interest;

(2) the board or its authorized representative consents in writing; or

(3) the acceleration is otherwise permitted in the loan guarantee or loan participation agreement.

In the event of default, the lender may not make demand for payment under the loan guarantee unless the board agrees in writing that the default has materially affected the rights or security of the board and lender and the board finds that the lender should be entitled to receive payment under the loan guarantee.

C. If a payment of principal or interest is made by the board upon default of the borrower, the board is subrogated to the rights of the lender with respect to payment.

D. The borrower shall have promptly prepared and delivered to the board annual audited or reviewed financial statements prepared by a certified public accountant according to generally accepted accounting principles.

E. Authorized representatives of the board must have access to the project site at reasonable times during construction and operation of the project.

F. The borrower shall maintain adequate records and documents concerning the construction and operation of the project in order that representatives of the board may determine its technical and financial conditions and its compliance with environmental requirements. The records shall include the amounts of all sales and use taxes paid on personal property and services purchased for the construction and operation of the project, with tax receipts furnished by the sellers or other supporting documentation determined by the board to be satisfactory. The amounts of these taxes must be reported to the board in the manner and at the times required by the board.

G. The borrower shall protect and preserve at all times the project assets and other collateral securing the loan and shall assist in liquidation of collateral to minimize loss in the event of default.

H. Orderly liquidation of assets of the project must be provided for in the event of default, with an option for the board to acquire from the lender the lender's interest in the assets under the nonguaranteed or nonparticipated portion of the loan.

I. The board must be paid at or before the closing of the guaranteed or participated loan a fee or fees for the loan guarantee or loan participation commitment to guarantee or participate in the loan. The aggregate fee may not exceed one percent of the total principal amount of the guaranteed or participated portion of the loan.

J. The lender shall perfect and maintain the mortgage lien on the real estate and the security interest in all personal property and collateral granted as security for the loan, and shall cause all other loan servicing functions to be performed that are normally required or performed by a reasonable and prudent lender with respect to a loan without a guarantee or participation.

K. The lender must notify the board in writing without delay of:

(1) the date, amount of, and use for each disbursement of loan proceeds;

(2) any loan payments that are ten or more days past due;

(3) any failure to honor a commitment by any person of an intended source of capital for the project; and

(4) any significant adverse changes from original cash flow projections as evidenced by reports from the borrower, or any other known evidence that the borrower might be unable to meet future required payment of principal or interest.

L. The board or the lender may determine that the loan is in default when:

(1) required payment of principal or interest is ten or more days past due;

(2) the borrower is or may become unable to meet in full the required principal or interest payments, or both, that are due or to become due within a specified period; or

(3) the board and the lender mutually determine and agree that the project is no longer viable and financially feasible.

M. The lender must service the loan and receive the payments of principal and interest. In the event of default, the lender must continue to service the loan if requested by the board to do so. Upon written approval of the administrator, the lender may sell or transfer the lender's portion of the loan or loan servicing functions.

N. The agreement must contain other terms and conditions that the board determines necessary and appropriate to carry out the purposes of Minnesota Statutes, chapter 41A.

1580.2070 [Emergency] PRINCIPAL AND INTEREST ASSISTANCE.

The board may at any time enter into a written contract with the borrower to provide principal and interest loan payment assistance under Minnesota Statutes, section 41A.03, subdivision 4.

1580.2080 [Emergency] ISSUANCE OF BONDS.

Subpart 1. **Bond resolution.** If the board intends to fund the eligible financial assistance by issuing bonds for a project under Minnesota Statutes, section 41A.05, subdivision 2, the board shall first pass a preliminary resolution. The preliminary resolution must not obligate the board to issue bonds or to fund eligible financial assistance, but must constitute an expression of current intention of the board to issue bonds or to fund eligible financial assistance. If the board subsequently determines that there are no adverse changes in the financial conditions or key personnel of the applicant or borrower, market conditions, availability of bond issuance authority, and other conditions that the board considers necessary, and the board decides in conformance with Minnesota Statutes, section 41A.01, and in accordance with generally accepted commercial lending practices to make eligible financial assistance available, the board shall pass a final resolution that authorizes the issuance and sale of bonds to extend eligible financial assistance to the project. The final resolution must specify the terms and conditions under which bonds will be issued. The preliminary resolution may contain a time limit with respect to issuance of bonds, may be revoked or amended by the board at any time before the final resolution of the board without liability to the board, and may impose any conditions or requirements that the board considers desirable. The administrator shall notify the applicant of the board's approval and provide the applicant with a copy of the resolution passed. Throughout this process, if the board does not extend financial assistance, the board has no liability to the applicant or borrower.

Subp. 2. **Bond reserve.** A bond reserve fund must be established by the borrower in order to provide additional security for the bonds. The reserve may come out of bond proceeds. The amount of the reserve must not be less than one-half of the annual amount that would be required to amortize the entire amount of the bonds over the term and at the interest rate (or at the rate of yield resulting from the interest rates) provided in the bond issue resolution.

1580.2090 [Emergency] OTHER ELIGIBLE FINANCIAL ASSISTANCE.

The board may provide other financial assistance in the form of municipal bond insurance, letters of credit, surety obligations, or similar agreements from financial institutions and other eligible financial assistance under Minnesota Statutes, section 41A.023.

1580.2100 [Emergency] OTHER ELIGIBLE FINANCIAL ASSISTANCE; CRITERIA.

No applicant is eligible to receive other eligible financial assistance unless the board has first passed a resolution designating the business as being in need of other eligible financial assistance. The resolution must include findings that the designation and receipt of the other eligible financial assistance will be of exceptional benefit to Minnesota in that at least three of the following criteria are met:

(1) in order to expand or remain in Minnesota, the business has demonstrated that it is unable to obtain suitable financing from other sources;

(2) other eligible financial assistance will enable the business which is not currently located in Minnesota, to locate a facility within Minnesota that directly increases the number of jobs within the state;

(3) the business will create or retain significant numbers of jobs within a community in Minnesota;

(4) the business has a significant potential for growth in jobs or economic activities within Minnesota within the ensuing five-year period;

(5) the business will maintain a significant level of productivity within Minnesota within the ensuing five-year period.

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1580.2110 [Emergency] CONTENTS AND REVIEW OF APPLICATION.

To apply for other financial assistance, the applicant shall comply with part 1580.2030 [Emergency]. The administrator shall review the application according to part 1580.2040 [Emergency].

1580.2120 [Emergency] SECURITY FOR OTHER ELIGIBLE FINANCIAL ASSISTANCE.

Security for other eligible financial assistance is as defined in Minnesota Statutes, section 41A.03, subdivision 1.

REPEALER. Minnesota Rules, parts 1580.0100 to 1580.0900 are repealed.

Department of Transportation

Proposed Permanent Rules Relating to Licensing of Hazardous Waste Transporters

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Department of Transportation intends to adopt the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.22 to 14.28, for adopting rules without a public hearing. The statutory authority to adopt these rules is *Laws 1987*, Chapter 393, Article 1, Section 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 rules 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 must state his or her name and address, and is encouraged to provide a telephone number and 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 14.14 to 14.20.

Comments or written requests for a public hearing must be submitted to: Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155, (612) 297-2913.

The proposed rules 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 rules as noticed.

The adoption of the proposed rules will not require the expenditure of public money by local public bodies as the rules will not apply to government agencies and political subdivisions.

The rules proposed for adoption relate to the following matters. The proposed rules repeat the requirement in the law that, with certain exceptions, no person may transport hazardous waste without a license. They also describe the categories of hazardous waste that may be transported without obtaining a hazardous waste transporter license. The exemption of those wastes is authorized by the statute, but is described in greater detail in the rules. The proposed rules describe the kind of information that will be required on the application forms for the license and the vehicle decals. The law requires a decal on each vehicle, and the rules describe where the decal must be placed on the vehicle. The rules restate the fees and insurance requirements imposed by the law. The proposed rules require transporters to notify the Commissioner of Transportation of changes in name, address, and telephone number, and to report each accident and each accidental release of hazardous waste involving motor vehicle transportation.

The proposed rules also require the applicant to sign statements accepting responsibility for knowing and complying with all state and federal laws and regulations that govern hazardous waste transportation. In addition, the applicant must certify that it has trained the drivers of hazardous waste vehicles in compliance with the federal hazardous material transportation regulations that are adopted by reference in *Minnesota Statutes*, section 221.033. The proposed rules will make failure to comply with reporting requirements grounds for revocation or suspension of the license.

The proposed rules will affect small businesses and all other businesses that transport hazardous wastes that must be transported with a manifest or shipping papers. The rules will require payment of a license fee of $500 every three years for each person (business, not per driver) that transports hazardous waste. That fee and the decal fee of $25 per vehicle per year are required by the law and are restated in the rules. The rules will require the transporter to fill out an application form or renewal form every three years, and a decal purchase form every year. They require the transporter to maintain insurance that meets the requirements of the U.S. Department of Transportation. In addition, each transporter that has not previously filed a certificate of insurance with the Minnesota Department of Transportation must do so in order to obtain a license. This is a new requirement for private carriers that transport hazardous waste and is required by the authorizing statute.

For motor carriers that are small businesses, there will probably be no increase in costs except for the cost of the fees themselves. Carriers now required by federal law to maintain insurance will continue to do so, so there will be no additional cost for insurance. Private carriers transporting hazardous waste will be required to report accidents to the commissioner. This is a new requirement with little or no cost. For-hire carriers are already subject to this requirement. As all carriers of hazardous waste are now required to comply with federal and state safety and hazardous material transportation regulations, there will be no increase in cost due to compliance with safety regulations.

A free copy of the rules is available upon request from Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155.

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 Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted 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 date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Elizabeth M. Parker, 815 Transportation Building, St. Paul, Minnesota 55155.

Dated: 9 November 1987

Leonard W. Levine, Commissioner
Minnesota Department of Transportation

Rules as Proposed (all new material)

8870.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

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

Subp. 3. **Department.** "Department" means the Department of Transportation.

Subp. 4. **Hazardous waste.** "Hazardous waste" means waste considered hazardous under Minnesota Statutes, section 116.06, subdivision 13.

Subp. 5. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 6.

Subp. 6. **Trailer.** "Trailer" includes a semitrailer and any other cargo-carrying unit.

Subp. 7. **Transport.** "Transport" means to move hazardous waste by motor vehicle over a public highway.

Subp. 8. **Vehicle.** "Vehicle" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 3.

8870.0200 SCOPE.

Subpart 1. **License required.** Parts 8870.0100 to 8870.1100 apply to the transportation of hazardous waste on a public highway. Except as provided in subpart 2, no person shall transport a hazardous waste without a license.

Subpart 2. **Exceptions.** The following hazardous wastes may be transported without a hazardous waste transporter license:

A. exempt wastes described in part 7045.0120;

B. farm pesticide wastes exempt under parts 7045.0213 and 7045.0304 that are disposed of in a manner consistent with the disposal instructions on the pesticide label;

C. wastes identified under part 7045.0131, subpart 6, items A and B, and exempted under part 7045.0133;

D. industrial ethyl alcohol that is reclaimed;

E. used batteries returned to a manufacturer for regeneration;

F. scrap metal that exhibits a hazardous characteristic but is being recycled;

G. used oil that does not contain a waste listed under part 7045.0135, and that does not exhibit a hazardous characteristic described in part 7045.0131, that is to be recycled; and

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H. spent lead-acid batteries that are being reclaimed.

8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

Subpart 1. **Application procedure.** An applicant for a license shall submit to the commissioner:

A. the information described in this part;

B. the fees described in Laws of Minnesota 1987, chapter 393, article 1, section 1, subdivision 1, paragraph (b); and

C. an insurance certificate under Minnesota Statutes, section 221.141.

Subp. 2. **Information required.** The applicant shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business;

B. the location from which applicant's transportation business is conducted;

C. the addresses of applicant's Minnesota terminals, if any;

D. the address of applicant's principal place of business;

E. the state where applicant's business is incorporated;

F. the applicant's mailing address;

G. if the applicant is a foreign corporation, the name and address of its agent for service of process, if any;

H. the names of corporate officers, general partners, associates, or other owners of applicant's business;

I. the name and phone number of a person who can answer questions about the applicant's transportation business;

J. the Environmental Protection Agency identification number of the applicant;

K. the Interstate Commerce Commission MC number of the applicant, if any;

L. the intrastate permit or certificate number of the applicant, if any;

M. whether the applicant's business is a corporation, partnership, association, or sole proprietorship;

N. whether the transporter is also a generator, recycler, or a treatment, storage, or disposal facility as defined in chapter 7045, or a combination of them;

O. other states in which the applicant has authority to transport hazardous wastes; and

P. a description of any conviction, plea of guilty, or payment of a civil or criminal fine for violating a law, ordinance, or regulation related to transporting hazardous waste.

Subp. 3. **Fee.** The license fee is $500.

Subp. 4. **Insurance requirements.** The applicant shall file a certificate of insurance with the commissioner. This certificate must state that the applicant's policy meets federal public liability requirements prescribed in Code of Federal Regulations, title 49, part 387.

8870.0400 HAZARDOUS WASTE TRANSPORTER LICENSE.

Subpart 1. **Issuance of license.** The commissioner shall issue a license to an applicant who meets the requirements of part 8870.0300. The license must be numbered and bear an effective date.

Subp. 2. **Maintenance of license.** The license must be maintained at the licensee's principal place of business and, upon request, must be available for inspection by the commissioner or law enforcement officer.

Subp. 3. **Duration.** The license expires three years from its effective date.

Subp. 4. **Transferability.** A license may not be transferred to another person.

Subp. 5. **Records.** The commissioner shall keep a record of each hazardous waste transporter license issued.

8870.0500 VEHICLE IDENTIFICATION DECAL REQUIRED.

A single-unit vehicle and each trailer used to transport hazardous waste must bear one valid and readily legible decal. The decal must be kept clean and legible.

8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

Subpart 1. **Information required.** An applicant for a decal shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business, mailing address, and telephone number;

B. the applicant's Minnesota hazardous waste transporter license number;

C. the name, address, and telephone number of a person who can answer questions about the applicant's transportation business;

D. if the licensee does not own the vehicle, the name and address of the owner;

E. the state and license number of vehicle registration;

F. the vehicle identification number;

G. the vehicle year and make; and

H. a description of the type of vehicle or vehicle combination.

Subp. 2. **Fees.** An applicant shall pay a fee of $25 for each decal.

8870.0700 VEHICLE IDENTIFICATION DECAL.

Subpart 1. **Issuance.** The commissioner shall issue a vehicle identification decal for each vehicle for which vehicle identification information is provided in an application.

Subp. 2. **Description.** Vehicle identification decals must be serially numbered and bear the month and year of expiration and the words "hazardous waste transporter."

Subp. 3. **Placement.** The decal must be affixed on the side of the vehicle opposite the driver and within three feet of the front of each trailer or the cargo part of the single-unit vehicle.

Subp. 4. **Duration.** The decal expires one year from the effective date of the decal or upon expiration of the person's hazardous waste transporter license, whichever occurs first.

Subp. 5. **Transferability.** A vehicle identification decal may not be transferred to another vehicle.

Subp. 6. **Department record.** The commissioner shall keep a record of each vehicle identification decal issued.

8870.0800 ACKNOWLEDGMENT.

Subpart 1. **Signature required.** An application for a hazardous waste transporter license or for a vehicle identification decal must be signed by a corporate officer, general partner, or sole proprietor. An application may not be signed by an agent or attorney.

Subp. 2. **Certification.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "I understand that the transportation of hazardous waste under the license or decal for which I am applying is subject to the Hazardous Waste Transporter License Law, Laws of Minnesota 1987, chapter 393, article 1; Minnesota Statutes, section 221.033; the federal motor carrier safety regulations; and the Minnesota Pollution Control Agency rules applicable to hazardous waste transportation. I understand and agree to comply with those laws, rules, and regulations."

Subp. 3. **Statement of truth and accuracy.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "The above information is, to the best of my knowledge, complete, truthful, and accurate."

Subp. 4. **Signature notarized.** The signatures of corporate officers and general partners must be notarized.

8870.0900 TRAINING.

Subpart 1. **Requirement.** The applicant or licensee shall instruct employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179.

Subp. 2. **Certification.** The applicant or licensee must sign the following statement: "I have complied with the requirement of Code of Federal Regulations, title 49, section 177.800, and have instructed my employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179."

8870.1000 REPORTING REQUIREMENTS.

Subpart 1. **Information change.** The licensee shall report to the commissioner within ten days any change in the following information:

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A. the licensee's name, including an assumed or fictitious name used by the applicant in doing business;

B. the licensee's physical business location;

C. the licensee's mailing address; or

D. the name and telephone number of a person who can answer questions about the applicant's transportation business.

Subp. 2. **Accident report.** Within 30 days after the occurrence, the licensee shall report to the commissioner, on a form prescribed by the commissioner, an accident involving a vehicle transporting hazardous waste that results in:

A. the death of a human being;

B. bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

C. total damage to all property aggregating $4,400 or more based on actual costs or reliable estimates.

Subp. 3. **Exceptions.** An accident does not include:

A. an occurrence involving only entering and leaving a stationary motor vehicle; and

B. an occurrence involving only the loading or unloading of cargo.

Subp. 4. **Report of hazardous waste incident.** A licensee must report hazardous waste incidents as required by Minnesota Statutes, section 221.034, and Code of Federal Regulations, title 49, sections 171.15 and 171.16.

Subp. 5. **Grounds for suspension, revocation.** Failure to comply with the requirements in this part is grounds for suspension or revocation of a license.

8870.1100 RENEWAL PROCEDURE.

Renewal applications must be made according to the procedure described in part 8870.0300 for new applications.

Department of Commerce

In the Matter of the Proposed Adoption of Rules Relating to Credit Unions

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 52.05.

All persons have 30 days to submit comments 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. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing 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 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 department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

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

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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

A copy of the proposed rules can be found in the November 2, 1987 *State Register* Vol. 12, #18 page 928 where the notice was originally published. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

In the Matter of the Proposed Adoption of Rules Relating to Real Estate Education

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 82.28.

All persons have 30 days to submit comments 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. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing 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 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 department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

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

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasona-

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bleness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules can be found in the November 2, 1987 *State Register* Vol. 12, #18 page 930 where the notice was originally published. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

State Board of Vocational Technical Education

Continuation of Emergency Rules of the State of Minnesota Governing Uncharted License Criteria; Automated Manufacturing Technology, Telecommunications Systems, Metallurgy Technology, Metrology Technology, Computer Aided Integrated Printed Circuit Technician, Laser/Electro Fiber Optics Technician, EKG/Cardiac Technician, Chiropractic Assistant, Public Safety Communicator, Quality and Productivity Management, Business to Business Telemarketing, Occupational Skills, Electronic Publishing/Information Specialist and Collision and Property Damage Appraisal, *Minnesota Rules* pt. 3515.5051 to 3515.5056, 3515.5058 to 3515.5062 and 3515.5064 to 3515.5066

Notice is hereby given that the Minnesota State Board of Vocational Technical Education is continuing in effect the above entitled rules pursuant to its general rule making authority, *Minnesota Statutes* 136C.04, subdivision 9.

The text of the rules was published in the *State Register* on December 29, 1986. The rules had the force and effect of law on September 31, 1986, five working days after approval of the Administrative Division of the Office of the Attorney General.

Pursuant to *Minnesota Statutes*, section 14.35 emergency rules are in effect for no longer than 180 days and may be continued in effect for an additional period of up to 180 days. The emergency rules will be continued in effect 180 days until March 31, 1988.

Helen Henrie, Deputy Director
State Board of Vocational Technical Education

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 Education

Adopted Permanent Rules Relating to Cooperative Secondary Facilities Grants

The rules proposed and published at *State Register*, Volume 12, Number 9, pages 358-362, August 31, 1987 (12 S.R. 358) are adopted as proposed.

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 of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to *Minnesota Statutes*,, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

Community Development Corporations

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on January 21, 1988 at 9:30 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on January 13, 1988, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the

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180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

(1) That members of those classes are unable to obtain insurance through ordinary means;

(2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business; and

(3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register.*

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* Parts 1400.5100-1400.8400).

Anyone wishing to oppose activation beyond 180-days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

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 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, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Dated: 13 November 1987

Michael A. Hatch
Comissioner of Commerce

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. ADMINISTRATIVE LAW JUDGE. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. NOTICE. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Health Maintenance Organizations

Notice is hereby given that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to amend rules governing health maintenance organizations (Chapter 4685). The areas to be addressed include, but are not limited to, the following: financial responsibility, subrogation and coordination of benefits, filing requirements and procedures, continuation of group coverage, annual report forms, filing and renewal fees, coverage of custodial and emergency care and of experimental procedures, coverage of organ transplants, medical necessity of services, utilization review, case management, provider terminations and additions, coverage for referrals, geographic service area, quality evaluation, provider and management contracting, complaint systems, employer risk sharing, combination plans, and cancellation or restriction of coverage. The promulgation of these rules is authorized by *Minnesota Statutes* section 62D.20.

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

Robin Lackner or Dawna Tierney
Alternative Delivery Systems
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440

Oral statements will be received during regular business hours over the telephone at 623-5608 or 623-5607 and in person at the above address.

Department of Human Services

Chemical Dependency Program and Mental Health Divisions

Notice of Legislative Hearing on the Federal Alcohol, Drug Abuse and Mental Health Block Grant, and the Availability of a Statement Describing the Intended Use of Funds—Federal Fiscal Year 1988

Notice is hereby given that the Health and Human Services Division of the Senate Finance Committee will conduct a public

hearing on the use of the Federal Alcohol, Drug Abuse and Mental Health Block Grant. The hearing will be held December 1, 1987 at 9:00 a.m. in Room 118, State Capitol.

Notice is also given that the Department of Human Services has available a Description of Intended Use for funds available to the State of Minnesota from the Federal Fiscal Year 1988 Alcohol, Drug Abuse and Mental Health Block Grant. This description is being made available to the public for comment in accord with Title XIX, Part B of the Public Health Services Act.

All interested or affected persons or groups are invited to comment. Copies of the description are available from:

Sheila Vadnais
Chemical Dependency Program Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3823
(612) 296-3991

Comments on the proposed plan may be directed to the same address and phone number. Oral requests and comments will be received during normal business hours.

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: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Computer Equip. (BV)	November 30	Natural Resources	St. Paul	29003 04498-1
Sound Repro Equip. (PA)	November 30	Jobs & Training	St. Paul	21200 16831
Stage Draperies & Install (LP)	November 30	Winona Univ.	Winona	26074 11949
Generator (PA)	November 30	Natural Resources	St. Paul	29000 49090
Office Supplies (AW)	November 25	Central Stores	St. Paul	Price Contract
Data Capture System (BV)	November 25	Jobs & Training	St. Paul	21200 10950
Road & Parking Lot (JS)	November 25	IRRRB	Calumet	43000 09310
Railroad Abutments (JS)	November 25	IRRRB	Calumet	43000 09315
Unisys Micro (BV)	November 25	State University	Mankato	26071 17875
All terrain vehicle (DM)	December 1	Natural Resources	Grand Rapids	29 000 46867
Infrared Spectrophotometer (JG)	December 1	State University	Bemidji	26 070 13419

State Designer Selection Board

Request for Proposal for a Project at the University of Minnesota, Minneapolis, Minnesota

TO REGISTERED PROFESSIONALS IN MINNESOTA:

The State Designer Selection Board has been requested to select designer **for a Project at the University of Minnesota.** Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., **December 15, 1987,** to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.

2. All data must be on 8½" x 11" sheets, soft bound.

3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4. **Mandatory Proposal contents in sequence:**

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. **Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.**

5. **Statutory Proposal Requirements:**

In accordance with the provisions of *Minnesota Statutes,* 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. **The proposal will not be accepted unless it includes one of the following:**

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; **or**

b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; **or**

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; **or**

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6. In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of $200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; **or**

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

8) **PROJECT—31-87**
Maintenance Projects
University of Minnesota
Minneapolis Campus Heating Plants

An Engineer is required to perform design services for deferred maintenance projects of various natures at the University's Minneapolis Campus Heating Plants. The sum of the various projects total approximately $1,000,000.00 of maintenance construction work. Funding for these projects has been provided from the University's general operation and maintenance appropriation for deferred maintenance.

A brief description of the major projects to be included in the Engineer's scope of work is as follows:

a) Design a new mechanical ash exhaust system for the Minneapolis Heating Plant to replace the steam ejection system. This will include installation of a vacuum pump and bag filter and removal of obsolete equipment.

b) Design for the modification and reconstruction of the coal hopper, addition of coal reclaimers, a crusher addition and retaining wall, and removal of the trestle.

c) Perform a review and possible redesign of the baghouses and baghouse I.D. fans on boilers 4 and 5 and 1, 2 and 3 to determine if greater output of these boilers is possible while using the baghouse system.

d) Design and installation of a ventilation system for tunnel cooling on the Minneapolis campus to provide fresh air to reduce heat stress conditions in tunnels. This shall be a phased project.

e) Design for the addition of soot blowers on Number 3 boiler at the Southeast plant.

Questions concerning this project may be referred to Clint Hewitt at (612) 625-7355.

Damon Farber, Chairman
State Designer Selection Board

Department of Health

Request for Proposals for Development of Case Management Protocol(s) and Training Module

The Minnesota Department of Health (MDH) wishes to retain a contractor to develop a model for case management/service coordination in the State of Minnesota. At the present time, there are at least fifteen maternal and child health projects in community health service (CHS) agencies that are providing case management activities for children with special needs and their families. In addition, it is known that many other service providers, including Services for Children with Handicaps (SCH), Interagency Early Intervention Committees, local departments of Special Education as well as regional Education Cooperative Service Units (ECSU's), and medical care providers are serving as case managers or service coordinators. Given the variety of agencies providing service coordination activities for young children and their families, there is a need to identify appropriate roles for CHS agencies and the SCH Program in the overall service coordination system.

The contractor will be required to complete the following tasks:

1. Conduct a statewide survey to ascertain existing activities being conducted under the category of case management/service coordination. Identify the components of service coordination within local settings, the extent to which these efforts are multidisciplinary and/or collaborative, and the amount and types of parent involvement.

2. Conduct a review of state of the art models of service coordination, drawing from the existing literature and exemplary programs

throughout the country. This review should be addressed from a multi-disciplinary perspective, drawing on models of interagency collaboration and parent involvement, and researching existing forms of case management within the educational and social services systems as well as health.

3. Gather in-depth information on the components of case management services in at least five settings across the state (i.e., role clarification for SCH and CHS agencies, goals, outcomes, collaborative efforts). Consultation fees should be built into the project budget to allow local CHS staff involved in case management activities time to meet with project staff in order to share their models of service coordination.

4. Assimilate this information into a written report outlining the salient aspects of case management and standards of care for case management/service coordination, with special emphasis on the identification of appropriate roles for CHS agencies and the SCH Program in the overall case management system.

5. Identify the training needs for service coordinators within Minnesota. Develop a training component for CHS and SCH service providers based on the information gathered in Items 1-4. This component should consist of:

a. Curriculum/training module. A suggested format would include a case study presentation that could be addressed at a local service level.

b. Training materials (either written or audio) to supplement (a).

6. Plan and execute three local/regional workshops for the purpose of dissemination of the training module developed in #5.

PROJECT START AND COMPLETION DATES

This project will begin no later than March 1, 1988. The final activities, including all training workshops, must be completed by September 30, 1988.

PROJECT COSTS

It is anticipated that the cost of this project will not exceed $85,000 for professional services and expenses.

Proposals must be received by the Department of Health by 4:30 p.m., Monday, December 22, 1987. A copy of this Request for Proposal is available upon request. Inquiries and requests should be directed to:

Ms. Marty Smith, Principal Planner
Maternal and Child Health Division
Minnesota Department of Health
717 SE Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5538

Department of Human Services

Notice of Request for Proposals for Special Focus-Indian Child Welfare Programs

The Department of Human Services is seeking proposals for Indian child welfare programs which have a Special Focus on service areas of particular concern to the Indian community. The goals of these programs are consistent with those of the federal Indian Child Welfare Act and the state Indian Family Preservation Act. These goals refer to services which enhance family function and prevent the separation of Indian children from their families through foster care. Services which are included in the Request for Proposals are directed at permanancy planning, teenage pregnancy, independent living skills, child abuse and chronic neglect of children, coordination of child welfare and mental health services, youth suicide, information dissemination on successful service approaches, family retrieval, and other activities and services approved by the Commissioner of Human Services.

Local social service agencies, tribes, Indian organizations or any other social service organization may submit proposals for Special Focus-Indian Child Welfare Grants. Proposals may be submitted alone or in combination with other tribes or Indian organizations. Preference will be given to programs that use Indian staff, contract with Indian organizations or tribes, or whose proposed program is a joint effort between the Indian and non-Indian community.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposal. A maximum grant award of $100,000 per year will be made to approved programs. Awards will be made on the basis of criteria which includes the following: documented need for program, program goals and measurable objectives, expected outcome, organizational and fiscal stability, successful agency experience in the provision of Indian social services and program cost.

The Request for Proposals containing specifications and application forms may be obtained from the Department of Human Services. The deadline for submission of proposals is 4:00 p.m. January 4, 1988. Please direct proposals and questions to:

Frances Felix
Community Social Services Division
Department of Human Services
Space Center Building
444 Lafayette Road
St. Paul, MN 55155
Phone: (612) 297-2710

Department of Natural Resources

Request for Proposals for Riverboat Concession, Fort Snelling State Park

The Minnesota Department of Natural Resources, in cooperation with the Minnesota Historical Society, is requesting proposals to provide the private sector an opportunity to operate a riverboat concession at Fort Snelling State Park. The State acknowledges the important historic and recreational value of this concession and welcomes all interested parties to submit proposals. This Request for Proposal does not obligate the State to make an award. The State reserves the right to reject any and all proposals submitted.

A. **SCOPE OF PROJECT**

The riverboat shall be an authentic paddle wheel riverboat and will operate year round as a fine dining restaurant and provide daily cruises on the Mississippi River during the months of May through October. It is desired that the riverboat be large and handicap accessible to all decks. The vessel should seat a substantial number of people for dining and provide for formal dining in addition to informal or a more casual dining menu. The vessel will be staffed 24 hours per day for security and provide its own on board fire fighting capabilities.

B. **PROJECT REQUIREMENTS/CRITERIA**

The Department of Natural Resources criteria for use of the property by non-State interests include the following:

1. The area must remain open to the public as an historical and recreational site.

2. Plans for development and operation of facilities and the vessel on the site must be approved by the Department of Natural Resources and the Minnesota Historical Society.

3. Channel dredging costs, including maintenance dredging, and necessary state and federal permits will be the responsibility of the concessionaire.

4. Construction and maintenance costs of mooring pilings and dock facilities will be the responsibility of the concessionaire. The concessionaire will have exclusive rights to the mooring facility, but will not have exclusive rights to the channel.

5. Construction and maintenance costs of all utilities required for the concession will be the responsibility of the concessionaire, to include electricity, telephone, water and sewage. All utilities shall be underground where feasible.

6. Construction of a new parking lot for 100-150 cars will be required. Costs will be the responsibility of the concessionaire. The location of the parking has been determined by the Department of Natural Resources.

7. All costs for support facilities, trails, service roads, etc., will be the responsibility of the concessionaire, and such facilities shall be approved by the Department of Natural Resources and the Minnesota Historical Society.

8. All costs for improvements or repairs to the park road system needed as a result of the project will be the responsibility of the concessionaire.

9. Upon termination of the concession, all permanent fixtures, utilities and/or improvements on land will become the sole property of the State.

10. All applicable laws, rules and regulations must be complied with.

11. If the concessionaire is interested in serving alcoholic beverages, special legislation or rule change is required.

12. A Minnesota State Park vehicle permit (park sticker) is required for motor vehicle entry into the area.

13. All applicable taxes must be paid by the concessionaire.

14. All licenses and permits required for operation and/or construction shall be the responsibility of the concessionaire.

15. If the concessionaire is interested in a long-term concession beyond ten years, special legislation would be required to achieve this need.

C. **DEPARTMENT CONTACTS**

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

William Weir
Minnesota Department of Natural Resources
Regional Park Manager
1200 Warner Road
St. Paul, MN 55106
(612) 296-2553

Other department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

D. **SUBMISSION OF PROPOSALS**

All proposals must be sent to and received by:

William Weir
Minnesota Department of Natural Resources
Regional Park Manager
1200 Warner Road
St. Paul, MN 55106

not later than 2:30 p.m., December 23, 1987. Late proposals will not be accepted. Submit two copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm.

Responders should write the following note in the lower left-hand corner of the mailing envelope or package: "RFP–FT. SNELLING; DEC 23, 1987".

E. **PROJECT COMPLETION DATE**

The riverboat and related facilities shall be operational and open to the public within two years of the date which a formal concession agreement is approved by the Attorney General.

F. **PROPOSAL CONTENTS**

The following will be considered minimum contents of the proposal:

1. A restatement of the scope of project to show or demonstrate the responder's view of the nature of the project.

2. Identify and describe the proposed development and/or service to be provided by the responder, the length of time required to build necessary facilities, the length of the lease of state property requested, and any door charge anticipated for guests beyond food charges.

3. Outline the responder's background and experience on local, state, or federal government work. Identify personnel to conduct the project, and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.

4. Responder will include a detailed cost and work plan which will identify major goals to be accomplished, and be used as a scheduling and managing tool.

5. Identify the level of the Department of Natural Resource's participation in the project as well as any other services to be provided by the State.

6. Identify terms of payment to the State for the privileges of operating the concession and estimate the revenue which will be generated to the State.

G. **EVALUATION**

All proposals received by the deadline will be evaluated by representatives of the Department of Natural Resources. An interview panel may be established as part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.

4. Qualifications of both company and personnel.

Evaluation and selection will be completed by January 21, 1988. Results will be sent immediately to all responders.

H. **CONCESSION AGREEMENT**

A subsequent concession agreement will be negotiated between the concessionaire and the State and is subject to approval by the Attorney General.

Department of Transportation

Notice to Consulting Engineers—Registered Civil and Structural

The Minnesota Department of Transportation (Mn/DOT) anticipates retaining Bridge Design Consultants to design and prepare construction plans for a limited number of bridges of average complexity during 1988.

Applicants must have an office in Minnesota staffed to handle the work. Recent experience in the production of bridge plans for the State Highway System, the County State Aid Highway System, or equivalent, is required.

Eligible design firms desiring to be considered as design contractors are asked to submit a brochure or resume giving qualifications and experience to D. J. Flemming, State Bridge Engineer, 610D Transportation Building, Mn/DOT, St. Paul, Minnesota 55155. Identify personnel to conduct the work and detail their training and experience. Brochures and resumes will be received until 3:00 p.m., December 11, 1987. Applicants may be requested to interview at the Mn/DOT Building in St. Paul.

Names of selected firms will be retained on file with Mn/DOT for consideration during 1988.

State Board of Vocational Technical Education

Notice of Request for Proposals for Professional Consultant Services Contract

The Minnesota State Board of Vocational Technical Education, Office of Human Resources Development is soliciting proposals for the development of an administrators leadership program model and delivery options of this program for current secondary vocational administrators.

The contractor will provide the following services as a minimum for proposal contents:

1. Conduct a needs assessment of secondary vocational administrators (10 points) * ; gather job descriptions of current administrators (10 points); review the literature (10 points); and identify a process(es) in which the program components are to be identified (15 points). Written Products: Summary of assessment results; summary of job descriptions; summary of literature findings; summary of process results; and the identification of program content components.

2. Review and analyze existing educational administrator leadership models (10 points); and identify a program delivery model. Written Products: Summary of existing models.

3. Review recent funding changes providing dollars available for secondary educators for professional development. Review the report from the Minnesota Education for Employment Task Force. Review long range plan and annual plan for secondary vocational education.

4. Provide a plan to develop and implement the identified administrator leadership components to secondary vocational education adminstrators (10 points).

5. Work with an advisory/task force to provide insight and guidance in this program's development (5 points).

6. Provide timelines of activities and products to be completed for this contract (15 points).

7. Additional tasks or activities may be added if they will substantially improve the results of the project (15 points).

Required qualifications of the consultant:

Provide name, qualifications for each employee assigned to the project; describe experience with secondary vocational education in Minnesota; and no change in personnel assigned to the project will be permitted without the written approval of the State Project Director (10 points). Experience in providing leadership development programs to adults (5 points). References provided regarding projects of similar nature (15 points).

* Evaluation: Each item will be rated up to the maximum in (parenthesis) noted above. Bidders may be invited to present their proposals. Evaluation and selection will be completed by January 21, 1987. Results will be sent immediately by mail to all responders.

The estimated amount available for this contract is not to exceed $3,500.00. Services are to be completed by March 1, 1988.

Proposals for the above contract are to be received by 4:00 p.m., December 31, 1987. Submit 3 copies of the proposal. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Address sealed proposals to: RFP Response, Attention: JoAnn Akemann-Chein, Human Resources Development Specialist, State Board of Vocational Technical Education, 550 Cedar Street, St. Paul, MN 55101.

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.

Anoka County

Attention Computer Applications Consultants

Anoka County is seeking assistance in analyzing the feasibility of developing a Comprehensive Criminal Justice Computer System.

This system is intended to result in a common database that would provide a compatible integrated system encompassing the following departments: Central Communications, Sheriff, Corrections, County Attorney and Clerk of Courts.

Firms/consultants interested in assisting the County's Criminal Justice System Task Force in researching sources and developing recommendations for an effective and efficient computerized system should provide data relating to their general background and expertise in this area to:

Anthony C. Palumbo, Chairman
Criminal Justice System Task Force
Anoka County Attorney's Office
325 East Main Street
Anoka, MN 55303

ALL RESPONSES MUST BE RECEIVED BY DECEMBER 11, 1987.

Tim Yantos
Deputy County Administrator

Ramsey County

Notice for Prequalifications for Highway Reconstruction Preliminary Engineering—Design

Ramsey County Public Works Department proposes the reconstruction of Centerville Road (CSAH 59) from T.H. 96 to County Road J in White Bear Lake, North Oaks and White Bear Township.

The Department of Public Works, in cooperation with the Cities of White Bear Lake, North Oaks, the Town of White Bear and the Minnesota Department of Transportation's Office of State Aid requires the services of a qualified consultant for preliminary engineering and preparation of detailed plans for the reconstruction of County State Aid Highway (CSAH) 59 (Centerville Road) located between I-35E and County Road J.

The services required are the preparation of field surveys, soil analysis and structure alternatives, detailed design plans, and specifications for County State Aid Highway contract award. The consultant will also be required to conduct public meetings and secure approvals from the municipalities and the Minnesota Department of Transportation's Office of State Aid.

Consultants should submit six copies of their prequalification brochure and/or experience resume, including federal forms 254 and 255, by December 11, 1987. The brochure and resume shall be limited to 20 pages. This is not a request for proposal. The prequalifications will be used by the County as a mechanism for selecting which firms will be invited to prepare proposals for the construction plans preparation work. The County anticipates requesting formal proposals and interviews from five firms. The consul-

tants will be evaluated based on the interviews and proposals. The selection committee will make a recommendation to the Ramsey County Board by January 8, 1988.

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

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

December 1987

Compiled by Mary D. Flynn, (612) 297-4050

Monday 30 November 1987 9:00 AM

C5-86-2081 In the Matter of the Welfare of K.S., (Attorney for the Appellant: Jeffrey A. Hassan of Hassan & Reed, Ltd.) (Attorney for the Respondent: Thomas L. Johnson Hennepin County Attorney).
Opinion Court of Appeals

Is a minor child's bank account, established through a personal injury settlement, to be considered as liquid assets and resources for purposes of medical assistance eligibility?

Is Hennepin County entitled to reimbursement from K.S., for payments made by Hennepin County for her care and treatment?

Is Hennepin County entitled to reimbursement to the extent that K.S.'s parents used money from her bank accounts to pay their own cost of care obligation?

Did the Hennepin County Juvenile court have jurisdiction to rule on the parties motions for declarative and substantive relief?

Tuesday 1 December 1987

C5-87-664 STATE of MINNESOTA, Respondent (Attorney: Thomas L. Johnson) **vs. GRAILON LEON WILLIAMS, Appellant** (Attorney: C. Paul Jones, State Public Defender).
Judgment Hennepin County

Was the evidence insufficient as a matter of law to sustain appellant's conviction where the evidence failed to dispel all reasonable doubt as to appellant's guilt?

Was the appellant denied a fair trial and due process of law where the plea agreements entered into with the State's chief witnesses obligated them to testify?

Is the appellant entitled to jail credit for time spent in custody from the date of his arrest to the date of his sentencing?

C6-86-2087 LARRY I CHARSON, petitioner, Appellant (Attorney: Alan G. Greenberg) **vs. TEMPLE ISRAEL, Respondent** (Attorneys: Richard A. Lind of Lommen, Nelson, Cole & Stageberg and Leo G. Stern of Fredrikson & Byron).
Opinion Court of Appeals

Did the trial court err in refusing to vacate the dismissal of this action entered pursuant to the automatic dismissal rule created by the Hennepin County District Court?

Is the automatic dismissal procedure inconsistent with Rule 41.02 of the Minnesota rules of civil procedure?

Does the automatic dismissal procedure offend the due process clauses of the United States and State of Minnesota Constitutions?

Wednesday 2 December 1987 9:00 AM

C8-87-1274 SOUTH BRYN MAWR HIGHWAY COMMITTEE, et al., etc., petitioners, Appellants (Attorney: Jeffrey P. Anderson

of Nichols, Kaster & Anderson) **vs. MINNESOTA DEPARTMENT of TRANSPORTATION, Respondent,** (Attorney: Lloyd J. Moosbrugger and John B. Galus, Assistant Attorneys General) **MINNESOTA POLLUTION CONTROL AGENCY, Respondent** (Attorney: Jocelyn F. Olson, Assistant Attorney General).
Order Hennepin County

Does the noise exemption provision contained in *Minnesota Statutes* §161.125 subd. 1, as amended satisfy the single subject rule of Art. IV, §17 of the *Minnesota Constitution*?

C0-87-1608 THOMAS S. HANSON, Plaintiff (Attorney: Mark A. Munger of MacDonald, Munger, Downs & Munger) **vs. AMERICAN FAMILY MUTUAL INSURANCE COMPANY, Defendant** (Attorney: Brian R. McCarthy of Donovan, McCarthy, Crassweller & Magie, P.A.).
Certified Question United States District Court
District of Minnesota, Fifth Division

Does *Minnesota Statutes* §65B.49 Subd. 3(a)(7) preclude uninsured motorist coverage when the injured claimant is riding on an uninsured motorcycle at the time of the injury?

Thursday 3 December 1987 9:00 AM

C0-87-1429 MICHAEL FREEMAN, Appellant, (Attorney: James M. Shultz) **vs. Q PETROLEUM CORPORATION et al., Respondents** (Attorney: Robert H. Peahl of Peahl & Day).
Order Hennepin County

What statute of limitations applies to a claim made pursuant to *Minnesota Statutes* §181.75 subd. 4?

C1-79-50111 In the Matter of the Application for the Reinstatement of JAMES L. WEGNER, as an Attorney at Law of the State of Minnesota
Application for Reinstatement

Monday 7 December 1987 9:00 AM

C3-87-369 STATE of MINNESOTA, petitioner, Appellant (Attorney: John C. Hoffman Mille Lacs County Attorney) **vs. DONALD WILLIAM WARREN, Respondent** (Attorney: C. Paul Jones State Public Defender).
Opinion Court of Appeals

Did the trial court err in awarding one criminal history point for misdemeanor convictions where the record on a necessary conviction did not contain a factual basis for the plea?

CX-87-224 DIANA MANDELL VOSS et al., Respondents (Attorney: Brad A. Johnson Assistant Ramsey County Attorney) **vs. JOHN DUERSCHERL, father of TERRY ALLAN DUERSCHERL, deceased, et al., petitioners, Appellants** (Attorney: Mary L. Knoblauch of Maun, Green, Hayes, Simon Johanneson and Brehl).
Opinion Court of Appeals

Did this paternity action survive against the father and siblings of the deceased putative father?

Are the relatives of the deceased putative father proper parties to this paternity action?

Is requiring appellants to submit to blood testing an impermissible retroactive application of an amendment to *Minnesota Statutes* §257.62 subd. 1, that was passed after the putative father's death?

Does an application of *Minnesota Statutes* §257.62 subd. 1, to appellants violate their constitutional due process rights.

Are respondents collaterally estopped from bringing a motion to compel blood testing?

Did Respondents waive any right they may have to compel blood testing of appellants?

Tuesday 8 December 1987 9:00 AM

CX-87-871 STATE of MINNESOTA, Respondent (Attorneys: Marcy S. Crain and M. Katherine Doty Assistant County Attorneys) **vs. RAMON FLORES, Appellant** (Attorney: C. Paul Jones Minnesota State Public Defender).
Judgment Anoka County

Was the evidence insufficient as a matter of law to sustain the verdict of first degree murder?

Did the trial court properly instruct the jury on premeditation and the intoxication defense?

Did the evidentiary rulings of the trial court deprive appellant of his constitutional right to due process and a fair trial when the trial court refused to allow expert testimony on intoxication, admitted non-Spreigl evidence which was part of the occurrence out of which the murder arose and allowed the State to introduce a replica of the murder weapon as demonstrative evidence?

Supreme Court Calendar

Wednesday 16 December 1987 9:00 AM

C4-85-1848 In Re proposed Rules Governing Access to Records of the Judiciary.
Hearing to Consider Adoption of Proposed Rules

Supreme Court Decisions

Decisions Filed Friday 13 November 1987

C6-87-981 St. Paul Fire & Marine Insurance Company v. Norman Perl. Hennepin County.

An indemnification and "hold harmless" agreement entered into between an attorney and his law firm extinguishes the subrogation rights of the firm's insurer for claims paid as a result of the attorney's breach of fiduciary duty to his clients when the actions were taken in good faith and believed to be in the firm's best interests.

Certified question answered in the affirmative. Yetka, J.

Dissenting, Wahl, Kelley, JJ.

Took no part, Coyne, J.

CX-87-1749 State of Minnesota v. John Norbert Neisen, petitioner Appellant. Court of Appeals.

Minn. Stat. § 340A.503 (1986), making liquor sales to underage persons unlawful, retains the so-called "carding" defense whereby the defendant vendor may show that he or she attempted to determine the purchaser's age by a bona fide examination of the purchaser's documentary proof of age as specified in subdivision 6 of the statute.

Reversed. Simonett, J.

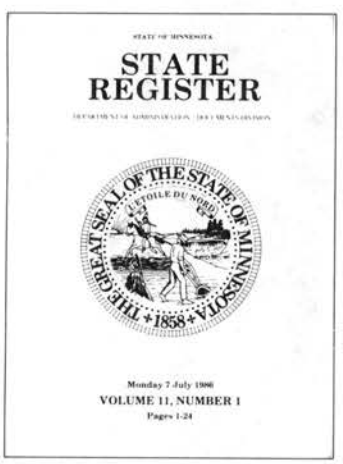
Took no part, Scott, J.

Announcements

Arts Board Announces New Folk Arts Programs: The Minnesota State Arts Board is accepting applications for two new grant opportunities in its Folk Arts program. The Arts Board now offers **Folk Arts Apprenticeships,** in which apprentices may study a traditional art form with a recognized master artist. The **Folk Artists Directory,** which will feature outstanding Minnesota folk artists interested in performance and presenting throughout the state, is another new component of the program. The **Folk Arts Apprenticeship Program (Deadline: January 11, 1988)** is designed to provide support to help master folk artists teach their skills to promising apprentices. The apprenticeship program will encourage the transmission of folk arts skills by traditional means, from one folk artist to another. Under this program, the applicant for the grant is the apprentice, but the master is also involved in the application process. Applications will be accepted from apprentices working within all folk arts traditions, including singing, music, dance, storytelling, creation of traditional objects, needlework, and the various decorative arts practiced by ethnic groups. Funds may be used for the master's fees, or for apprentice expenses, such as transportation and supplies. The **Minnesota Folk Artists Directory (Deadline: February 12, 1988)** will be a juried list of folk artists from throughout the state who are interested in public performance opportunities. The Arts Board is compiling the directory as a resource for state and local organizations interested in presenting the folk arts, but unable to locate qualified Minnesota folk artists. This directory will be distributed on request to arts programmers throughout the state. In order to be listed in the directory, folk artists must submit work samples for evaluation by a panel of folk arts experts. A listing in the directory will not guarantee employment, but will increase an artist's visibility and offer the opportunity to reach new audiences. Application forms are available from the Minnesota State Arts Board, 432 Summit Avenue, Saint Paul, MN 55102. Questions about either of these new programs should be directed to Philip Nusbaum, Folk Arts Program Associate at (612) 297-2603. Artists calling from greater Minnesota may use the state's toll-free line at (800) 652-9747, and ask for the Arts Board.

Environmental Quality Board: Environmental Assessment Worksheets (EAWs) due December 16 and their respective regional governing authority are: Woodlane Place, City of Woodbury; Your Haven Resort, Stearns County; NBA Arena and Health Club, City of Minneapolis; National Kayaking Center/St. Louis River, Carlton County; Earl B. Olson Farms (1987), Meeker County and Trout Brook Interceptor, MPCA (MN Pollution Control Agency). Notice is given of a change in the hearing schedule in the application of Bayport Marina to increase by 55 the number of motorcraft moored at its marina in Bayport. The first day of hearing will not be on Wednesday, November 18, 1987, but rather on Thursday, November 19. Members of the public hearing are asked to present their testimony on Tuesday, November 24, 1987, when the hearing again will be in the West Conference Room in the Washington County Courthouse beginning at 9:30 a.m. For more information contact *EQB Monitor* editor Gregg Downing at (612) 296-8253.

The Great Minnesota Ski Pass Purchase Simplified: As in the past, a Minnesota Cross-country Ski Pass is required of persons between the ages of 16 and 64 when using any one of over 200 public ski touring trails in Minnesota. But several changes have taken place to make that purchase easier. You can now buy a ski pass with a VISA/MasterCard or through the mail using a check or money order. After Nov. 16, they will also be available for purchase in person at most state parks, from all county auditors and from over 200 local businesses and parks. An annual individual ski pass costs $5.30; a husband/wife combination is $7.95. A three-year, individual ski pass costs $14.84; a husband/wife combination is $22.26. All prices include sales tax. Proceeds help post signs at and groom and maintain cross-country ski trails throughout the state. Operators are ready to process phone orders, clarify mailing procedures and identify local ski-pass outlets. Call (612) 296-6699 in the Twin Cities or toll-free in Minnesota 800-652-9747 from 8:00 a.m. to 4:30 p.m. weekdays. Ask for "THE GREAT MINNESOTA SKI PASS."



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

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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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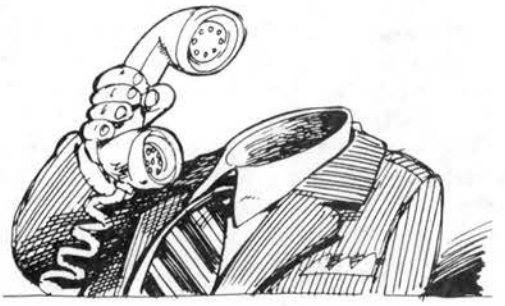
Ever called and been transferred to this guy?

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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Department of Commerce Regulated Profession Publications

Banking Laws 1986. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 $29.95

Business and Nonprofit Corporation Act 1987. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 $10.00

Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 $5.00

Insurance Laws 1986. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1 $14.95

Insurance Rules 1986. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 $14.00

Notary Public Laws 1987. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 $4.00

Real Estate Laws 1987. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 $6.00

Real Estate Rules 1987. Contains all education and licensing requirements for agents. Chapters 2800.2805, and 2810. Code #3-99 $8.00

Securities Laws 1987. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 $6.00

Securities Rules 1987. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 $13.00

Banking Rules 1987. New rules are expected in early fall '87. Call then for more information.

Uniform Commercial Code 1986. Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 $10.00

Mailing Lists. All kinds available. A catalog will be available in late summer '87. Call to receive a copy, (612) 297-2552 or 296-0930.

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Pheasants in Minnesota

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

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



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Minnesota: national leader in education

101 Ways to Promote Academic Excellence

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

Education Directory, 1986-87

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

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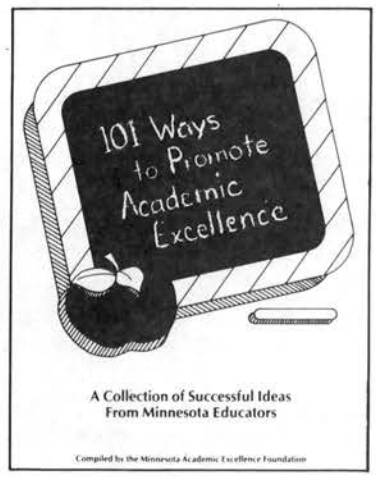

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Buying Or Selling?

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

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

Mailing Lists. We have a large variety of mailing lists, in many formats. A new catalog is being developed. Call or write if you wish to receive a copy when it is updated.



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Complete attached order blank. Include either your VISA/MasterCard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your VISA/MasterCard or if you have a customer deposit account. Please include a phone number where you can be reached during the day in case we have questions about your order.
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Successful business means successful sales

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

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

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

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

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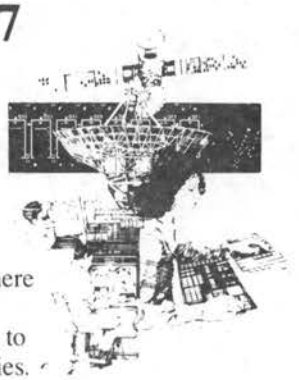
Minnesota Manufacturer's Directory 1986-87



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

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





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

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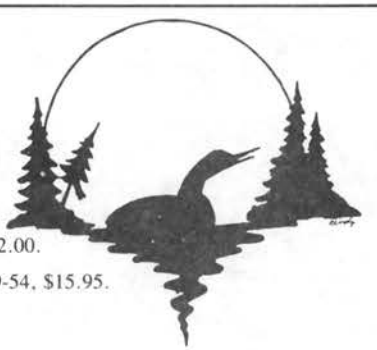
Voices of the Loon



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

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

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, $15.95.

Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, $6.95.

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

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

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

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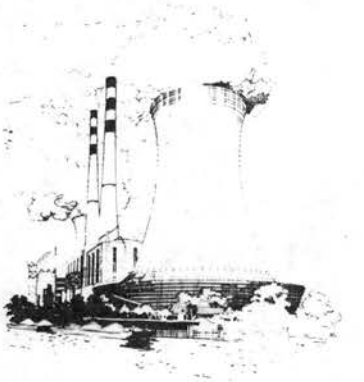
Minnesota's future environment

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



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

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

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Career Opportunity Bulletin, 1 year	$ 20.00	90-3
Career Opportunity Bulletin, 6 mos.	$ 15.00	90-4
Human Services Informational and Instructional Bulletin	$100.00	90-6
Human Services Bulletin List	$ 30.00	90-7
PERB (Public Employee Relations Board) Awards	$285.00	90-9
PERB (Public Employee Relations Board) Decisions	$ 60.00	90-10
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	$135.00	18-8
State Register, 1 year	$130.00	90-1
State Register, 3 mos. trial can be converted to a full subscription for $90 at end of trial	$ 40.00	90-2
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Selling business and financial services to physicians?



Physicians Directory 1985

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

Medical Alley Directory 1986

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

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For Real Estate Professionals:



REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. $8.00

REAL ESTATE LAWS 1987

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. $6.00.

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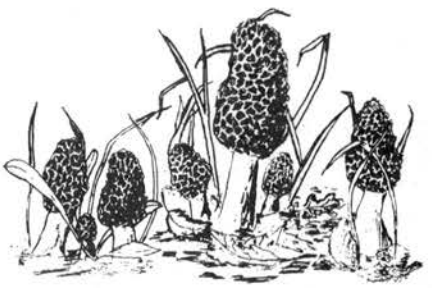

Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, $12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, $9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, $8.50.

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

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NOTARY PUBLIC LAWS

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

Jane Smith
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. $3.00.
Small Business Finance	Code No. 16-42. $2.00.
Starting and Managing a Small Business of Your Own	Code No. 16-40. $4.75.

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Documents Division

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Building Code 1987. Regulates design, construction, quality of materials, use and occupancy of all buildings and structures. Includes adoption by reference of Uniform Building Code, National Electrical Code and others. Code #3-65s3, $10.00.

Plumbing Code 1987. Rules concerning public safety and health in regard to: materials, joints, traps, fixtures, water supply, drainage, inspection and water conditioning. Code #3-6, $11.00.

Health Care Facilities Directory 1987. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Code #1-89, $15.00.

Human Services Rules Supplement 1987. The 1987 Supplement to the Department's rule book includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, $24.95.

OTHER PUBLICATIONS

1987 Laws of Minnesota: Laws of the 1987 legislative session, $42.50 per set.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. $160 plus $9.60 sales tax per 10-volume set.

Motor Vehicle Traffic Laws. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, $13.00 plus tax.

Criminal Code and Selected Statutes 1986. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, $12.00 plus tax.

Education Rules 1986. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, $14.50 plus tax.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important information on the placement of nests in proper habitat areas. Diagrams. Code #9-14. $6.00 plus tax.

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

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

Fishes of the Minnesota Region: An authoritative guide to the 148 kinds of fish found in Minnesota's waters, the book is a resource for identification and distribution of fish, and features color photographs. Code #19-44, $12.95, plus tax.

American Flag. Perfect for home or office. 3′ x 5′ with embroidered stars. Heavy nylon bunting. Code No. 6-1. $21.04, plus tax.

The Living White House (revised edition). A history of the White House that focuses on its life in the flow of American history, its symbolic place in the continuing life of the country, and the Presidents and their families who have changed it and been changed by it. Many photographs, some full-color. Code No. 16-30. $7.50, plus tax.

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STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



Monday 22 June 1987

VOLUME 11, NUMBER 51

Pages 2317-2364

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
51	Monday 8 June	Monday 15 June	Monday 22 June
52	Monday 15 June	Monday 22 June	Monday 29 June
Vol. 12—#1	Monday 22 June	Monday 29 June	Monday 6 July
#2	Monday 29 June	Monday 6 July	Monday 13 July

*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 55155, (612) 296-4273.

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

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

Rudy Perpich, Governor

Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Minnesota Documents Division

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

CONTENTS

MINNESOTA RULES: Amendments & Additions

Issues 40-51 inclusive 2320

Proposed Rules

Health Department

Merit system 2322

Human Services Department

Merit system 2325

Labor & Industry Department

Withdrawal of proposed rules for occupations and professions, boiler operators, high pressure pipefitters, boiler operations, high pressure piping operations, fees 2337

Adopted Rules

Health Department

Vital records fees 2337

Peace Officers Standards and Training Board

Licensing 2337

Transportation Department

Commissioner's order regarding increased speed limit .. 2338

Public Utilities Commission

Rate adjustments due to Tax Reform Act of 1986 2338

Official Notices

Blue Earth County Law Library

Correction to filing fees 2338

Commerce Department

Opinion and impact on small business sought for rules on:
Automobile nonrenewal 2339
Cosmetology 2339
Credit unions 2339
Employee joint self-insurance 2340
Employer joint self-insurance plans 2340
Non-profit risk indemnification trusts 2341
Plan administrators 2341
Real estate education 2341
Securities including 2342
Workers Compensation self-insurance including 2342
Order approving abstract of title disclosure and notice form 2342

Human Services Department

Changes in the medical assistance program 2343

Labor & Industry Department

Opinion sought on rules for Workers' Compensation, fees for medical records 2349

Secretary of State

Vacancies on multi-member state agencies 2349

Sentencing Guidelines Commission

Public hearing to consider modifications to the sentencing guidelines 2351

Transportation Department

Opinion sought on rules for licensing of hazardous waste transportation 2352
City of Woodbury petitions for variance from state aid standards for administrative procedures 2352

State Contracts & Advertised Bids

Administration Department

Contracts and requisitions open for bid 2353

Historical Society

Contract for layout/graphic design 2354

Human Services Department

Request for proposal for prepaid health plans 2354

Racing Commission

Applications sought for substitute assistant racing commission veterinarian 2354

Trade & Economic Development Department

Request for proposals for an international trade model for the state of Minnesota 2355

Non-State Public Contracts

Hennepin County Department of Transportation

Contract for road and bridge design project 2355

State Grants

Jobs & Training Department

Funds for extended employment programs through long-term sheltered workshops 2357

Job Skills Partnership Board

Grant proposals requested for customized training programs 2357

Supreme Court Decisions

Order establishing Minnesota Task Force on Gender Fairness in the Courts 2357

Announcements

..... 2359

NOTICE

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

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

The PROPOSED RULES section contains:

- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

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

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

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

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

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

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issues 27-38, inclusive
Issue 39, cumulative for 1-39
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

MINNESOTA RULES
Amendments and Additions

ACCOUNTANCY BOARD

1100.3600 (proposed) 2274

ADMINISTRATION DEPARTMENT

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

AGRICULTURE DEPARTMENT

1550.3100, .3110, .3120, .3130, .3140, .3150, .3170 (adopted) 1989
1555.6760 (adopted) 2164
1555.6770; .6780; .6790 (repealed) 2164
1555.6850-.6852 (proposed) 2275
1562.0100-.2200 (proposed) 2226
1560.5400-.7600 (proposed repealer) 2226

ANIMAL HEALTH BOARD

1700.1500 (proposed) 2234

BARBER EXAMINERS BOARD

2100.9300 (adopted) 2284

CAPITOL AREA ARCHITECTURAL & PLANNING BOARD

2400.0140 (adopted) 2165
2400.0140 s.2 (repealed) 2165

COMMERCE DEPARTMENT

2675.2600; .2610; .2620 (proposed) 2236
2791.0100 (proposed) 2194

JOBS & TRAINING DEPARTMENT

3300.0200; .0300; .0400; .0500; .0601 (adopted) 2077

EDUCATION DEPARTMENT

3510.9100 (proposed) 2025

VOCATIONAL TECHNICAL EDUCATION BOARD

3515.5051-.5066 (adopted emergency) 1834
3515.5067; .5070 (adopted emergency) 2080
3700.0100-.0265 (proposed) 2108

ENERGY DIVISION—PUBLIC SERVICE DEPARTMENT

4155.0130 (adopted) 2285

ENERGY & ECONOMIC DEVELOPMENT DEPARTMENT

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

HEALTH DEPARTMENT

4600.0090 (proposed) 2075
4600.0090 (adopted) 2337
4615.0200 (repealed) 1887
4670.2520; .2630 (proposed) 2322
4670.2720; .2970 (proposed repealer) 2322
4700.2600-.4000 (adopted) 1887
4715.3150; .3170; .5900 (proposed) 2073

HOUSING FINANCE AGENCY

4900.0010; .0760; .0770; .0780 (proposed) 2279

4900.0780 s.2 (proposed repealer) 2279
4900.0356-.0358 (adopted) 2077
4900.0381 (adopted) 2201

LABOR & INDUSTRY DEPARTMENT

5200.1105 (withdrawn proposed) 2028
5205.0010; .0015; .0040; .0050; .0065; .0070; .0080; .0100; .0105; .0110; .0116; .0140; .0200; .0400; .0410; .0420; .0430; .0450; .0460; .0490; .0650; .0660; .0665; .0675; .0680; .0685; .0686; .0690; .0700; .0750; .0755; .0760; .0765; .0770; .0860; .0865; .0870; .0880; .0890; .1000; .1010; .1020; .1030; .1040; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; 5207.0010; .0020; .0030; .0035; .0040; .0050; .0060; .0100; .0200; .0210; .0220; .0250; .0260; .0300; .0310; .0320; .0400; .0410; .0500; .0510; .0520; .0530; .0540; .0600; .0610; .0620; .0630; .0700; .0710; .0720; .0730; .0740; .0800; .0810; .0900; .0910 (proposed) 2138
5205.0160; .0170; .0180; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0460 s.15, 19; .0900; .0910; .0920; .0930; .0940; .0950 (proposed repealer) 2138
5220.1400; .1500; .1600 (adopted) 2237
5220.0100 s.1a; .1804 (repealed) 2237
5226.0010, .0020, .0030, .0040, .0050, .0060, .0070, .0080, .0090, .0100, .0110, .0120, .0130, (proposed) 1913
5226.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130 (withdrawn) 2337
5225.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0900; 5230.0050; .0060; .0070; .0080; .0090; .0100 (repealer withdrawn) 2337
5225.0100, .0200, .0300, .0400, .0500, .0600, .0700, .0900, 5230.0050, .0060, .0070, .0080, .0090, .0100 (proposed repealer) 1913

MEDIATION SERVICES BUREAU

5510.5110; .5120; .5130; .5131; .5150; .5160; .5170; .5180 (adopted) 2077
5510.4600; .4700; .4800; .4900; .5000; .5100 (repealed) 2077

NATURAL RESOURCES DEPARTMENT

6105.0605; .0610; .0620; .0625; .0640; .0650 (proposed) 2196
6105.0700 (proposed repealer) 2196

NURSING BOARD

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

OPTOMETRY BOARD

6500.2800, .2900 1987

PEACE OFFICERS STANDARDS AND TRAINING BOARD

6700.0100; .0500; .0501; .0601; .0700; .0701; .0901; .0902; .1101; .1201; .1400; .1600 (adopted) 2337
6700.0500 s.4 (repealed) 2337

POLLUTION CONTROL AGENCY

7001.0020, .0040, .0050, .0190, .4000, .4010, .4020, .4030, .4035, .4040, .4050, .4060, .4070, .4080, .4090, .4110, .4120, .4130, .4140, .4150; 7035.8200, .8205, .8210, .8220, .8230, .8240, .8250, .8260, .8270, .8280, .8290, .8300, .8400, .8410, .8420, .8430, .8440, .8450, .8460, .8470, .8480, .8490, .8500, .8510, .8520, .8530, .8540, .8550, .8560, .8570, .8580, .8590, .8700, .8710 (proposed) 1918
7001.0150; .0520; .0590; .0600; .0620; .0650; .0712; .0720; 7045.0200; .0075; .0080; .0102; .0120; .0125; .0135; .0139; .0140; .0214; .0261; .0275; .0296; .0302; .0395; .0458; .0460; .0468; .0476; .0478; .0482; .0484; .0485; .0538; .0552; .0556; .0584; .0588; .0638 (adopted) 1832
7042.0030; .0040 (proposed) 2106
7045.0075, .0219, .0261, .0292, .0381 (adopted) 1950
7045.0534 s.4,5 (repealed) 1832
7046.0031, .0040, 0050, .0070 (adopted) 1993
7046.0030, .0050 subpart 2 (adopted repealer) 1993

HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD

7190.0001-.0017 (adopted) 2077
7190.0020 (proposed) 2278

PUBLIC SAFETY DEPARTMENT

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

PUBLIC UTILITIES COMMISSION

7827.0100; .0200; .0300; .0600 (adopted) 2338
7845.0100-.1000 (proposed) 2281

RACING COMMISSION

7869.0100; 7870.0480; 7873.0130; .0190; .0191; .0195; 7876.0100; 7877.0135; .0145; .0155; .0170; .0180; 7878.0100; .0140; 7879.0100; 7883.0100; 7884.0230; 7890.0110; .0120; .0150; 7895.0100; 7897.0110; .0115; .0120; .0130; .0150 (adopted) 2201
7878.0120, s.3 (repealed) 2201

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

7950.0500; .0510; .0520 (adopted) 2285

REVENUE DEPARTMENT

8100.0200; .0300 (proposed) 2029

TEACHING BOARD

8700.0210; .4710; .5900; .7800 (correction) 1793
8700.0502; .0900; .1000; .1100; .1300; .1400; .2200; .3110; .3120; .7010 (proposed) 2034
8700.5900; .6600 (proposed repealer) 2034
8700.7000 (proposed repealer effective 7/1/90) 2034
8700.7600; .7700 (proposed) 2198

HUMAN SERVICES DEPARTMENT

9525.1500-.1690 (proposed) 1862
9549.0050, .0051, .0052, .0053, .0054, .0055, .0056, .0057, .0058, .0059 (adopted) 1990
9549.0060 (adopted) 1989
9550.6210, .6220 (proposed) 1986
9553.0050; .0060; .0061; .0075 (proposed) 1857
9555.9600; .9610; .9620; .9630; .9640; .9650; .9660; .9670; .9680; .9690; .9700; .9710; .9720; .9730 (adopted) 2165
9575.0670; .0740; .1500 (proposed) 2325
9575.0820; .0970 (proposed repealer) 2325

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 Health

Proposed Permanent Rules Relating to Merit System

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 Health 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 rule is Minnesota Statutes, section 144.071.

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 JULY 31, 1987, IN CONFERENCE ROOM D, VETERANS SERVICE BUILDING, 20 WEST 12TH STREET AND COLUMBUS AVENUE, ST. PAUL, MINNESOTA 55155, 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 HEALTH. To verify whether a hearing will be held, please call the Minnesota Merit System between July 23, 1987 and July 30, 1987 at (612) 296-3996.

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

Ralph W. Corey
Minnesota Merit System
4th Floor, Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on July 22, 1987.

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

A free copy of this rule is available upon request for your review from: Ralph W. Corey, Minnesota Merit System, 4th Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone (612) 296-3996.

The Minnesota Merit System rules provide for a system of personnel administration for local and county health and human services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow

so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, amendments to part 4670.2520 would change the maximum duration of an emergency appointment from 70 to 67 working days, making the Merit System rule language in this section consistent with the exclusion in the Public Employment Labor Relations Act (Minnesota Statutes, Chapter 179A) from the definition of employee.

Amendments to part 4670.2630 would change the current requirement that a request to extend a probationary period be received by the Merit System office at the beginning of the sixth month of the probationary period to fifteen days before the end of the probationary period, giving appointing authorities increased flexibility.

Amendments to parts 4670.2720 and 4670.2970 would delete the language in these parts entirely.

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 Ralph W. Corey upon request.

Adoption of these rules 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.

If no hearing is required upon adoption of the rule, 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 Ralph W. Corey.

Dated: 8 May 1987

Sister Mary Madonna Ashton, Commissioner

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 Conference Room D, Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, MN 55155 on July 31, 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.

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 HEALTH. To verify whether a hearing will be held, please call the Minnesota Merit System between July 23, 1987 and July 30, 1987 at (612) 296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard L. 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 agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rule-making record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, 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.

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.

The Minnesota Merit System rules provide for a system of personnel administration for local and county health and human services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, amendments to part 4670.2520 would change the maximum duration of an emergency appointment from 70 to 67 working days, making the Merit System rule language in this section consistent with the exclusion in the Public Employment Labor Relations Act (Minnesota Statutes, Chapter 179A) from the definition of employee.

Amendments to part 4670.2630 would change the current requirement that a request to extend a probationary period be received by the Merit System office at the beginning of the sixth month of the probationary period to fifteen days before the end of the probationary period, giving appointing authorities increased flexibility.

Amendments to parts 4670.2720 and 4670.2970 would delete the language in these parts entirely.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, section 144.071. 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.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Minnesota Merit System, 4th floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Ralph W. Corey.

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: 8 May 1987

Sister Mary Madonna Ashton, Commissioner

Rules as Proposed

4670.2520 EMERGENCY APPOINTMENT.

Whenever any emergency exists that requires the immediate services of one or more persons and it is not possible to obtain such persons from appropriate registers, the appointing authority may appoint a person or persons without consideration of other provisions of these rules governing appointments, except as provided in part 4670.4150. Such appointments normally shall be limited to no more than 45 working days during any calendar year for the same person; however, such appointment of the same person can be extended to ~~70~~ 67 working days with prior approval of the supervisor. Each emergency appointment shall be reported to the supervisor in the manner prescribed by him when the appointment is made.

4670.2630 EXTENSION OF PROBATIONARY PERIOD.

In rare or unusual circumstances or conditions that prevent the making of a full and fair determination as a basis for granting permanent status or separating the employee from the service, an extension of the probationary period for up to three months may be granted. Initiation of a request to the supervisor for extension must ~~occur on or before the beginning of the sixth month~~ be made at least 15 days before the end of the probationary period and shall specify the reasons why the extension is necessary. A current evaluation of the employee's performance shall accompany the request. A copy of the request for extension and the evaluation shall be provided to the probationary employee by the appointing authority.

The supervisor's decision on the request shall be given to the agency and the employee at least ~~ten~~ five days in advance of the end of the initial probationary period.

Each formal request for extension of the probationary period and the decision on the request shall be reported to the council at its next meeting.

REPEALER. Minnesota Rules, parts 4670.2720 and 4670.2970 are repealed.

Department of Human Services

Proposed Permanent Rules Relating to Merit System

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 rule is Minnesota Statutes, section 256.012.

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 JULY 31, 1987, IN CONFERENCE ROOM D, VETERANS SERVICE BUILDING, 20 WEST 12TH STREET AND COLUMBUS AVENUE, ST. PAUL, MINNESOTA 55155, 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 July 23, 1987 and July 30, 1987 at (612) 296-3996.

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

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

Ralph W. Corey
Minnesota Merit System
4th Floor, Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on July 22, 1987.

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

A free copy of this rule is available upon request for your review from: Ralph W. Corey, Minnesota Merit System, 4th Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone (612) 296-3996.

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

The Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human services agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, amendments to part 9575.0670 would change the maximum duration of an emergency appointment from 70 to 67 working days, making the Merit System rule language in this section consistent with the exclusion in the Public Employment Labor Relations Act (Minnesota Statutes, Chapter 179A) from the definition of employee.

Amendments to part 9575.0740 would change the current requirement that a request to extend a probationary period be received by the Merit System office at the beginning of the sixth month of the probationary period to fifteen days before the end of the probationary period, giving appointing authorities increased flexibility.

Amendments to parts 9575.0820 and 9575.0970 would delete the language in these parts entirely.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classes, deleting class titles and minimum and maximum salaries for abolished classes, and adjusting the minimum and maximum salaries of two established classes.

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 Ralph W. Corey upon request.

Adoption of these rules 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.

If no hearing is required upon adoption of the rule, 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 Ralph W. Corey.

Dated: 8 May 1987

Sandra S. Gardebring, Commissioner

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 Conference Room D, Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, MN 55155 on July 31, 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.

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 July 23, 1987 and July 30, 1987, at (612) 296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to particiate. 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 L. 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 agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rule-making record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, 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 Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human services agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, amendments to part 9575.0670 would change the maximum duration of an emergency appointment from 70 to 67 working days, making the Merit System rule language in this section consistent with the exclusion in the Public Employment Labor Relations Act (Minnesota Statutes, Chapter 179A) from the definition of employee.

Amendments to part 9575.0740 would change the current requirement that a request to extend a probationary period be received by the Merit System office at the beginning of the sixth month of the probationary period to fifteen days before the end of the probationary period, giving appointing authorities increased flexibility.

Amendments to parts 9575.0820 and 9575.0970 would delete the language in these parts entirely.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classes, deleting class titles and minimum and maximum salaries for abolished classes, and adjusting the minimum and maximum salaries of two established classes.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, section 256.012. 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.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Department of Human Services, 4th floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155. 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 Ralph W. Corey.

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

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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: 8 May 1987

Sandra S. Gardebring, Commissioner

Rules as Proposed

9575.0670 EMERGENCY APPOINTMENT.

Whenever an emergency exists that requires the immediate services of one or more persons and it is not possible to obtain such persons from appropriate registers, the appointing authority may appoint a person or persons without consideration of other provisions of these rules governing appointment, except as provided in parts 9575.1410 to 9575.1450. Such appointments normally shall be limited to no more than 45 working days during any calendar year for the same person; however, such appointment of the same person can be extended to ~~70~~ 67 working days with prior approval by the supervisor.

9575.0740 EXTENSION OF PROBATIONARY PERIOD.

In rare or unusual circumstances or conditions that prevent the making of a full and fair determination as a basis for granting permanent status or separating the employee from the service, an extension of the probationary period for up to three months may be granted. Initiation of a request to the merit system supervisor for extension must ~~occur on or before the beginning of the sixth month of the probationary period~~ be made at least 15 days before the end of the probationary period and shall specify the reasons why the extension is necessary. A current evaluation of the employee's performance shall accompany the request. A copy of the request for extension and the evaluation shall be provided to the probationary employee by the appointing authority.

The supervisor's decision on the request shall be given to the agency and the employee at least ~~ten~~ five days in advance of the end of the initial probation period.

Each formal request for extension of the probationary period and the decision on the request shall be reported to the merit system council at its next meeting.

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, 1987.

Subpart 1. **Professional: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1597	2280
Accounting Supervisor	1863	2785
Administrative Assistant I	1992	2975
Administrative Assistant II	2132	3176
Administrative Assistant III	2542	3641
Adult Day Care Center Supervisor	1745	2602
Assistant Human Services Director	2785	3968
Assistant Welfare Director	3251	4627
Auditor	1863	2785

	Minimum	Maximum
Center Coordinator	1671	2491
Chemical Dependency Coordinator	1631	2437
Collection Services Supervisor II	1745	2602
Community-Health Services Supervisor	1945	3043
Community-Relations Specialist	1786	2542
Computer Programmer	1526	2186
Day Care Center Teacher	1460	2186
Developmental Achievement Center Director	1826	2602
Developmental Achievement Center Teacher	1460	2186
Director of Business Management I	2085	2975
Director of Business Management II	2542	3641
Director of Financial Assistance	2542	3641
Director of Planning	2542	3641
Director of Public Health Nursing I	1863	2785
Director of Social Services	2542	3641
~~Education Supervisor~~	~~1826~~	~~2602~~
Employment Guidance Counselor	1397	1992
Family Service Coordinator II	1560	2132
Financial Assistance Supervisor I	1705	2542
Financial Assistance Supervisor II	1992	2975
Fiscal Manager	2280	3251
Fiscal Officer	1460	2186
Fiscal Supervisor I	1460	2186
Fiscal Supervisor II	1863	2785
Gerontology Counselor	1705	2542
Homemaker Supervisor	1826	2602
Human Services Director III	3043	4327
Human Services Supervisor I	1992	2975
Human Services Supervisor II	2385	3406
Jobs and Training Supervisor	1705	2542
Medical Assistance Prepayment Project Manager	1992	2975
Mental Health Program Manager	2132	3176
Mental Health Worker	1745	2602
Methods & Procedures Analyst	1671	2385
Nutrition Project Assistant Director	1460	2186
Nutrition Project Director	1905	2847
~~Office Manager~~	~~1364~~	~~1945~~
Office Services Supervisor II	1397	1992
Personnel Officer	1460	2186
Personnel Director	2542	3641
Planner (Human Services)	1826	2602
Psychologist I	1705	2542
Psychologist II	1992	2847
Psychologist III	2659	3641
Public Health Educator	1597	2280
Public Health Nurse	1597	2280
Public Health Nurse (Team Leader)	1745	2491
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1526	2186
Resident Activity Coordinator	1460	2186
Sanitarian	1460	2186

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		Minimum	Maximum
Senior Public Health Nurse		1745	2602
Senior Staff Development Specialist		1945	2785
Social Worker (Licensing Specialist)		1460	2186
Social Worker		1491	2329
Social Worker (Child Protection Specialist)		1491	2329
Social Worker (MSW)		1705	2542
Social Worker (Child Protection Specialist) (MSW)		1705	2542
Social Services Supervisor I		1992	2975
Social Services Supervisor II		2186	3251
Staff Development Specialist		1631	2437
~~Staff Training Supervisor~~		~~1945~~	~~2785~~
Student Social Worker (Intern)	Rate proposed by appointing authority.		
Student Social Worker (SWEP)	Rate proposed by appointing authority.		
Systems Programmer Analyst		1945	2659
Telecommunications Analyst		1863	2659
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Volunteer Services Coordinator I		1460	2186
Volunteer Services Coordinator II		1826	2602
Welfare Director I		2329	3481
Welfare Director II		2602	3723
Welfare Director III		2785	3968
Welfare Director IV		3043	4327
Welfare Director V		4055	5762
Work-Experience & Training Specialist		1745	2491

Subp. 2. **Professional: plan B.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Accountant	1671	2385
Accounting Supervisor	1945	2909
Administrative Assistant I	2085	3113
Administrative Assistant II	2229	3330
Administrative Assistant III	2659	3800
Adult Day Care Center Supervisor	1826	2721
Assistant Human Services Director	2785	3968
Assistant Welfare Director	3251	4627
Auditor	1945	2909
Center Coordinator	1745	2602
Chemical Dependency Coordinator	1705	2542
Collections Services Supervisor II	1826	2721
Community-Health Services Supervisor	2036	3176
Community-Relations Specialist	1863	2659
Computer Programmer	1597	2280
Day Care Center Teacher	1526	2280
Developmental Achievement Center Director	1905	2721
Developmental Achievement Center Teacher	1526	2280
Director of Business Management I	2186	3113
Director of Business Management II	2659	3800
Director of Financial Assistance	2659	3800
Director of Planning	2659	3800
Director of Public Health Nursing I	1945	2909
Director of Social Services	2659	3800
~~Education Supervisor~~	~~1905~~	~~2721~~
Employment Guidance Counselor	1460	2085
Family Service Coordinator II	1631	2229

		Minimum	Maximum
Financial Assistance Supervisor I		1786	2659
Financial Assistance Supervisor II		2085	3113
Fiscal Manager		2385	3406
Fiscal Officer		1526	2280
Fiscal Supervisor I		1526	2280
Fiscal Supervisor II		1945	2909
Gerontology Counselor		1786	2659
Homemaker Supervisor		1905	2721
Human Services Director III		3043	4327
Human Services Supervisor I		2085	3113
Human Services Supervisor II		2491	3562
Jobs and Training Supervisor		1786	2659
Medical Assistance Prepayment Project Manager		2085	3113
Mental Health Program Manager		2229	3330
Mental Health Worker		1826	2721
Methods & Procedures Analyst		1745	2491
Nutrition Project Assistant Director		1526	2280
Nutrition Project Director		1992	2975
~~Office Manager~~		~~1427~~	~~2036~~
Office Services Supervisor II		1460	2085
Personnel Officer		1526	2280
Personnel Director		2659	3800
Planner (Human Services)		1905	2721
Psychologist I		1786	2659
Psychologist II		2085	2975
Psychologist III		2785	3800
Public Health Educator		1671	2385
Public Health Nurse		1671	2385
Public Health Nurse (Team Leader)		1826	2602
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)		1597	2280
Resident Activity Coordinator		1526	2280
Sanitarian		1526	2280
Senior Public Health Nurse		1826	2721
Senior Staff Development Specialist		2036	2909
Social Worker (Licensing Specialist)		1526	2280
Social Worker		1560	2437
Social Worker (Child Protection Specialist)		1560	2437
Social Worker (MSW)		1786	2659
Social Worker (Child Protection Specialist) (MSW)		1786	2659
Social Services Supervisor I		2085	3113
Social Services Supervisor II		2280	3406
Staff Development Specialist		1705	2542
~~Staff Training Supervisor~~		~~2036~~	~~2909~~
Student Social Worker (Intern)	Rate proposed by appointing authority.		
Student Social Worker (SWEP)	Rate proposed by appointing authority.		
Systems Programmer Analyst		2036	2785
Telecommunications Analyst		1945	2785
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		

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	Minimum	Maximum
Volunteer Services Coordinator I	1526	2280
Volunteer Services Coordinator II	1905	2721
Welfare Director I	2329	3481
Welfare Director II	2602	3723
Welfare Director III	2785	3968
Welfare Director IV	3043	4327
Welfare Director V	4055	5762
Work-Experience & Training Specialist	1826	2602

Subp. 3. **Professional: plan C.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Accountant	1745	2491
Accounting Supervisor	2036	3043
Administrative Assistant I	2186	3251
Administrative Assistant II	2329	3481
Administrative Assistant III	2785	3968
Adult Day Care Center Supervisor	1905	2847
Assistant Human Services Director	2785	3968
Assistant Welfare Director	3251	4627
Auditor	2036	3043
Center Coordinator	1826	2721
Chemical Dependency Coordinator	1786	2659
Collections Services Supervisor II	1905	2847
Community-Health Services Supervisor	2132	3330
Community-Relations Specialist	1945	2785
Computer Programmer	1671	2385
Day Care Center Teacher	1597	2385
Developmental Achievement Center Director	1992	2847
Developmental Achievement Center Teacher	1597	2385
Director of Business Management I	2280	3251
Director of Business Management II	2785	3968
Director of Financial Assistance	2785	3968
Director of Planning	2785	3968
Director of Public Health Nursing I	2132	3043
Director of Social Services	2785	3968
~~Education Supervisor~~	~~1992~~	~~2847~~
Employment Guidance Counselor	1526	2186
Family Service Coordinator II	1705	2329
Financial Assistance Supervisor I	1863	2785
Financial Assistance Supervisor II	2186	3251
Fiscal Manager	2491	3562
Fiscal Officer	1597	2385
Fiscal Supervisor I	1597	2385
Fiscal Supervisor II	2036	3043
Gerontology Counselor	1863	2785
Homemaker Supervisor	1992	2847
Human Services Director III	3043	4327
Human Services Supervisor I	2186	3251
Human Services Supervisor II	2602	3723
Jobs and Training Supervisor	1863	2785
Mental Health Program Manager	2329	3481
Mental Health Worker	1905	2847
Methods & Procedures Analyst	1826	2602
Nutrition Project Assistant Director	1597	2385
Nutrition Project Director	2085	3113

		Minimum	Maximum
~~Office Manager~~		~~1491~~	~~2132~~
Office Services Supervisor II		1526	2186
Personnel Officer		1597	2385
Personnel Director		2785	3968
Planner (Human Services)		1992	2847
Psychologist I		1863	2785
Psychologist II		2186	3113
Psychologist III		2909	3968
Public Health Educator		1745	2491
Public Health Nurse		1826	2491
Public Health Nurse (Team Leader)		2036	2785
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S.Degree)		1745	2385
Resident Activity Coordinator		1597	2385
Sanitarian		1597	2385
Senior Public Health Nurse		1992	2847
Senior Staff Development Specialist		2132	3043
Social Worker (Licensing Specialist)		1597	2385
Social Worker		1631	2542
Social Worker (Child Protection Specialist)		1631	2542
Social Worker (MSW)		1863	2785
Social Worker (Child Protection Specialist) (MSW)		1863	2785
Social Services Supervisor I		2186	3251
Social Services Supervisor II		2385	3562
Staff Development Specialist		1786	2659
~~Staff Training Supervisor~~		~~2132~~	~~3043~~
Student Social Worker (Intern)	Rate proposed by appointing authority.		
Student Social Worker (SWEP)	Rate proposed by appointing authority.		
Systems Programmer Analyst		2132	2909
Telecommunications Analyst		2036	2909
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Volunteer Services Coordinator I		1597	2385
Volunteer Services Coordinator II		1992	2847
Welfare Director I		2329	3481
Welfare Director II		2602	3723
Welfare Director III		2785	3968
Welfare Director IV		3043	4327
Welfare Director V		4055	5762
Work-Experience & Training Specialist		1905	2721

Subp. 4. **Support personnel: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Account Clerk	1044	1427
Accounting Technician	1091	1560
Adult Day Care Center Program Coordinator	1117	1671
Case Aide	1117	1671
Chemical Dependency Counselor	1364	1786
Child Health Aide	933	1278
Child Support Officer I	1278	1826
Child Support Officer II	1460	1992

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.

	Minimum	Maximum
Collections Officer	1278	1826
Collection Services Supervisor I	1597	2186
Community Service Aide	839	1250
Computer Operations Specialist	1197	1560
Coordinator of Aging	1278	1905
Developmental Achievement Center Instructor	1117	1671
Employment Technician	1117	1671
Family Service Aide I	912	1364
Family Service Aide II	1044	1560
Family Service Coordinator I	1224	1671
Family Service/Home Health Aide	912	1364
Financial Assistance Specialist	1397	1992
Financial Worker	1117	1671
Food Stamp Corrective Action Specialist I	~~1397~~ 1526	~~1992~~ 2186
Food Stamp Corrective Action Specialist II	1671	2385
Home Health Aide	912	1364
Home Health Aide Coordinator	1224	1671
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	1597	2280
Housing Rehabilitation Specialist	1250	1786
Licensed Practical Nurse	1197	1631
Methods and Procedures Technician	1364	1786
Office Services Supervisor I	1224	1671
~~Personnel Aide~~	~~1141~~	~~1560~~
Public Health Aide	839	1250
Senior Citizen's Aide	912	1364
Support Enforcement Aide	1044	1427
Welfare Fraud Investigator	1597	2085

Subp. 5. **Support personnel: plan B.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Account Clerk	1091	1491
Accounting Technician	1141	1631
Adult Day Care Center Program Coordinator	1168	1745
Case Aide	1168	1745
Chemical Dependency Counselor	1427	1863
Child Health Aide	976	1334
Child Support Officer I	1334	1905
Child Support Officer II	1526	2085
Collections Officer	1334	1905
Collection Services Supervisor I	1671	2280
Community Service Aide	876	1307
Computer Operations Specialist	1250	1631
Coordinator of Aging	1334	1992
Developmental Achievement Center Instructor	1168	1745
Employment Technician	1168	1745
Family Service Aide I	955	1427
Family Service Aide II	1091	1631
Family Service Coordinator I	1278	1745
Family Service/Home Health Aide	955	1427
Financial Assistance Specialist	1460	2085
Financial Worker	1168	1745
Food Stamp Corrective Action Specialist I	~~1460~~ 1526	~~2085~~ 2186
Food Stamp Corrective Action Specialist II	1671	2385
Home Health Aide	955	1427

	Minimum	Maximum
Home Health Aide Coordinator	1278	1745
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	1671	2385
Housing Rehabilitation Specialist	1307	1863
Licensed Practical Nurse	1250	1705
Methods and Procedures Technician	1427	1863
Office Services Supervisor I	1278	1745
~~Personnel Aide~~	~~1197~~	~~1631~~
Public Health Aide	876	1307
Senior Citizen's Aide	955	1427
Support Enforcement Aide	1091	1491
Welfare Fraud Investigator	1671	2186

Subp. 6. **Support personnel: plan C.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Account Clerk	1141	1560
Accounting Technician	1197	1705
Adult Day Care Center Program Coordinator	1224	1826
Case Aide	1224	1826
Chemical Dependency Counselor	1491	1945
Child Health Aide	1069	1460
Child Support Officer I	1397	1992
Child Support Officer II	1597	2186
Collections Officer	1397	1992
Collection Services Supervisor I	1745	2385
Community Service Aide	912	1364
Computer Operations Specialist	1307	1705
Coordinator of Aging	1397	2085
Developmental Achievement Center Instructor	1224	1826
Employment Technician	1224	1826
Family Service Aide I	999	1491
Family Service Aide II	1141	1705
Family Service Coordinator I	1334	1826
Family Service/Home Health Aide	999	1491
Financial Assistance Specialist	1526	2186
Financial Worker	1224	1826
Food Stamp Corrective Action Specialist I	1526	2186
Food Stamp Corrective Action Specialist II	1671	2385
Home Health Aide	999	1491
Home Health Aide Coordinator	1334	1826
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	1745	2491
Housing Rehabilitation Specialist	1364	1945
Licensed Practical Nurse	1307	1786
Methods and Procedures Technician	1491	1945
Office Services Supervisor I	1334	1826
~~Personnel Aide~~	~~1250~~	~~1705~~
Public Health Aide	912	1364

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	Minimum	Maximum
Senior Citizen's Aide	999	1491
Support Enforcement Aide	1141	1560
Welfare Fraud Investigator	1745	2280

Subp. 7. **Clerical: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Administrative Secretary	~~1030~~	1078	~~1410~~	1473
Clerk I	758		1030	
Clerk II	866		1234	
Clerk III	1030		1410	
Clerk-Typist I	831		1128	
Clerk-Typist II	866		1234	
Clerk-Typist III	1030		1473	
Clerk-Steno	902		1234	
Data Entry Operator	831		1128	
Information Systems Specialist	902		1234	
Legal Secretary	1030		1410	
Switchboard Operator	831		1128	

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer.

Subp. 8. **Clerical: plan B.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum		Maximum	
Administrative Secretary	~~1151~~	1207	~~1503~~	1648
Clerk I	866		1128	
Clerk II	986		1344	
Clerk III	1151		1503	
Clerk-Typist I	942		1234	
Clerk-Typist II	986		1344	
Clerk-Typist III	1151		1575	
Clerk-Steno	1030		1344	
Data Entry Operator	942		1234	
Information Systems Specialist	1030		1344	
Legal Secretary	1151		1503	
Switchboard Operator	942		1234	

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer.

Subp. 9. **Clerical: plan C.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum	
Administrative Secretary	1263	~~1648~~	1721
Clerk I	942	1234	
Clerk II	1088	1473	
Clerk III	1207	1575	
Clerk-Typist I	1030	1344	
Clerk-Typist II	1088	1473	
Clerk-Typist III	1207	1648	
Clerk-Steno	1128	1473	
Data Entry Operator	1030	1344	
Information Systems Specialist	1128	1473	
Legal Secretary	1207	1575	
Switchboard Operator	1030	1344	

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer.

Subp. 10. and 11. [Unchanged.]

REPEALER. Minnesota Rules, parts 9575.0820 and 9575.0970, are repealed.

Department of Labor and Industry
Code Enforcement Division

Withdrawal of Proposed Permanent Rules Relating to Occupations and Professions, Boiler Operators, High Pressure Pipefitters, Boiler Operations, High Pressure Piping Operations, Fees

Notice is hereby given that the above-captioned rules as proposed and published in the *State Register* on April 20, 1987, (11 S.R. 1913-1918), are hereby withdrawn pursuant to Minn. Stat. § 14.05, subd. 3 (1986).

Dated: 15 June 1987

Ray Bohn, Commissioner
Department of Labor and Industry

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 Health

Adopted Rules Relating to Vital Records Fees

The rules proposed and published at *State Register,* Volume 11, Number 45, pages 2075-2076, May 11, 1987 (11 S.R. 2075) are adopted as proposed.

Peace Officers Standards and Training Board

Adopted Rules Relating to Licensing

The rules proposed and published at *State Register*, Volume 11, Number 34, pages 1499-1504, February 23, 1987 (11 S.R. 1499) are adopted as proposed.

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.

Department of Transportation

Commissioner's Order No. 72477

In accordance with the Governor's Executive Order 87-10 dated May 27, 1987, and pursuant to Minn. Stat. § 169.141 (1986), it is hereby ordered as follows:

1. Commissioner's Order No. 54539 dated March 1, 1974 is hereby rescinded.

2. I hereby designate 55 miles per hour as the maximum allowable speed for vehicles using the highways of this state, provided, however, that this designation shall not apply to portions of interstate highways that are located outside of urbanized areas with population of greater than 50,000, as determined by my office.

Dated: 16 June 1987

Leonard W. Levine
Commissioner of Transportation

Public Utilities Commission

Adopted Permanent Rules Relating to Rate Adjustments Due to Tax Reform Act of 1986

The rules proposed and published at *State Register*, Volume 11, Number 38, pages 1731-1733, March 23, 1987 (11 S.R. 1731) are adopted with the following modifications:

Rules as Adopted

7827.0300 REASONABLE RATES.

On and after July 1, 1987, the overall rates of public utilities and telephone companies are found to be unjust and unreasonable unless:

B. the rates have been established pursuant to a general rate case decision rendered on or after January 1, 1987, that incorporates the new federal income tax rate in the determination of the revenue requirement; ~~or~~

C. the ~~rate is an~~ rates are interim ~~rate~~ rates subject to refund as part of a general rate case;

D. the public utility or telephone company is a party to a commission proceeding pending on January 1, 1987, or initiated between January 1, 1987, and July 1, 1987, in which the commission has ordered an investigation for the stated purpose of determining whether the public utility's or telephone company's rates should be reduced and has directed, in the investigation, that the company file financial data that address the impact of the tax reform act; or

E. the rates have been established under a stipulated settlement and a commission decision approving the settlement. If a public utility or telephone company files with the commission before July 1, 1987, an agreement to make collections for its federal income tax expense subject to appropriate refund, the public utility or telephone company shall have an additional 90 days to obtain commission approval of the stipulated settlement.

Public utilities and telephone companies whose rates are found to be just and reasonable under item B, C, D, or E are exempt from the requirements of parts 7827.0400 to 7827.0600.

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.

Blue Earth County Law Library

Correction to Filing Fees Published in *State Register*, Volume 11 #50, 15 June 1987

All $15 fees listed in the official notice published in the *State Register*, volume 11 #50, 15 June 1987 should be changed to $10. The $1 fee for criminal convictions defendants remains the same.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments Relating to Automobile Nonrenewal 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 and amend existing rules relating to automobile nonrenewal. Promulgation of these rules is authorized by Minnesota Statutes, Sections 65B.17 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 opinions 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: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Cosmetology 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 and amend existing rules regarding cosmetology. Promulgation of these rules is authorized by Minnesota Statutes, Sections 155A.05 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 opinions 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: Jan Smith, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-4517.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Credit Unions 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 relating to credit unions. Promulgation of these rules is authorized by Minnesota Statutes, Sections 52.05 and 45.023.

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.

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 opinions 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: Deputy Commissioner James Miller, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-2715.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments to Rules Relating to Employee Joint Self-Insurance 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 and amendments to existing rules regarding employee joint self-insurance. Promulgation of these rules is authorized by Minnesota Statutes, Sections 62H.06 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 opinions 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: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Employer Joint Self-Insurance Plans 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 relating to employer joint self-insurance for property, casualty or automobile liability. Promulgation of these rules is authorized by Minnesota Statutes, Sections 60E.06 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 opinions 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: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Non Profit Risk Indemnification Trusts 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 Non Profit Risk Indemnification Trusts. Promulgation of these rules is authorized by Minnesota Statutes, Sections 60A.29 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 opinions 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: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments Relating to Plan Administrators 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 and amend existing rules relating to plan administrators governed by Minn. Stat. § 60A.23 subd. 8. Promulgation of these rules is authorized by Minnesota Statutes, Sections 60A.23 subd. 8 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 opinions 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: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Amendments and Rules Rèlating to Real Estate Education 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 and amendments to existing rules relating to real estate education. Promulgation of these rules is authorized by Minnesota Statutes, Sections 82.28 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 opinions 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: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments to Rules Relating to Securities 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 with primary emphasis on those regarding investment advisor fees. Promulgation of these rules is authorized by Minnesota Statutes, Sections 80A.06 subd. 5, 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 opinions 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: Deputy Commissioner Kristine Eiden, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-6325.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Amendments and Rules Relating to Workers Compensation Self-Insurance 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 and amendments to existing rules relating to worker's compensation self-insurance. Promulgation of these rules is authorized by Minnesota Statutes, Sections 176.181 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 opinions 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: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Order Approving Abstract of Title Disclosure and Notice Form

The Commissioner of Commerce Michael A. Hatch (hereinafter "Commissioner") has determined as follows:

1. Minn. Stat. § 386.375, subd. 3 (1987) directs the Commissioner to prepare and approve a notice providing basic information in plain English about abstracts of title.

2. Pursuant to Minn. Stat. § 386.375, subd. 3, the Commissioner has prepared the following disclosure and notice form:

NOTICE PURSUANT TO MINN. STAT. SEC. 386.375, SUBD. 3 (1987)

IMPORTANT INFORMATION ABOUT YOUR ABSTRACT OF TITLE

An abstract of title is a legal document which records the history of ownership of a parcel of land. This document shows the purchases and sales, mortgages, assessments, judgments and other liens or rights against the property. The abstract should be carefully reviewed by a purchaser before making a decision to buy property.

An abstract is a necessary part of the sale, financing or refinancing of your land. You can replace a lost or damaged abstract, but it may cost you hundreds or even thousands of dollars depending upon the history of ownership. Right now, the *average* cost of replacing an abstract is $350.00 in the Twin Cities Area and $200.00 in other parts of the state.

You, as the owner of land, are entitled by law to possession of the abstract. You should store it with the same care you use for other valuable documents such as wills, stocks and bonds. You may wish to store it in a secure facility such as a safe deposit box or an abstract company. If an abstract company presently has your abstract, they must offer to return it to you before charging any fees for storage.

3. Minn. Stat. § 386.375, subd. 3 is effective 60 days after the form is approved by the Commissioner.

NOW, THEREFORE, IT IS ORDERED, that the above-stated notice and disclosure form is hereby approved.

Dated: 11 June 1987

Michael A. Hatch
Commissioner of Commerce

Department of Human Services
Health Care Programs Division

Public Notice Regarding Changes ท the Medical Assistance Program

Notice is hereby given to recipients and providers of Minnesota Medical Assistance (MA) and to the public, of changes affecting the MA program that were enacted during the 1987 legislative session. This notice is published pursuant to federal regulations which govern the administration of the Medical Assistance program, 42 CFR 447.205 (1986). The purpose of this notice is to inform the public of changes made in Minnesota Medical Assistance because of changes in state law.

The 1987 statute changes provide changes in the areas of:

I. Reimbursement for long term care therapy services;

II. Payment for Day Activity Centers;

III. Eligibility criteria for the MA program;

IV. Reimbursement for MA services;

V. Utilization review;

VI. Long term care facility rates and exceptions to the nursing home moratorium;

VII. Extension of the Medicaid Demonstration Project;

VIII. Implementation of a Prepaid Health Plan program for AFDC recipients;

IX. Changes affecting recipients residing in state facilities;

X. Notification to spouses;

XI. Home care licensure;

XII. Surveillance and utilization review and third party liability, and

XIII. Probate-estate collections.

Information on implementation of these provisions will be sent as needed to local welfare agencies via instructional and informational bulletins and manual material, to MA recipients via their MA cards, and to health care providers enrolled in the Medical Assistance program via provider bulletins.

Written comments and questions may be addressed to:

Health Care Programs
Department of Human Services
Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

Estimated program expenditures are the total program expenditures for the period July 1, 1987 through June 30, 1989.

I. Therapy services in Long Term Care facilities

Minnesota Statutes 1986, section 256B.064, subdivision 1a, is amended effective the day following enactment to allow sanctions against LTC facilities for providing services not medically necessary.

Minnesota Statutes 1986, section 256B.433, is amended effective the day following enactment to:

* require therapy services to be medically necessary and appropriate to the medical condition of the recipient;

* require certification that treatment is appropriate;

* establish requirements for therapy services billed separately, including nursing home provider number, limiting charges for renting space, etc. to 108% of the annualized cost effective July 1, 1987, offsetting revenues in excess of 108% of cost when facility and therapist are related effective July 1, 1988, and limiting ratio increases to 5 percentage points, and

* establish an advisory committee to study alternative methods of payment.

Minnesota Statutes 1986, section 256B.47, is amended effective the day following enactment, by adding a subdivision to establish requirements for allowable and nonallowable costs and cost finding.

Minnesota Statutes 1986, section 256B.48, subdivision 1, is amended effective the day following enactment, to establish a penalty of 3 times the excess payment together with costs for both facility and provider when rent exceeds established amount or when offset is improperly avoided.

The estimated savings in MA expenditures are:

$2,100,000 FY 88 $4,200,000 FY 89

II. Day Activity Centers

Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9, which govern MA payment for day activity center (DAC) services, are repealed effective the day following enactment. This legislation amends current DAC reimbursement rules and incorporates some provisions in other statutes.

No change is projected in MA expenditures.

III. MA Eligibility

Minnesota Statutes 1986, section 256.98, is amended effective July 1, 1987, to add wrongfully obtaining assistance provisions, including joint trials for 2 or more defendants charged with the same offense; clarify that action can be taken when assistance was received on the basis of misrepresentation or concealed facts; mandate recovery of assistance through criminal or civil action or both, and allow counties to retain ½ of non-federal share if recovery is directly attributable to the county.

Minnesota Statutes 1986, section 256B.02, subdivision 8, is amended effective July 1, 1987, to allow the state to pay Medicare Part B premiums out of state appropriations in those cases where MA funds may not be used.

Minnesota Statutes 1986, section 256B.06, is amended to include new policy and to incorporate language into statute. The new policy changes effective July 1, 1987, are:

* require use of AFDC income and asset methodology for families and children cases;

* exempt personal jewelry acquired more than 24 months prior to the period of MA eligibility and personal jewelry acquired within 24 months immediately prior to the period of MA eligibility and not purchased with assets of the applicant or recipient;

* increase income standards to 115% of AFDC for aged, blind and disabled and to 133⅓% of AFDC for families and children and pregnant women;

* change the six month spenddown period to a monthly spenddown period;

* disregard the asset test for pregnant women;

* provide that the $40 personal needs allowance provision affects persons residing in hospitals, in addition to persons residing in long term care facilities and Regional Treatment Centers, and

* authorize emergency medical care for aliens.

Incorporated into statute are the following changes which were effective January 1, 1987:

* restrict automatic MA to MSA recipients whose assets are within MSA limitations without a waiver of excess assets;

* provide MA coverage for pregnant women for 60 days postpartum;

* disregard increases in income as required by Public Law Number 99-272 and Public Law Number 99-509;

* exclude homestead for long term care residents for their initial six months residence in a long term care facility;

* exclude nonhomestead property not salable, with an equity of $6000 or less and income producing at least 6% of the equity, or excess real property for nine months if a legally binding agreement is signed to repay the amount of assistance paid for that nine months;

* exclude capital and operating assets of a trade or business, insurance settlements to repair or replace property for 6 months, and vehicles which meet certain criteria, and

* require income to be anticipated on a semi-annual basis.

Minnesota Statutes 1986, section 256B.064, subdivision 1a, and section 256B.15 are amended effective July 1, 1987, to allow recovery of MA funds after the death of a spouse for MA rendered for the pre-deceased spouse.

Minnesota Statutes 1986, section 256B.17, is amended effective July 1, 1987, to establish the period of ineligibility resulting from an uncompensated transfer as the average monthly per person payment made by the MA program to a skilled nursing home facility and allow the transfer of excluded resources.

Minnesota Statutes 1986, section 524.3-1201, is amended to allow a county agency to recover MA fund by affidavit of successorship.

Minnesota Statutes 1986, section 256B.37 is amended effective August 1, 1987, to require private health benefits to be used before MA.

The estimated increases in MA expenditures are:

$9,900,000 FY 88 $23,400,000 FY 89

IV. MA Services

Effective July 1, 1987, to require that MA reimbursement for the following services be subject to a 5% reduction from payment levels in effect June 30, 1987: physician; dental; vision care; podiatric services; chiropractic services; physical, occupational and speech therapy services; audiology services; mental health center services, psychology services; public health clinics and independent laboratories and x-ray services. This does not apply to prenatal or delivery services.

Minnesota Statutes 1986, section 256.969, subdivision 2, is amended effective July 1, 1987, to:

* provide state payment of the state share of cost from 8/1/85 through 6/30/87 for outlier adjustment. The change also allows continuation of the provision unless HCFA disapproves the language.

* limit annual increase in hospital pass-through cost for depreciation, rents and leases, and interest to the annual growth in the consumer price index for all urban consumers.

Effective July 1, 1987, the maximum pharmacy dispensing fee for MA/GAMC to $4.

Minnesota Statutes 1986, section 256B.02, subdivision 8, is amended effective July 1, 1987, to:

* add hospice as a MA covered service effective July 1, 1988;

* allow the Department of Human Services to publish in the *State Register* Second Surgical Opinion criteria and requirements for inpatient and outpatient surgeries;

* limit drug reimbursement to the lower of the actual acquisition costs plus a fixed dispensing fee; the maximum allowable cost set by the federal government or the Department of Human Services, plus the fixed dispensing fee or the usual and customary price;

* allow an additional $.30 dispensing fee for prescriptions dispensed to residents of LTC facilities when a unit-dose blister card system is used;

* expand MA to cover preventive services for pregnant women at risk of poor pregnancy outcomes, and

* provide authority for the Department of Human Services to promulgate rules to allow MA payment for case management services to persons with serious and persistent mental illness and persons with brain injuries.

Minnesota Statutes 1986, section 256B.03, subdivision 1, is amended effective July 1, 1987, to limit the maximum payment for new vendors enrolled in the MA program after the base year to the average usual and customary charge of the same vendor type enrolled in the base year.

Minnesota Statutes 1986, section 256B.04, subdivision 14, is amended effective July 1, 1987, to add drugs to the competitive bidding list for volume purchasing of MA services.

Minnesota Statutes 1986, section 256.969, subdivision 3, is amended effective July 1, 1987, to provide for supplemental grants to hospitals receiving MA payments through a county-managed health plan that serves only residents of the county.

The estimated savings in MA expenditures are:

$10,700,000 FY 88 $11,100,000 FY 89

V. MA Utilization Review

Minnesota Statutes 1986, section 256B.04, subdivision 15, is amended effective July 1, 1987, to establish appeal rights of providers and recipients.

No change is projected in MA expenditures.

VI. Long Term Care Facility Rates and Nursing Home Moratorium

Minnesota Statutes 1986, section 256B.431, subdivision 2b, is amended effective July 1, 1987, to adjust long term care facility rates for certain facilities located in geographic group I.

Minnesota Statutes 1986, section 144A.05, is amended effective July 1, 1989, to limit renewal of licenses for nursing homes to rooms with no more than 4 beds and change replacement criteria.

Minnesota Statutes 1986, section 144A.073, is amended effective July 1, 1987, to allow exceptions to the moratorium procedures and establish replacement restrictions.

Minnesota Statutes 1986, section 144A.27, is amended effective July 1, 1987, to require acting administrators to secure an acting administrator license within 30 days of appointment.

Minnesota Statutes 1986, section 256B.431, is amended effective July 1, 1987, to:

* provide real estate tax liability provisions in the operating cost provisions;

* allow special dietary needs adjustments for rates after 7/1/87;

* provide authority to contract for services for ventilator dependent persons;

* add property-related cost changes for nursing homes with a reduced licensed bed capacity after January 1, 1986;

* change depreciation recapture provisions;

* allow effective July 1, 1987, the lesser of the plant and maintenance costs or $325 per licensed bed.

* provide special ratesetting for ICF/CD/IMD facilities effective July 1, 1986;

* change appraised value appeals criteria, and

* provide for a task force study of moratorium definition of hardships, need for nursing home beds based on age 75 instead of age 65 and older, and geographic maldistribution of beds and alternative services by December 15, 1988.

Minnesota Statutes 1986, section 256B.0641, is amended the day following enactment to require current owners of ICFs/MR and nursing homes to be responsible for debts to MA of prior owners.

Minnesota Statutes 1986, section 256B.091, is amended effective July 1, 1987, to expand the Preadmission Screening and Alternative Care Grants Program to include clients who are high risk to a boarding care home and to provide a penalty to counties for lateness in conducting screenings. Counties are also required to notify providers of the opportunity to be selected as an ACG provider, follow specified criteria for the selection of that provider and tell a provider why it was not selected.

Minnesota Statutes 1986, section 144A.31, is amended effective July 1, 1987, to change the composition of the Interagency Board and meeting dates to quarterly. The chair will alternate annually between the Department of Health and the Department of Human Services. Current relocating plan provisions are also extended to residents of ICFs/MR.

Minnesota Statutes 1986, section 144.0722, is amended effective July 1, 1987, to:

* change the time lines for reconsideration of resident assessments and for notification to residents of classification;

* provide further statutory authority for resident access to facility information and facility penalties for not providing it;

* set additional criteria for facility reconsiderations, and

* provide further statutory authority for the Department of Health audits of facility assessments.

Minnesota Statutes 1986, section 252.292 and 256B.092, are amended effective the day following enactment to:

* establish RFP process and criteria for county initiated proposals to convert ICF/MR residents to community services, and

* establish rate setting guidelines for payment to ICF/MR facilities during a phase-down to closure.

Minnesota Statutes 1986, section 256B.50, is amended effective July 1, 1987, to remove nursing home appraised value appeals board and implement a system of comparison between DHS initiated finding of value and facility initiated finding of value.

The estimated increase in MA expenditures is:

$400,000 FY 88 $1,200,000 FY 89

VII. MA Demonstration Project

Minnesota Statutes 1986, section 256B.69, is amended effective July 1, 1987, to extend the current MA Demonstration Project, which is implemented in Itasca, Dakota and Hennepin counties, is a prepaid program for the administration and delivery of health services to MA recipients. The project, which began November 1, 1985, is a federal waiver project which was due to expire at the end of the three year period. The project, which includes AFDC, aged, blind and disabled clients, will be extended pending approval by the federal agency. The statute changes also:

* require demonstration providers to pay clean claims within 30 days;

* change appeal procedures for the Demonstration Project to conform with other MA appeals;

* adds an expedited appeal process for "urgent care", and

* provide for judicial review of appeals.

No change is projected in MA expenditures.

VIII. Prepaid Health Plan

Minnesota Statutes 1986, section 256.045, is amended effective July 1, 1987, to include the Prepaid Health Plan appeals in the same process as public assistance appeals. The ombudsman, whose role is defined in statute, must be notified within 3 days of formal complaint. State agency hearings are not required if the sole issue is mandatory enrollment in a prepaid health plan.

Minnesota Statutes 1986, section 256B.031, is added effective July 1, 1987. This new section:

* defines Prepaid Health Plan contract requirements;

* requires payments be made within 60 days after the month of coverage;

* includes MA services, except chemical dependency and mental health services, skilled nursing home facility services, personal care services, transportation and community mental health clinics services;

* requires plans to provide assessments of pregnant women to determine their risk of poor pregnancy outcome and provide treatment of women at risk of poor pregnancy outcome;

* requires plans to provide certain information to the state;

* limits Prepaid Health Plan payment rates to no more than 90% of the projected fee-for-service MA costs;

* requires mandatory enrollment of AFDC recipients, except refugees, in counties where there are at least two prepaid health plans to choose from;

* allows recipients to have 30 days to choose a health plan. If the recipient does not choose, the commissioner shall randomly assign the recipient to a health plan;

* requires a minimum 6 month enrollment;

* exempts women who are receiving MA as pregnant women and transfer to the AFDC program and the infant born to the mother through the 60 day postpartum period;

* requires the recipient to participate in the prepaid health plan provided through an employer or former spouse;

* designates an ombudsman;

* provides services pending appeal in certain cases;

* requires counties to have a prepayment coordinator;

* requires the commissioner to allow public or teaching hospitals to participate, and

* requires plans to use nonprofit community health service agencies.

The estimated savings in MA expenditures are:

$2,000,000 FY 88 $4,200,000 FY 89

IX. Regional Treatment Centers

Minnesota Statutes 1986, section 246.511, is amended effective July 1, 1987 to require that this statute is applicable to children in all state facilities, including regional treatment centers and state nursing homes.

Minnesota Statutes 1986, section 246.531, is amended effective July 1, 1987 to give the Department of Human Services subrogation insurance settlement rights for patients of state facilities and establish charges for care in state nursing homes in the same manner as is done for the Regional Treatment Centers.

The estimated savings in MA expenditures are:

$50,000 FY 88 $50,000 FY 89

X. Notification to Spouse

Minnesota Statutes 1986, section 256B.48, is amended to:

* require nursing homes to notify private pay residents of MA standards relating to assets allowed to be retained by a resident and the resident's spouse and of Medicare coverage of post-hospital extended care up to 100 days, and

* require the Department of Human Services to notify nursing homes and boarding care facilities of changes in determination of MA eligibility that relate to resources retained by a resident and the resident's spouse. PAS/ACG screening teams have primary responsibility.

No change is projected in MA expenditures.

XI. Home Care Licensure

Minnesota Statutes 1986, section 256B.04, is amended effective July 1, 1987, to provide the Department of Human Services rule authority to change from individual personal care assistant providers to organizations that employ and subcontract personal care assistant services. Personal care assistant organizations are exempt from Department of Health licensure, but must comply with the home care bill of rights.

No change is projected in MA expenditures.

XII. Surveillance and Utilization Review and Third Party Liability

Minnesota Statutes 1986, section 256B.02, is amended effective August 1, 1987, to include directors and officers of corporations or members of partnerships under the "vendor of medical care" provisions for purposes of MA.

Minnesota Statutes 1986, section 62A.046, is amended effective August 1, 1987, to provide for direct payment of court-ordered group insurance benefits to the medical provider.

Minnesota Statutes 1986, section 256.015, is amended effective August 1, 1987, to allow for a public assistance lien on a recipient's cause of action for benefits paid as a result of the claimed accident or injury.

Minnesota Statutes 1986, section 176.191, subdivision 4, is amended effective August 1, 1987, to:

* clarify that the state agency has a right to recover from any settlement or award compensating an injury for which public assistance was received, and

* require notification to the state of workers' compensation claims.

Minnesota Statutes 1986, section 256B.042, subdivision 2, is amended effective August 1, 1987, to:

* allow the state agency one year from the date of the notice or the date the recipient's cause of action is concluded to commence an action to enforce a lien;

* require notification to the state of monetary claims, and

* establish a formula for satisfying DHS' lien out of a person's settlement or award from a cause of action.

Minnesota Statutes 1986, section 256B.37, is amended effective August 1, 1987, to require private benefits be used prior to MA.

The estimated savings in MA expenditures are:

$20,000 FY 88 $20,000 FY 89

XII. Probate—Estate Collections

Minnesota Statutes 1986, section 524.805 is amended to allow nursing home expenses of the last illness of the decedent to be a probate claim of the same class as medical and hospital expenses. It also provides of an additional class following medical, hospital and nursing home expenses of the last illness of "reasonable and necessary medical, hospital and nursing home expenses for the care of the decedent during the year immediately preceding death."

No change is projected in MA expenditures.

Department of Labor and Industry
Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Emergency Rules Governing Workers' Compensation, Fees for Medical Records

Notice is hereby given that the Department of Labor and Industry, Workers' Compensation Division is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing charges by health care providers for medical records and reports supplied to workers' compensation insurers. A new subd. 7, added to Minn. Stat., section 176.135 by the 1987 legislature, allows health care providers to charge a reasonable fee for copies of records and reports that are in existence and directly relate to the medical charges for which payment is sought under the workers' compensation law. The adoption of the rule is authorized by Minnesota Statutes, section 176.135, subd. 7 (1987 Minn. Laws, ch. 332, sec. 38), which requires the agency to adopt a schedule of reasonable charges by emergency rules.

The Department of Labor and Industry 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:

Gary Mesna
Department Counsel
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at 296-8184 and in person at the above address.

All statements of information and opinions shall be accepted until July 17, 1987. Any written material received by the Department of Labor and Industry 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.

Dated: 15 June 1987

Ray Bohn, Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is July 14, 1987.

MINNESOTA COUNCIL FOR THE HEARING IMPAIRED has 2 vacancies open for the following:

a) 1 member from the N.E. Regional Service Center Advisory Committee;

b) 1 member at-large.

The council shall advise the Commissioner regarding policies, programs, services affecting hearing impaired citizens; create public awareness of needs and potential of hearing impaired people and to provide the Commissioner with a review of programs. Members are appointed by the Commissioner of Human Services. Terms are staggered. Members receive $35 per diem except for members who are full time state employees or full time employees of political subdivisions of the state shall not receive the $35 per diem. Quarterly meetings. For specific information contact the Minnesota Council for the Hearing Impaired, Mark Prowatzke, Deaf Services Division, Dept. of Human Services, 4th Floor, Centennial Bldg., 658 Cedar St., St. Paul 55155; (612) 297-1872 V/TDD.

BOARD OF BARBER EXAMINERS has 1 vacancy open for a professional member who has had at least 5 years experience. The board examines, registers and licenses barbers; enforces statutes regulating barbers, barber instructors, barber schools and shops. Members are appointed by the Governor. Members must file with the Ethical Practices Board. Meetings as necessary. For specific information contact the Board of Barber Examiners, 500 Metro Square Bldg., St. Paul 55101; (612) 296-2364.

MINNESOTA COUNCIL ON PRODUCTIVITY AND QUALITY has 8 vacancies open for representatives of management, labor, small business, engineering or business-management education. The council shall help raise public awareness of quality and productivity as a means to increase the state's industrial competitiveness; shall disseminate case studies and other material describing successful efforts; shall work on better labor-management relations. Four members are appointed by the Governor; two members are appointed by the Speaker of the House and two members are appointed by the Senate majority leader. Compensation of public

members for expenses is as provided for members under M.S. § 15.059. For specific information contact the Minnesota Council on Productivity and Quality, Robert de la Vega, 900 American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 297-1935.

MINNESOTA TASK FORCE ON INTERIOR DESIGNERS AND DECORATORS has 12 vacancies open for the following: a) 3 architects; b) 3 interior designers; c) 1 structural engineer; d) 1 interior decorator; e) 1 architect educator; f) 1 interior design educator; g) 2 public members. The task force shall recommend whether interior designers and/or interior decorators should be licensed or otherwise regulated to practice their professions in Minnesota. Members are appointed by the Commissioner of Commerce. Members receive no compensation or expense reimbursement. Monthly meetings. A report to the Commissioner of Commerce and the legislature shall be due by January 15, 1988. For specific information contact Lowell E. Torseth, Task Force Chair, 162 Metro Square Bldg., St. Paul 55101; (612) 296-2388.

MINNESOTA AMATEUR SPORTS COMMISSION has 9 vacancies open for members of whom 4 shall be experienced in promoting amateur sports. In addition there shall be 2 non voting members who are legislators, one from each house. The Governor is the appointing authority and shall appoint the initial members as follows: three members to one-year terms; three members to two-year terms; and three members to three-year terms. Members receive $35 per diem as provided in M.S. § 15.0575. Quarterly meetings and at other times as determined by the Commission. The commission shall work and support the amateur sports association in the state and promote amateur sports events. For specific information contact the Minnesota Amateur Sports Commission, Paul D. Erickson, 900 American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 296-4845.

MINNESOTA INSURANCE GUARANTY ASSOCIATION has 2 vacancies open for public members. The association shall provide for the payment of covered claims to avoid financial loss to policy holders because of the liquidation of an insurer. Members are appointed by the Commissioner of Commerce for a term of two years. Members are reimbursed for expenses. Meetings scheduled as needed. For specific information contact the Minnesota Insurance Guaranty Association, Gena Doyscher, Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101; (612) 296-4026.

MINNESOTA AUTOMOBILE INSURANCE PLAN GOVERNING COMMITTEE has 4 vacancies open for public members. The committee shall direct the operation of the Minnesota Automobile Insurance Plan which provides for the placement of insurance for drivers and vehicle owners who are unable to obtain coverage in the open market. Members are appointed by the Commissioner of Commerce. Members receive no compensation or per diem. Meetings every other month in the Twin Cities area. For specific information contact the Minnesota Automobile Insurance Plan Governing Committee, Gena Doyscher, Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101; (612) 296-4026.

MINNESOTA COMPREHENSIVE HEALTH ASSOCIATION BOARD OF DIRECTORS has 4 vacancies open for public members. The board of directors shall govern the activities of the Minnesota Association which provides basic health insurance coverage to persons in Minnesota unable to obtain coverage through the open market. Members are selected by the Commissioner of Commerce. Members receive compensation for meals and mileage only. Quarterly meetings in the Twin Cities area. For specific information contact the Minnesota Comprehensive Health Association Board of Directors, Gena Doyscher, Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101; (612) 296-4026.

MINNESOTA AUTOMOBILE ASSIGNED CLAIM GOVERNING COMMITTEE has 2 vacancies open for public members. The committee shall govern the operation of the Minnesota Automobile Assigned Claims Plan in providing no-fault basic economic loss benefits to eligible recipients as provided under M.S. § 65B.64. Members receive no compensation or per diem. Public members are appointed by the Governor. Meetings scheduled annually in February in the Twin Cities area. For specific information contact the Minnesota Automobile Assigned Claim Governing Committee, Gena Doyscher, Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101; (612) 296-4026.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL has 1 vacancy open for a member at-large. The council assists local governments in developing automated information systems by awarding grants. Members are appointed by the Commissioner of Administration. For specific information contact the Intergovernmental Information Systems Advisory Council, Centennial Office Bldg., 5th FLoor, 658 Cedar St., St. Paul 55155; (612) 297-2172.

MINNESOTA CRIME VICTIM AND WITNESS ADVISORY COUNCIL has 2 vacancies open for one crime victim member and one public member. The council shall review on a regular basis the treatment of victims by the criminal justice system and the need and availability of service to victims. The appointments should take into account sex, race and geographic distribution. Members are appointed by the Commissioner of Public Safety after consulting with the Commissioner of Corrections. Members receive no compensation. For specific information contact the Minnesota Crime Victim and Witness Advisory Council, Barbara Johnson, Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155; (612) 296-6642.

METROPOLITAN TRANSIT COMMISSION has 1 vacancy open for a member who must have management experience and must be a resident of the city of Minneapolis. Members may not, during term of office, be a member of the Metropolitan Council, Regional Transit Board, the Metropolitan Waste Control Commission, the Metropolitan Airports Commission, the Metropolitan Sports Facilities Commission or any other independent regional commission, board or agency or hold any judicial office. The commission shall provide transit services within the metropolitan area in comformance with the implementation plan of the Regional

Transit Board. Members are appointed by the Regional Transit Board. Members receive $50 per diem plus expenses. Members must file with the Ethical Practices Board. For specific information contact the Metropolitan Transit Commission, 560 6th Ave. N., Mpls 55411-4398; (612) 349-7400.

MINNESOTA ZOOLOGICAL BOARD has 15 vacancies open for members having a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota zoological garden. To the extent possible members shall be appointed who are residents of the various geographic regions of the state. Members should have ability to raise significant funds from the private sector. The board shall operate and maintain the Minnesota Zoological Garden. Members are appointed by the Governor. Members receive $35 per diem. Monthly meetings at the Minnesota zoo. For specific information contact the Minnesota Zoological Board, 12101 Johnny Cake Ridge Rd., Apple Valley 55124; (612) 432-9010.

PIPELINE SAFETY ADVISORY COUNCIL has 9 vacancies open for the following members: a) 1 member from the hazardous liquid pipeline industry; b) 1 member from the gas pipeline industry; c) 1 member from personnel who design or construct pipelines; d) 3 members who are state or local government employees; e) 3 members who are state residents unaffiliated with state or local government or the pipeline or utility industries. The council shall advise the commissioner, director and other appropriate federal, state and local government agencies and officials on matters relating to pipeline safety and operation. The council shall advise the environmental quality board and the commissioner on implementation of this law, and shall review and comment on proposed rules and on the operation of the office of pipeline safety. Members are appointed by the Commissioner of Public Safety. Members receive $35 per diem in accordance with the Commissioner's Plan. For specific information contact the Pipeline Safety Advisory Council, Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155; (612) 296-6642.

At the request of the Minnesota State Planning Agency, the application deadline for the Greater Minnesota Corporation has been extended to July 10, 1987. In accordance with the Minnesota Open Appointments Law, application forms may be obtained at the office of the Secretary of State, Joan Anderson Growe, 180 State Office Bldg., St. Paul, MN 55155-1299; (612) 296-2805. **The application deadline has been extended to July 10, 1987.**

GREATER MINNESOTA CORPORATION has 11 vacancies open for members. The corporation shall make grants for applied research; administer regional research institutes or other applied research facilities as determined by the board and invest in new products or businesses. Members are appointed by the Governor with the advice and consent of the Senate. For specific information contact the Greater Minnesota Corporation, 550 Cedar Street, Room 101, St. Paul, MN 55101; (612) 297-3247.

Sentencing Guidelines Commission

Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, July 23, 1987 at 5:30 PM in Hearing Room 5, Ground Floor, State Office Building, St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines regarding rankings for crimes created or changed by new legislation. The crimes to be considered for ranking and their statutory references are outlined below:

Sale of a Controlled Substance—152.15
Pipeline Safety/Failure to Report—299J.07, Subd. 2
Murder 3—609.195 (b)
Manslaughter 1—609.20 (4)
Great Bodily Harm Caused by Distribution of Drugs—609.228
Criminal Sexual Conduct 3—609.344 (k)
Criminal Sexual Conduct 4—609.345 (k)
Criminal Syndicalism—609.405
Tampering w/Witness—609.498, Subd. 1 (b)
Unauthorized Use of Credit Card—609.52, Subd. 2 (3)
Theft—609.52, Subd. 3
Damage to Property—609.595
Killing a Police Dog—609.596
Aggravated Forgery—609.625
Check Forgery—609.631
Hazardous Wastes—609.671
Financial Transaction Card Fraud—609.821
Use of Police Radios During Commission of Crime—609.856

There are two additional crimes inadvertently left unranked that the Commission will also consider for ranking:

Hazardous Wastes—115.071, Subd. 2 (2)
Accidents—169.09, Subd. 14(a) (3)

Due to various time constraints and the desire of the Commission to retain a consistent August 1 effective date for modifications, the specific proposed rankings for the crimes noted above were not available at the time this notice was sent for publication on June 15, 1987. These rankings have since been proposed, and anyone who wishes to have a copy of the specific proposed rankings may contact Commission staff at 51 State Office Building, St. Paul, MN 55155—telephone (612) 296-0144.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting Commission staff.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On Tuesday, July 28, 1987, the Commission will meet at 5:30 PM in Room 5, State Office Building, St. Paul, MN to formally adopt or reject the proposed modifications. If adopted, the modifications will become effective August 1, 1987. Those requiring legislative review will become effective August 1, 1988 absent legislative action to the contrary.

Department of Transportation
Program Management Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules for the Licensing of Hazardous Waste Transportation

Notice is hereby given that the Minnesota Department of Transportation is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the licensing of hazardous waste transporters. The adoption of the rules is authorized by Laws 1987, Chapter 393 (to be codified as Minnesota Statutes, Section 221.035, subdivision 4). That law requires the agency to issue, suspend and revoke licenses for the transportation of hazardous waste. The rules may include the reporting requirements.

The Minnesota Department of Transportation requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to: Elizabeth Parker, Room 820, Transportation Building, St. Paul, Minnesota 55155. Oral statements will be received during regular business hours over the telephone at 612-297-2913 and in person at the above address.

All statements of information and opinion shall be accepted until July 31, 1987. Any written material received by the Minnesota Department of Transportation shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 9 June 1987

Leonard W. Levine, Commissioner
Minnesota Department of Transportation

Department of Transportation

Petition of City of Woodbury for a Variance from State Aid Standards for Administrative Procedures

Notice is hereby given that the City Council of the City of Woodbury has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from administrative requirements for a construction project on MSAS 102 (Tamarack Drive) from Radio Drive to Brookview Road.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.2800 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit the expenditure of Woodbury's Municipal State Aid Street Construction Funds on a project that was awarded to a contrator prior to approval of the plan by the Minnesota Department of Transportation.

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: 9 June 1987

Leonard W. Levine
Commissioner of Transportation

STATE CONTRACTS AND ADVERTISED BIDS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over $2,000.

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

Commodities contracts with an estimated value of $15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

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

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Complete line of safety shoes Re-bid (AW)	June 22	Price Contract	Various	Various
Mobile radio equipt (TH)	June 24	Public Safety	No. St. Paul	B 07 500 39699
Kitchen cabinets & cupboards (DRT)	June 25	Military Affairs	Northfield	01 000 04917
Uniform rental contract (BJ)	June 25	Plant Management	St. Paul	Price Contract
Computers (PA)	June 25	Finance	St. Paul	10 300 02867
Gas chromatgraph (DK)	June 26	Public Safety	St. Paul	07 300 42604
Gas chromatgraph (DK)	June 26	Health	Minneapolis	12 400 11240
Optical system (DK)	June 26	State University	St. Cloud	26 073 19831
Biological equipt (DK)	June 26	State University	St. Cloud	26 073 19946
Oscilloscope (DK)	June 26	Transportation	St. Paul	79 000 74336
System 36 upgrade (PA)	June 26	Community College	Minneapolis	27 153 10100
Header plates (PA)	June 29	Public Safety	St. Paul	07 700 43176
Printers (PA)	June 29	Finance	St. Paul	10 300 02872
Hardware (DRT)	June 29	Regional Treatment Center	Anoka	55 100 03683
Athletic equipment (DM)	June 29	State University	St. Cloud	26 073 19755
Installation of sound system (PA)	June 30	State University	Moorhead	26 072 10088
Computer equipment (MJB)	June 30	State University	St. Cloud	26 073 20029
Uniform work closing (BJ)	June 30	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 #
Brochure: Fall Continuing Education in Nursing	June 24	Community College	Rochester	7765

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Billhead	June 24	Commerce	St. Paul	7753

Minnesota Historical Society

Notice of Availability of Contract for Layout/Graphic Design

The Minnesota Historical Society is seeking the services of a graphic/book designer to provide detailed layouts in accordance with established design for narrative and activity books and compatible design and layout for teacher's edition of *Northern Lights* curriculum project. It is anticipated that the cost of these services will not exceed $25,000.00. This is the maximum price to be paid and the Society does not commit itself to spending this entire amount.

These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP, a copy of the pilot project, and sample of a teacher edition format may be requested and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155. The deadline for submitting completed proposals is the end of the business day (5:00 p.m.) Monday, July 6, 1987. Late proposals will not be accepted.

Department of Human Services

Notice of Request for Proposal for Prepaid Health Plans

The Department of Human Services is seeking proposals from prepaid health plans to provide Medical Assistance (MA) services to Aid to Families with Dependent Children (AFDC) recipients. The Department will contract with health plans in counties in which the recipient has a choice between at least two prepaid health plans. Prepaid plans must be organized to provide all MA covered services except chemical dependency and mental health services for AFDC recipients. The plans must be able to accept financial risk. Capitation rates will be set by the Department. Contracts will be awarded based on: (1) geographic accessibility of service delivery sites, (2) ability to provide service to the entire range of the AFDC population, (3) financial and risk capability, and (4) ability to meet quality assurance, grievance and service delivery standards.

The formal request for proposals which contains detailed specifications may be requested from the Department of Human Services. The deadline for submitting a proposal is 4:00 p.m., July 31, 1987. Five copies are required. Selection of health plans will be made in August, 1987. Please direct proposals and inquiries to:

William E. Novak
Department of Human Services
Space Center Building
444 Lafayette Road
St. Paul, MN 55155
Phone: 612/296-1725

Minnesota Racing Commission

Substitute Assistant Racing Commission Veterinarian

To fill in on "as-needed" basis July 1, 1987 (ASAP) through November 1, 1987. Assist MRC Veterinarian in examination of horses, management of detention barn, and other duties. Irregular days.

Qualified candidates must possess current license to practice veterinary medicine in Minnesota.

Resumes must be received in the MRC offices, 11000 W. 78th Street, #201, Eden Prairie, Minnesota 55344, by 5:00 P.M. on July 15, 1987, attention: Dr. Camille McArdle, D.V.M.

Inquiries can be directed to Dr. Camille McArdle at the above address, or by calling her at 937-7753 (mornings, Wednesday through Sunday).

Department of Trade and Economic Development Policy Analysis Office

Notice of Request for Proposals for an International Trade Model for the State of Minnesota

The Minnesota Department of Trade and Economic Development is requesting proposals from firms interested in developing an international trade model for the State of Minnesota. The objective of this proposal is to provide the state with a structural model identifying international trade flows into and out of the state, the interrelationships between trade flows and various sectors of the state economy, and the effect of changing trade flows on each of these sectors.

This model will allow the state to identify industries in which it possesses an international comparative advantage, improve economic forecasting, and allow the state to quantify the economic impacts of changes in monetary/fiscal policies and currency exchange rate fluctuations on statewide and industry specific employment and output.

The Minnesota International Trade Model must have impact simulation/forecasting capability and be designed to run on any of the state accessible computer systems.

Proposals are being requested from qualified firms with experience in regional/international economic modeling.

The formal Request for Proposals (RFP) may be obtained and inquiries should be directed to:

LeaAnn Stagg
Department of Trade and Economic Development
Policy Analysis Office
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-4236

Funds available for this two year project are in the amount of up to $300,000. The deadline for the submission of completed proposals will be 4:30 p.m., July 16, 1987.

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.

Hennepin County Department of Transportation

Notice of Availability of Contract for Road and Bridge Design Project

The counties of Hennepin and Scott are seeking assistance from qualified Consultants for preparation of preliminary and detail design plans on the following road and bridge project which is on their County State Aid Highway System:

Project Description:

The Final Environmental Impact Statement has been accepted as adequate by the Federal Highway Administration (FHWA). A Record of Decision selecting the CSAH 18 corridor has been signed by the FHWA.

A Design Study Report shall be prepared for Federal Highway Administration approval. It shall include all proposed right of way requirements and bridge and roadway construction of CSAH 18 from I-494 to TH 101 (Shakopee Bypass).

County State Aid Highway 18 (CSAH 18) from north of County State Aid Highway 1 (108th Street) in Bloomington to Trunk Highway 101 (TH 101) in Shakopee. Construction will include but not be limited to new bridges, grading, surfacing, grade separation, channelization, signals and drainage. All contract documents including, but not limited to, plans, specifications and estimates shall be ready for contract bid letting in September 1989.

General Scope of Services

Following is the anticipated Scope of Services. The counties may expand or reduce the Scope of Services as the need dictates.

1. Field surveys including alignment, topography, cross sections, soils, utilities and other pertinent information.

2. Preparation of preliminary layouts and profiles. Obtain municipal approval of layouts and profiles.

3. Prepare Design Study Report and conduct the required public hearing. Obtain Federal Highway Administration approval of Design Study Report.

4. Preparation of final construction plans, including alternate designs if required, construction specifications, cost estimates, construction contract documents, and review of construction shop drawings.

5. Obtain construction plan approval from FHWA, Mn/DOT State Aid and municipalities.

Expression of Interest

Those Consultants who wish to be considered should submit six (6) copies of a Statement of Qualifications which includes Standard Forms 254 and 255. Each statement shall be limited to 25 pages including both Standard Forms. Consultants should also indicate whether or not they are Equal Employment Opportunity firms having Affirmative Action Plans. Statements should be submitted to:

Herbert O. Klossner, Director
Hennepin County Department of Transportation
320 Washington Avenue South
Hopkins, Minnesota 55343

Statements should be submitted by 3:00 P.M., Tuesday, July 14, 1987.

If more information concerning the project is desired, the firm should contact Theodore J. Hoffman, Chief of Design, Phone Number (612) 935-3381.

Selection Procedure

A five member Consultant Selection Committee will review the Statements of Qualifications from all interested consultants and will establish a short list of consultants to be interviewed. The five member Consultant Selection Committee will be composed of the Hennepin County Engineer, Scott County Engineer, Mn/DOT District State Aid Engineer, and one member each from the Hennepin County Capital Budget Task Force and the Scott County Transportation Coalition.

The counties will negotiate a contract for the necessary services with the Consultant selected.

Dated: 5 June 1987

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 & Training

Notice of Availability of Funds for Extended Employment Programs through Long-Term Sheltered Workshops

Extended Employment programs provided by certified long-term sheltered workshops may apply for funds granted by the Division of Rehabilitation Services in accordance with Minnesota Rules 3300.1950-3300.3050. Application forms for funding Extended Employment programs (Community Based Employment, Long-Term Employment, Work Activity, Work Component) are available from the Department of Jobs & Training, Division of Rehabilitation Services, Office of Rehabilitation Resources, 390 North Robert Street, Fifth Floor, St. Paul, Minnesota 55101. Completed applications must be postmarked July 31, 1987 or delivered to the above address by 4:00 pm on that date.

Applications are required for funding Extended Employment programs currently receiving state Extended Employment funds from the Division of Rehabilitation Services, and are also required for new or expanded programs.

Any city, town, county, nonprofit organization, or any combination of those, which operates or proposes to operate a public or nonprofit Extended Employment program may apply for funding.

For additional information contact the Office of the Director of Rehabilitation Resources, (612) 296-5628.

Minnesota Job Skills Partnership Board

Solicitation of Grant Proposals for Customized Training Programs

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for customized training programs designed for specific businesses. Following are application deadline dates and Board meeting dates:

Deadline Dates for new Grant Applications	Board Meeting Dates
July 17, 1987	August 17, 1987
October 16, 1987	November 16, 1987
January 15, 1988	February 16, 1988
April 15, 1988	May 16, 1988

For additional information, please call 612/296-0388.

SUPREME COURT DECISIONS

Supreme Court

Supreme Court Establishes Statewide Task Force for Gender Fairness in the Courts

The Minnesota Supreme Court announced June 12 the formation of a task force to study whether men and women are being treated differently in the Minnesota courts. The Task Force for Gender Fairness in the Courts will examine whether gender based myths, biases and stereotypes result in the unfair application, interpretation and enforcement of the law within the Minnesota Judicial System.

No studies have been conducted previously in Minnesota, but recent studies in other states have revealed a pattern of different and unequal treatment of men and women. The Minnesota study will be an internal evaluation of the Minnesota System to document the existence of gender bias and to recommend methods for its elimination, where found.

The Supreme Court named thirty persons to the Task Force. Members are from around Minnesota and include men and women judges, lawyers, and public members. Justice Rosalie Wahl, Associate Justice of the Supreme Court, will chair the Task Force. Judge Susanne Sedgwick was named Vice-Chair. The Supreme Court also named as Task Force Consultant Dr. Norma Wikler of the University of California Santa Clara. Wikler was the first Director of the National Judicial Education Program to Promote Equality

for Women and Men in the Courts, and currently serves as advisor to the New Jersey and New York Gender Bias Task Forces. Wikler is Senior Advisor to the Foundation for Women Judges. Marsha Freeman of the Humphrey Institute was named Task Force Reporter.

The study is being funded in part by a $50,000 appropriation authorized by the Minnesota Legislature. The Task Force must report findings to the Supreme Court by June 30, 1989. Thereafter, it will monitor the implementation of approved reform measures, if needed, and evaluate their effectiveness in assuring gender fairness in Minnesota's courts' processes.

Order Establishing Minnesota Task Force for Gender Fairness in the Courts

WHEREAS, recent scholarly investigations in local communities and states of this nation have revealed a pattern of different and unequal treatment of men and women in American legal and judicial systems; and

WHEREAS, such studies have demonstrated that gender based myths, biases and stereotypes operate in the application, interpretation and enforcement of numerous areas of the law; and

WHEREAS, the Minnesota Judiciary is committed to assuring the equal treatment under law of all Minnesota citizens;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Minnesota Task Force for Gender Fairness in the Courts be, and hereby is, established to:

1. Explore the extent to which gender bias exists in the Minnesota State Court System, by ascertaining whether statutes, rules, practices or conduct work unfairness or undue hardship on women or men in our courts;

2. Document where found the existence of discriminatory treatment of women or men litigants, witnesses, jurors, and of women judicial, legal, and court personnel;

3. Recommend methods to eliminate gender bias in the courts including the development and provision of necessary judicial education, the passage of legislation and the promulgation of court rule and policy revisions;

4. Report the findings of its investigation to this Court by June 30, 1989; and

5. Monitor, thereafter, the implementation of approved reform measures and evaluate their effectiveness in assuring gender fairness in our courts' processes.

IT IS FURTHER ORDERED that the following persons be, and hereby are, appointed as members of the Minnesota Task Force on Gender Fairness in the Courts:

Hon. Rosalie E. Wahl
Minnesota Supreme Court
230 State Capitol
St. Paul, MN 55455

Hon. Harriet Lansing
Court of Appeals
1300 Amhoist Tower
St. Paul, MN 55101

Hon. James E. Preece
District Court Judge
P.O. Box 1008
Bemidji, MN 56601

Hon. George I. Harrelson
County Court Judge
Lyon County Courthouse
Marshall, MN 56258

Hon. Jan Symchych
United States District Court
Federal Building
316 North Robert Street
St. Paul, MN 55101

Hon. Jack J. Litman
District Court Judge
St. Louis County Courthouse
Virginia, MN 55792

Hon. Mary Winter
Fourth Judicial District
Government Center
Minneapolis, MN 55487

Hon. Jonathan Lebedoff
District Court Judge
12-C Government Center
Minneapolis, MN 55487

Alexander M. Keith
P.O. Box 549
Rochester, MN 55903

Ann R. Huntrods
332 Minnesota Street #2200
St. Paul, MN 55101

Cathy Gorlin
80 So. Eighth St. #3500,
Minneapolis, MN 55402

Ann L. Carrott
Douglas County Courthouse
Alexandria, MN 56308

Hon. Susanne C. Sedgwick
Court of Appeals
1300 Amhoist Tower
St. Paul, MN 55101

Hon. Bertrand Poritsky
District Court Judge
1551 Ramsey County Courthouse
St. Paul, MN 55102

Hon. John C. Lindstrom
District Court Judge
P.O. Box 1337
Willmar, MN 56201

Hon. LaJune Thomas Lange
District Court Judge
8-C Government Center
Minneapolis, MN 55487

Hon. John E. Valen
Judge of District Court
Morrison County Courthouse
Little Falls, MN 56345

Hon. Bruce R. Douglas
District Court Judge
P.O. Box 207
Buffalo, MN 55313

Hon. Gerard Ring
District Court Judge
Olmsted County Courthouse
Rochester, MN 55901

Hon. Gaylord Saetre
Rural Route #2
Box 383
Perham, MN 56573

Laura Miles
3790 Northome Road
Deephaven, MN

Thomas Tinkham
220 S. Sixth Street #2200
Minneapolis, MN 55402

Sue Dosal
State Court Administrator
230 State Capitol
St. Paul, MN 55155

Laura Cooper
University of Minnesota Law School
Minneapolis, MN

Martin Costello
101 Fifth Street E. #2100
St. Paul, MN 55101

Aviva Breen
Executive Director
Commission on Economic
Status of Women
State Office Building—Room 85
St. Paul, MN 55155

Joan Higginbotham
Minnesota League of
Women Voters
555 N. Wabasha Street
St. Paul, MN 55101

Ember Reichgott
7701 48th Ave. North
New Hope, MN 55428

Barbara Nelson
Humphrey Institute
301 19th Avenue South
Minneapolis, MN 55455

Jan Smaby
President, Spring Hill Conference Center
P.O. Box 288
Wayzata, MN 55391

IT IS FURTHER ORDERED that the Honorable Rosalie E. Wahl be, and hereby is, designated as Chairperson and that the Honorable Susanne C. Sedgwick be, and hereby is, designated as Vice-Chairperson.

IT IS FURTHER ORDERED that Dr. Norma J. Wikler be, and hereby is, appointed as Task Force Consultant and that Marsha A. Freeman, be, and hereby is, designated as Task Force Reporter.

Dated: 8 June 1987

BY THE COURT

Douglas K. Amdahl
Chief Justice

ANNOUNCEMENTS

Department of Agriculture The Plant Industry Division, Department of Agriculture, has announced the availability of its shade tree newsletter, *OVERSTORY*. Publication of the newsletter was discontinued in 1982 and is now being resumed. It will be sent free of charge to those interested in topics on: gypsy moth control, Arbor Day activities, oak wilt management programs, shade tree issues and community tree care. The target audience is city foresters, tree inspectors, legislators, city officials, state and federal employees. To be added to the mailing list, contact Don Mueller at Department of Agriculture, Plant Industry Division, 90 W. Plato Blvd., St. Paul, MN 55107, (612) 296-6692.

ANNOUNCEMENTS

Environmental Quality Board Environmental Assessment Worksheets (EAWs) due July 15: Woodbridge Ponds, City of Savage; County Road 78, Anoka County; Burkel Turkey Farms, Wadena County; Rochester Plaza Hotel, City of Rochester; Starwood Music Center, City of Shakopee; Blooming Prairie Wastewater Treatment Facility, Minnesota Pollution Control Agency (MPCA). A scoping EAW on the Winona County Resource Recovery Facility by the MPCA will end its comment period July 15, with a July 7 meeting scheduled at 7pm at the Winona Technical Institute Auditorium, 1250 Homer Road, Winona.

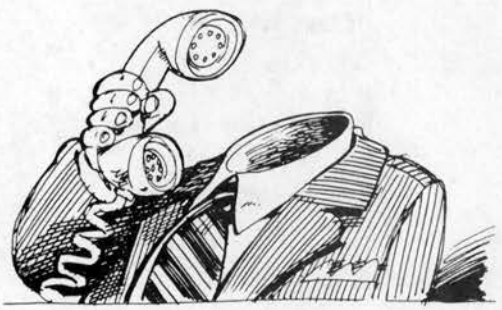
A Final Environmental Impact Statement (EIS) is available for the Nicollet Mall Project, Minneapolis for public review and comment. An FEIS information meeting is scheduled for June 23 at 4pm in Room 210A City Hall, Minneapolis. The FEIS will be presented before the Energy and Technology Committee of the City Council on July 6 at 1:30pm in Room 319 City Hall, Minneapolis, and before the full Minneapolis City Council on July 10 in Room 317 City Hall. For further information about any of this contact *EQB Monitor* editor Greg Downing, (612) 296-8253.

Pollution Control Agency The PCA has released a general information article on proper disposal of left-over, unusable and waste paint. The article is appropriate for organizational newsletters, community newspapers, or anyone who wants to know how to safely dispose of paint. Contact: Elizabeth Gelbmann, (612) 296-7792.

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



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." Make checks payable to the State of Minnesota. Please include 6% sales tax, and $1.50 for 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.

Minnesota: national leader in education

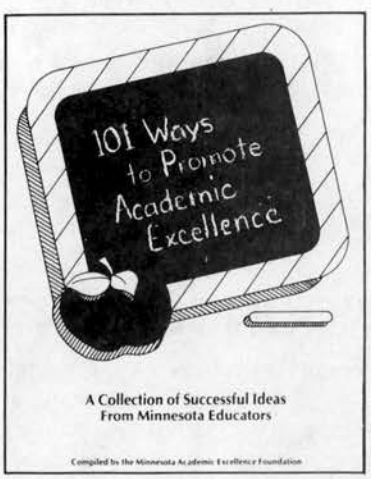
101 Ways to Promote Academic Excellence

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

Education Directory, 1986-87

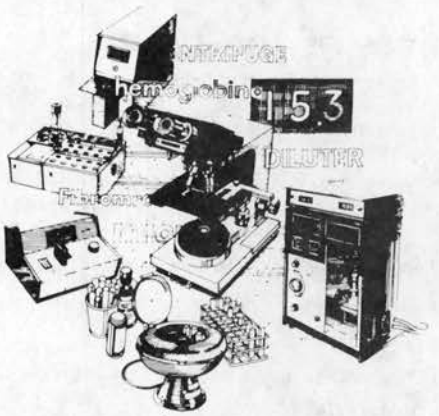
This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, $5.00.

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



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.

Buying Or Selling?



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

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

Mailing Lists. We have a large variety of mailing lists, in many formats. A new catalog is being developed. Call or write if you wish to receive a copy when it is updated.

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

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MAILING LISTS GALORE

Successful business means successful sales

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

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

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

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

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.

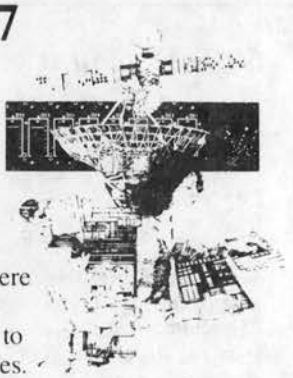
Minnesota Manufacturer's Directory 1986-87



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.

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

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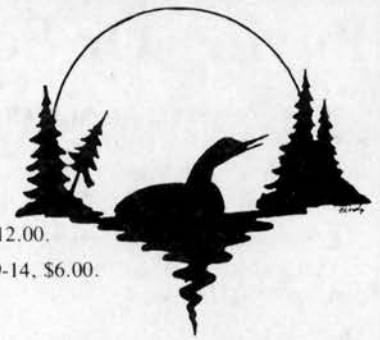
Voices of the Loon



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

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

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

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

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

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

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

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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Minnesota's future environment



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

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

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

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

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60% Discount on case lots of the 1986 Official Minnesota Hiway Map



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

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

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

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

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

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DOCUMENTS DIVISION

Publications, Services, Subscriptions

Order Form on Back—For Information, Call 297-3000

NEW PUBLICATIONS:

Building Code 1987. Regulates design, construction, quality of materials, use and occupancy of all buildings and structures. Includes adoption by reference of Uniform Building Code, National Electrical Code and others. Code #3-65s3, $10.00.

Plumbing Code 1987. Rules concerning public safety and health in regard to: materials, joints, traps, fixtures, water supply, drainage, inspection and water conditioning. Code #3-6, $11.00.

Health Care Facilities Directory 1987. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Code #1-89, $15.00.

Human Services Rules Supplement 1987. The 1987 Supplement to the Department's rule book includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, $24.95.

OTHER PUBLICATIONS

1987 Workers' Compensation Handbook. Includes the statutes (Minn. Stat. Chapter 176), the Office of Administrative Hearings and Litigation Procedure Rules (Rules Chapter 1415), Fees for Medical Services (Rules Chapter 5221), Disability Schedules (Rules Chapter 5223) Workers' Compensation Court of Appeals Rules of Procedure (Rules Chapter 9800). Code #2-72. $14.00 plus tax.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important information on the placement of nests in proper habitat areas. Diagrams. Code #9-14. $6.00 plus tax.

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

Criminal Code and Selected Statutes 1986. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, $12.00 plus tax.

Education Rules 1986. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, $14.50 plus tax.

SUBSCRIPTIONS:

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

Workers Compensation Decisions. Volume 39. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. $95.00.

SERVICES:

Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

1987 Outdoors Catalog. Listing over 4,000 lake maps, fishing guides, bikeway maps, cookbooks, travel guides, and more. Free.

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

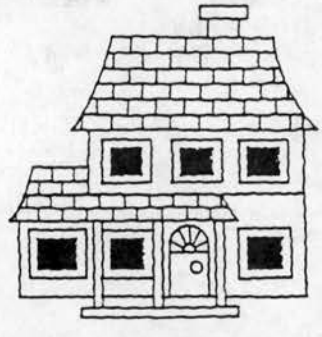
State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. $6.50 plus 39¢ tax.

Historic and Enchanting Houses—June specials 10% off

Room at the Inn. A guide to more than 50 historic bed and breakfast homes, hotels and county inns within a day's drive of the Twin Cities. Includes rates, features, local attractions, travel directions, and meals. A key to an enchanting weekend getaway. Code #19-72. ~~$7.95~~ $7.15.

Pretty Red Wing. A tribute to Red Wing that details the city's history and efforts at preservation. Includes illustrations of landmarks in earlier days. Code #19-62. ~~$12.95~~ $11.65.

Stillwater-Minnesota's Birthplace. The story of Stillwater, its heritage and ancestry, illustrates and describes historical sites and the lifestyles, trades, and culture of early settlers. Code #19-61. ~~9.95~~ $8.95.



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STATE OF MINNESOTA

Department of Administration

Minnesota Documents Division

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STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

Exhibit E

In the Matter of the Proposed Adoption of the Rules of the State Department of Transportation Governing the Licensing of Hazardous Waste Transporters	CERTIFICATE AS TO COMPLETENESS OF MAILING LIST FOR RULE - MAKING

- -

I, Kenneth H. Bjork, Manager - Administrative Procedures and Documentation Section, do certify that attached and included in the Affidavit of Mailing of the Notice to all persons on the Department of Transportation mailing list, there is a complete and accurate list of persons, associations, and other interested groups who as of November 19, 1987, requested pursuant to Minn. Stat. § 14.14, Subd. 1a that their names be placed on file with the Commissioner of Transportation for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Dated this 19th day of November, 1987.

AFFIANT

Kenneth H. Bjork, Manager
Administrative Procedures &
Documentation Section
Finance & Management Systems
Division

RAMONA T. MACKENROTH
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

Subscribed and sworn to before me

this 19 day of November, 1987.

Ramona T. Mackenroth
Notary Public

Washington County, Minnesota.

My Commission expires Jan. 29, 1993.

Department of Transportation
Crossfile Listing
All records for Distribution 031
****

St	Dst	Cpy	Cost	C	Key	Last	First	M	Organization	Address	City
					0078	ADOLFSON	RAYMOND	A	MINN DEPT TRANSPORTATION	131 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0012	ANDERSON	LOUIS	C	MINN DEPT TRANSPORTATION	N TR HWY 52 PO BOX 6177	ROCHESTER
MN	031	1	00.00	1							
					0017	BALDWIN	JEROME	C	MINN DEPT TRANSPORTATION	404 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0057	BATES	MARVIN	G	MINN DEPT TRANSPORTATION	1301 MAIN ST PO BOX 617	CROOKSTON
MN	031	1	00.00	1							
					0781	BERGMAN	PAUL	M	MINN DEPT TRANSPORTATION	G20 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0022	BJORK	KENNETH	H	MINN DEPT TRANSPORTATION	308 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0408	BLOMGREN	JOANNE	A	MINN DEPT TRANSPORTATION	604 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0025	BOLDT	GORDON	W	MINN DEPT TRANSPORTATION	100 STOCKYARDS ROAD	SO ST PAUL
MN	031	1	00.00	1							
					0403	BOLDT	BARB		MINN DEPT TRANSPORTATION	G20 TRANSPORTATION BLDG	ST PAUL
MN	031	2	00.00	1							
					0148	BORSON	RICHARD	D	MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL
MN	031	2	00.00	1							
					0461	BROWER	LINDA		MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR
MN	031	1	00.00	1							
					0456	CARON	DELORIS		MINN DEPT TRANSPORTATION	W TR HWY 14 PO BOX 307	OWATONNA
MN	031	1	00.00	1							
					0426	CHADA	GLORIA	A	MINN DEPT TRANSPORTATION	411 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0210	CLARKE	EDWIN	O	MINN DEPT TRANSPORTATION	308 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0040	COHOON	EDWIN	H	MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0042	CRAWFORD	WILLIAM	M	MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	GOLDEN VALLEY
MN	031	1	00.00	1							
					0045	DAVIS	JACK	C	MINN DEPT TRANSPORTATION	315 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0409	DEMBOUSKI	DIANE	M	MINN DEPT TRANSPORTATION	461 RICE STREET	ST PAUL
MN	031	1	00.00	1							
					0046	DIETHELM	PAUL	J	MINN DEPT TRANSPORTATION	B9 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0002	DIFFERT	DOUGLAS	H	MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0048	DINNEEN	RICHARD	J	MINN DEPT TRANSPORTATION	511B TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0431	DRAGICEVICH	ANN	M	MINN DEPT TRANSPORTATION	1900 W CO RD I	NEW BRIGHTON
MN	031	1	00.00	1							
					0411	DUPRE	STAN	S	MINN DEPT TRANSPORTATION	G29B TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0047	DURGIN	DARRYL	E	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL
MN	031	1	00.00	1							
					0080	EKERN	DAVID	S	MINN DEPT TRANSPORTATION	HOOVER ROAD	VIRGINIA
MN	031	1	00.00	1							
					0191	ELLETSON	JAMES	K	MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES
MN	031	1	00.00	1							
					0460	ENFIELD	DAVID		MINN DEPT TRANSPORTATION	S CO RD 26 PO BOX 427	WINDOM
MN	031	1	00.00	1							
					0062	FAY	GORDON	M	MINN DEPT TRANSPORTATION	420 TRANSPORTATION BLDG	ST PAUL

MN 031	1 00.00 3								
		5103 SCHULTZ	RAY		CITY OF ANOKA	2015 1ST AVE N	ANOKA		
MN 031	1 00.00 3								
		1191 SCHUMANN	HENRY		MINN ASSN OF TOWNSHIPS	ROUTE 1 BOX 245	STEWARTVILLE		
MN 031	1 00.00 3								
		5108 SCHWENINGER	RONALD	J	CITY OF BRAINERD	503 LAUREL ST	BRAINERD		
MN 031	1 00.00 3								
		1104 SHUL	LUCKY		W CENTRAL AIRWAYS INC	PO BOX 432	FERGUS FALLS		
MN 031	1 00.00 3								
		5179 SIGGERUD	CHARLES	A	CITY OF BURNSVILLE	1313 E HWY 13	BURNSVILLE		
MN 031	1 00.00 3								
		9428 SPARTZ	GREGORY	G	WILLMAR STATE HOSPITAL	PO BOX 1128	WILLMAR		
MN 031	1 00.00 3								
		5109 SPURRIER	H	R	CITY OF BROOKLYN CENTER	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER		
MN 031	1 00.00 3								
		1115 STROM	KURT	E	COUNCIL FOR HANDICAPPED	208 METRO SQUARE BLDG	ST PAUL		
MN 031	1 00.00 3								
		4474 THOMPSON	RUSSELL	C	CENEX	PO BOX 64089	ST PAUL		
MN 031	1 00.00 3								
		9019 VAN DE NORTH	J	B	BRIGGS & MORGAN PA	2200 FIRST NATL BANK BLDG	ST PAUL		
MN 031	1 00.00 3								
		9431 VERKUILEN SISTER	DOROTHY		SAINT ANNE HOSPICE CENTER	1347 W BROADWAY	WINONA		
MN 031	1 00.00 3								
		1073 VIITALA	WILFRED	C	HONEYWELL INC	HONEYWELL PLAZA	MINNEAPOLIS		
MN 031	1 00.00 3								
		9229 WAAGE	DONALD	L	HIGHWAY USERS FEDERATION	13438 LARKIN CIRCLE	MINNETONKA		
MN 031	1 00.00 3								
		5194 WARREN	GARY		CITY OF CHANHASSEN	690 COULTER DR PO BOX 147	CHANHASSEN		
MN 031	1 00.00 3								
		1069 WELK	GARY	V	NORTHERN STATES POWER CO	414 NICOLLET MALL	MINNEAPOLIS		
MN 031	1 00.00 3								
		1079 WESTIN	CHARLES	W	NEMDA	800 ALWORTH BUILDING	DULUTH		
MN 031	1 00.00 3								

Key	Last	First	M	Organization	Address	City	St
Dst Cpy	Cost C						
	1114 WIEDERKEHR	MATT	H	WIEDERKEHR BALLOONS	1604 EUCLID STREET	ST PAUL	
MN 031	1 00.00 3						
	5106 WIEGERT	ROBERT	C	CITY OF BLAINE	9150 CENTRAL AVENUE NE	BLAINE	
MN 031	1 00.00 3						
	4467 WILKINS	J	C	GEORGE A HORMEL & CO	PO BOX 800	AUSTIN	
MN 031	1 00.00 3						
	5082 WISNIEWSKI	DONALD	C	COUNTY OF WASHINGTON	11660 MYERON RD N	STILLWATER	
MN 031	1 00.00 3						
	1003 YOST	JOHN		BOHMAN AIRWAYS	RT 8 PO BOX 348	INTL FALLS	
MN 031	1 00.00 3						
	1197 ZELENKA	ROBERT		MINN FARMERS ELEVATOR	852 GRAIN EXCHANGE BLDG	MINNEAPOLIS	
MN 031	1 00.00 3						

!)19AIQ

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IF CHANGES ARE REQUESTED

MN 031	1 00.00 3						
	5190	NOLTING	DONALD		CITY OF MORRIS	PO BOX 963 2504 AGA DR	ALEXANDRIA
MN 031	1 00.00 3						
	1158	NOLT	DEAN	D	MINN LP GAS ASSN	7515 WAYZATA BLVD	MINNEAPOLIS
MN 031	1 00.00 3						
	1098	NORD	TERENCE		NORD AVIATION INC	FT PEMBINA AIRPORT	PEMBINA
ND 031	1 00.00 3						
	1027	NORDQUIST	J		MN TEAMSTERS CREDIT UNION	2021 E HENNEPIN AVE XXX	MINNEAPOLIS
MN 031	1 00.00 3						
	1196	OBRIEN	PATRICK	J	AMERICAN INSURANCE ASSN	85 JOHN STREET	NEW YORK
NY 031	1 00.00 3						
	9237	OCONNELL	DAVID		MINN GOVT ENGRS COUNCIL	555 PARK STREET	ST. PAUL
MN 031	1 00.00 3						
	5309	OCONNOR	RONNIE		THOMPSON HINE & FLORY	1920 N STREET NW STE700	WASHINGTON
DC 031	1 00.00 3						
	1036	OLOFSON	ARTHUR	W	MPLS ASSOC BLDG OWNER/MGR	927 SOO LINE BLDG	MINNEAPOLIS
MN 031	1 00.00 3						
	0216	OLSEN	WILLIAM	J	MEDIBUS HELPMOBILE	2324 4TH AVENUE S	MINNEAPOLIS
MN 031	1 00.00 3						
	1054	OLSON	N	G	THUNDERBIRD AIRCRAFT CO	5100 EDEN AVENUE	MINNEAPOLIS
MN 031	1 00.00 3						
	5213	ORSEN	ALLAN		CITY OF WAYZATA	600 RICE STREET	WAYZATA
MN 031	1 00.00 3						
	4473	OXLEY	GREG		UNITED POWER ASSN	GENERAL DELIVERY	ELK RIVER
MN 031	1 00.00 3						
	9420	PACE	MARK		ABBOTT-NWESTERN HOSPITAL	800 EAST 28TH STREET	MINNEAPOLIS
MN 031	1 00.00 3						
	1113	PAYNE	ALVIN	B		ROUTE 1 - PO BOX 40	DEGRAFF
MN 031	1 00.00 3						
	1017	RUDRUD	RON		CITY OF BLOOMINGTON	2215 W OLD SHAKOPEE ROAD	BLOOMINGTON
MN 031	1 00.00 3						
	1179	RADZIEG	DAVID		AGC MINNESOTA	111 E KELLOGG BLVD	ST. PAUL
MN 031	1 00.00 3						
	1201	RAHR	FREDERICK	W	IZAAK WALTON LEAGUE	567 GRAIN EXCHANGE BLDG	MINNEAPOLIS
MN 031	1 00.00 3						
	1088	RAIBER	KENNETH	W	ST CLOUD STATE UNIVERSITY	HEADLEY HALL	ST CLOUD
MN 031	1 00.00 3						
	1092	REARDON	HELEN	J	W CENTRAL COMM SVCS CTR	1125 SE 6TH STREET	WILLMAR
MN 031	1 00.00 3						
	1170	RGNONTI	CHARLES		G & R AVIATION INC	13601 PIONEER TRAIL	EDEN PRAIRIE
MN 031	1 00.00 3						
	1058	RIEDL JR	JOHN	C	BRAINERD/CROW WING CTY	RT 2 PO BOX 251B	BRAINERD
MN 031	1 00.00 3						
	9222	RIPPENTROP	GARY	D	MINN AUTO DEALERS ASSOC	277 UNIVERSITY AVENUE	ST PAUL
MN 031	1 00.00 3						
	4119	ROMBERG	CHRIS		COUNTY OF BROWN	COURT HOUSE	NEW ULM
MN 031	1 00.00 3						
	1038	ROSENTHAL	ABE		MINN TRANSPORT SERVICES	1821 UNIVERSITY AVE 310	ST PAUL
MN 031	1 00.00 3						
	1033	ROSS	ALFRED			6356 WAKE ROAD	LINO LAKES
MN 031	1 00.00 3						
	4471	RUBENSTEIN	SAMUEL			6960 MADISON AVENUE W	GOLDEN VALLEY
MN 031	1 00.00 3						
	1019	SALEWSKI	BENNO		MINN ASSN HEALTH CARE FAC	2850 METRO DRIVE 429	MINNEAPOLIS
MN 031	1 00.00 3						
	3999	SALLSTROM	CRAIG		MN PLANT FOOD & CHEM ASSN	1821 UNIVERSITY AVE XXX	ST PAUL
MN 031	1 00.00 3						
	1082	SANFORD	S	M		7000 PORTLAND AVE	RICHFIELD
MN 031	1 00.00 3						
	3867	SATHER	GERALD		WEBERS AERO REPAIR INC	PO BOX 264	ALEXANDRIA
MN 031	1 00.00 3						
	9425	SCANLAN	JOYCE		NATL FED OF BLIND MINN	15 S FIFTH STREET 715	MINNEAPOLIS
MN 031	1 00.00 3						
	1100	SCHMIT	MICHAEL	C	CITY OF WILLMAR	333 W 6TH ST PO BOX 755	WILLMAR
MN 031	1 00.00 3						
	1152	SCHMITT	WILLIAM	L	CITY OF ALBERT LEA	221 E CLARK STREET	ALBERT LEA

MN 031	1 00.00 1							
		0020 FLEMMING	DONALD	J	MINN DEPT TRANSPORTATION	610D TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0052 FOOTE	LAWRENCE	E	MINN DEPT TRANSPORTATION	704 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0069 GARGARO	SAMUEL	F	MINN DEPT TRANSPORTATION	455 RICE STREET	ST PAUL	
MN 031	1 00.00 1							
		0071 GIPP	RONALD	W	MINN DEPT TRANSPORTATION	1959 SLOAN PLACE	MAPLEWOOD	
MN 031	1 00.00 1							
		0423 GRUBBS	MARY		MINN DEPT TRANSPORTATION	813 TRANSPORTATION BLDG	ST PAUL	
MN 031	6 00.00 1							
		0447 GURTIN	SANDRA	D	MINN DEPT TRANSPORTATION	301 LAUREL ST PO BOX 978	BRAINERD	
MN 031	3 00.00 1							
		0164 HALVORSON	RANDALL	K	MINN DEPT TRANSPORTATION	815 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0413 HANSON	GRETCHEN	E	MINN DEPT TRANSPORTATION	315 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0402 HANSON	DOROTHY	A	MINN DEPT TRANSPORTATION	610 TRANSPORTATION BLDG	ST PAUL	
MN 031	6 00.00 1							
		0081 HAUKEBO	DUANE	A	MINN DEPT TRANSPORTATION	417 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0404 HENSLIN	GLADYS		MINN DEPT TRANSPORTATION	607 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0100 HILL	ROGER	M	MINN DEPT TRANSPORTATION	612 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0088 HIMMELMAN	BLAINE	F	MINN DEPT TRANSPORTATION	610A TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0229 HODGINS	DAVID	M	MINN DEPT TRANSPORTATION	315 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0204 HOFFMAN	RONALD	G	MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES	
MN 031	1 00.00 1							
		0465 HOLLAND	JERRY	B	MINN DEPT TRANSPORTATION	3485 HADLEY AVENUE N	OAKDALE	
MN 031	1 00.00 1							
		0129 HUGHES	PATRICK	C	MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR	
MN 031	1 00.00 1							
		0407 HYLTON	MARGARET	M	MINN DEPT TRANSPORTATION	615 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		2012 JASZEWSKI	FRANK	J	MINN DEPT TRANSPORTATION	W HWY 61	WINONA	
MN 031	1 00.00 1							
		0004 KEINZ	RICHARD	B	MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0112 KIEFFER	GEORGE	L	MINN DEPT TRANSPORTATION	308 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0117 KORTH	LEO	A	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0194 KREUTZER	GERALD	N	MINN DEPT TRANSPORTATION	301 LAUREL ST PO BOX 978	BRAINERD	
MN 031	1 00.00 1							
		0043 LARSON	BRUCE	A	MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	DULUTH	
MN 031	1 00.00 1							
		0428 LEUZINGER	DIANE		MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0126 LINZIE	MERRITT	H	MINN DEPT TRANSPORTATION	807 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							

Dst	Cpy	Cost	C	Key	Last	First	M	Organization	Address	City	St
				0008	MARSHALL	FRANCIS	C	MINN DEPT TRANSPORTATION	419 TRANSPORTATION BLDG	ST PAUL	
MN 031	1	00.00	1								
				0070	MAY	JIM		MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR	
MN 031	1	00.00	1								
				0453	MCLAUGHLIN	LAVERNE	E	MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	GOLDEN VALLEY	
MN 031	1	00.00	1								

		0005 MCNAMARA	LAWRENCE	F	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0137 MCRAE	KE T	K	MINN DEPT TRANSPORTATION	3485 LEY AVENUE N	OAKDALE	
MN 031	1 00.00 1							
		0222 MELBY	ERNEST	R	MINN DEPT TRANSPORTATION	B20 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0227 MILLER	JERRY	L	MINN DEPT TRANSPORTATION	610 HWY 9 S PO BOX 410	MORRIS	
MN 031	1 00.00 1							
		0417 MONTGOMERY	JOYCE	W	MINN DEPT TRANSPORTATION	420 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0110 MUELLER	WILLIAM	G	MINN DEPT TRANSPORTATION	716 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0223 MURPHY	WAYNE	F	MINN DEPT TRANSPORTATION	G20 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0444 NAUGHTON	CHRISTINE	A	MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	
MN 031	1 00.00 1							
		0147 NYGAARD	MIKE	M	MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	
MN 031	1 00.00 1							
		0006 OFSTEAD	EUGENE	E	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	
MN 031	2 00.00 1							
		8815 PARKER	ELIZABETH		MINN DEPT TRANSPORTATION	815 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0144 PECORE	ROBERT	P	MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	
MN 031	1 00.00 1							
		0415 PETREE	ROSE	B	MINN DEPT TRANSPORTATION	B9 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0035 PLETAN	RODNEY	A	MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	GOLDEN VALLEY	
MN 031	1 00.00 1							
		0418 PURVIS	SANDRA	G	MINN DEPT TRANSPORTATION	711 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0059 RAISANEN	DON		MINN DEPT TRANSPORTATION	301 LAUREL ST PO BOX 978	BRAINERD	
MN 031	1 00.00 1							
		0109 ROHRBACH	GERRY	J	MINN DEPT TRANSPORTATION	716 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0003 ROUGHT	RAYMOND	J	MINN DEPT TRANSPORTATION	417 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0458 RUTZEN	DALE	L	MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	
MN 031	1 00.00 1							
		0153 SANDAHL	JOHN	E	MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	DULUTH	
MN 031	1 00.00 1							
		0193 SCHENKELBERG	ALLAN	J	MINN DEPT TRANSPORTATION	807 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0416 SECOR	JANET	E	MINN DEPT TRANSPORTATION	511 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0166 SELNESS	CECIL		MINN DEPT TRANSPORTATION	810 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0121 SHAW	DALE	N	MINN DEPT TRANSPORTATION	W TR HWY 14 PO BOX 307	OWATONNA	
MN 031	1 00.00 1							
		0024 SHELDRUP	MARLYN	E	MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	
MN 031	1 00.00 1							
		0113 SMILONICH	DAVID	G	MINN DEPT TRANSPORTATION	N TR HWY 52 PO BOX 6177	ROCHESTER	
MN 031	1 00.00 1							
		0455 SMITH	BARBARA		MINN DEPT TRANSPORTATION	N TR HWY 52 PO BOX 6177	ROCHESTER	
MN 031	1 00.00 1							
		0007 SOBOLEWSKI	MICHAEL		MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0240 SODER	ALAN	D	MINN DEPT TRANSPORTATION	100 STOCKYARDS ROAD	SO ST PAUL	
MN 031	1 00.00 1							
		0171 SOTEBEER	ANDREW	L	MINN DEPT TRANSPORTATION	S CO RD 26 PO BOX 427	WINDOM	
MN 031	1 00.00 1							
		0174 STEHR	RICHARD	A	MINN DEPT TRANSPORTATION	820 TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0178 SULLIVAN	RICHARD	H	MINN DEPT TRANSPORTATION	612E TRANSPORTATION BLDG	ST PAUL	
MN 031	1 00.00 1							
		0180 SWANSON	RICHARD	R	MINN DEPT TRANSPORTATION	461 RICE STREET	ST PAUL	
MN 031	1 00.00 1							

MN 031	1 00.00 3						
	9429 (VACANT)			HAVEN HOMES	930 W 16TH STREET		HASTINGS
MN 031	1 00.00 3						
	4475 (VACANT)			HIGHWAY USERS FEDERATION	386 N WABASHA ST STE 1025		ST PAUL
MN 031	1 00.00 3						
	1050 (VACANT)			IZAAK WALTON LEAGUE	PO BOX 24070		EDINA
MN 031	1 00.00 3						
	9424 (VACANT)			KNUTE NELSON MEM HOME	420 12TH AVENUE E		ALEXANDRIA
MN 031	1 00.00 3						
	1078 (VACANT)			MESABA AVIATION INC	6201 34TH AVENUE S		MINNEAPOLIS
MN 031	1 00.00 3						
	1039 (VACANT)			PHILLIPS LEGISLATIVE SERV	459 RICE STREET		ST PAUL
MN 031	1 00.00 3						
	1095 (VACANT)			STATE & FEDERAL REPORTING	1101 KING STREET 600		ALEXANDRIA
VA 031	1 00.00 3						
	1140 (VACANT)			TOWNSHIP OF WHITE BEAR	1281 HAMMOND ROAD		WHITE BEAR
MN 031	1 00.00 3						
	5138 HALDER	KEN		CITY OF MAPLEWOOD	1902 E CO RD B		ST PAUL
MN 031	1 00.00 3						
	1168 AHMANN	DELORES		CITY OF CRYSTAL	4141 DOUGLAS DRIVE N		CRYSTAL
MN 031	1 00.00 3						
	9210 ALLEN	M RUSSELL		MINN TIMBER PRODUCERS	208 PHOENIX BUILDING		DULUTH
MN 031	1 00.00 3						
	1147 ANDERSON	HERB	K		418 - 8TH ST S		VIRGINIA
MN 031	1 00.00 3						
	4469 ANDERSON	REX		MOBIL OIL CORPORATION	3225 GALLOWS ROAD		FAIRFAX
VA 031	1 00.00 3						
	4468 ANDERSON	C GARY		NORTHERN STATES POWER CO	414 NICOLLET MALL		MINNEAPOLIS
MN 031	1 00.00 3						
	4842 ANDERSON	DAVID		PETERSON BELL & CONVERSE	1800 AMERICAN NATL BANK		ST PAUL
MN 031	1 00.00 3						
	1185 ARCHER	JUAN	M	MINN MFGD HOUSING ASSN	222 E LITTLE CANADA ROAD		ST PAUL
MN 031	1 00.00 3						
	9402 ASHBY	JON	L	FLEETLINE TRANSP SVCS INC	11405 CENTURY BLVD		CINCINNATI
OH 031	1 00.00 3						
	5142 ASMUS	DONALD	J	CITY OF MINNETONKA	14600 MINNETONKA BLVD		MINNETONKA
MN 031	1 00.00 3						
	1907 BACK	R CHARLES		RYDER TRUCK RENTAL INC	3600 NW 82ND AV BX 520816		MIAMI
FL 031	1 00.00 3						
	5789 BACKHAUS	DALLAS	M	BRAD RAGAN INC	5110 SERVICE DRIVE		WINONA
MN 031	1 00.00 3						
	1026 BAILEY	AMY	L	SW REGL DEVEL COMN	2524 BROADWAY PO BOX 265		SLAYTON
MN 031	1 00.00 3						
	1096 BARKERS	R	B	BOISE CASCADE WOODLANDS	PO BOX 1152		INTL FALLS
MN 031	1 00.00 3						
	1105 BENNETT	JOEL	D	UNITED STOCKYARDS CORP	204 LIVESTOCK EXC BLDG		SO ST PAUL
MN 031	1 00.00 3						
	1200 BERNHARDSON	MARK	E	CITY OF ORONO	PO BOX 66		CRYSTAL BAY
MN 031	1 00.00 3						
	9421 BERTELSEN	DUANE		MOUNDS PARK HOSPITALS	200 EARL STREET		ST PAUL
MN 031	1 00.00 3						
	1171 BESAW	DAN		MOTOR VEHICLE MFGS	411 MAIN STREET		ST PAUL
MN 031	1 00.00 3						
	1067 BLAHA	GERALD	T		457 GOODHUE STREET		ST. PAUL
MN 031	1 00.00 3						
	1175 BLAZE	RICK		BUTLER AVIATION DULUTH	DULUTH INTL AIRPORT		DULUTH
MN 031	1 00.00 3						
	1138 BLOCK	EMANUEL	J		70 ORME CT.		ST. PAUL
MN 031	1 00.00 3						
	4466 BODONY	STEVE		HANSON SILO CO	PO BOX 37		LAKE LILLIAN
MN 031	1 00.00 3						
	1163 BOND	WILLIAM	E	ST PAUL CHAMBER COMMERCE	701 N CENTRAL TOWER		ST PAUL
MN 031	1 00.00 3						
	1053 BRAFF	J	E	RED OWL STORES INC	PO BOX 329		MINNEAPOLIS
MN 031	1 00.00 3						
	1101 BROEKER	JOHN	M	BROEKER HARTFELDT HEDGES	2850 METRO DRIVE #800		MINNEAPOLIS

		0181	SWANSON	ROBERT	G	MINN DEPT TRANSPORTATION	810 TRANSPORTATION BLDG	ST PAUL	
MN	031 1 00.00 1								
		0185	TESSMAN	GERALD	F	MINN DEPT TRANSPORTATION	404 TRANSPORTATION BLDG	ST PAUL	
MN	031 1 00.00 1								
		0450	THOMPSON	MARLYS	A	MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES	
MN	031 1 00.00 1								
		0203	TROOIEN	DAVID	G	MINN DEPT TRANSPORTATION	3725 12TH ST N PO BOX 370	ST CLOUD	
MN	031 1 00.00 1								
		0452	TSCHETTER	CONNIE		MINN DEPT TRANSPORTATION	610 HWY 9 S PO BOX 410	MORRIS	
MN	031 2 00.00 1								
		0420	VOELKER	KAREN		MINN DEPT TRANSPORTATION	309 TRANSPORTATION BLDG	ST PAUL	
MN	031 1 00.00 1								
		0449	WARWICK	TINA		MINN DEPT TRANSPORTATION	3725 12TH ST N PO BOX 370	ST CLOUD	
MN	031 1 00.00 1								
		0197	WOFFORD	KENNETH	O	MINN DEPT TRANSPORTATION	ST PAUL DOWNTOWN AIRPORT	ST PAUL	
MN	031 1 00.00 1								
		0198	WOLFE	ROBERT	E	MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	
MN	031 1 00.00 1								
		0201	WORKS	ROBERT	M	MINN DEPT TRANSPORTATION	815 TRANSPORTATION BLDG	ST PAUL	
MN	031 1 00.00 1								
		0037	YOERG	WILLIAM	N	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	
MN	031 1 00.00 1								
		1077	(VACANT)			METRO WASTE CONTROL COMN	METRO SQUARE BLDG STE 350	ST PAUL	
MN	031 1 00.00 2								
		1011	CATANIA JR	THOMAS		OFC ATTORNEY GENERAL	117 FORD BLDG	ST PAUL	
MN	031 1 00.00 2								
		1055	DAWSON	JEAN	L	MINN GOVERNMENT REPORT	B12 CAPITOL BLDG	ST PAUL	
MN	031 1 00.00 2								
		0140	DEWITT	ZONA		MINN STATE LEGISLATURE	645 STATE OFFICE BLDG	ST PAUL	
MN	031 1 00.00 2								
		0120	FOSLIEN	CHARLES	E	US DEPT TRANSPORTATION	METRO SQUARE BLDG 490	ST PAUL	
MN	031 1 00.00 2								
		9426	GOLDBERG	SALLY		MINN DEPT HUMAN SERVICES	CENTENNIAL OFC BLDG XXX	ST PAUL	
MN	031 1 00.00 2								
		1028	HRUBY	MARYANNE	V	MINN STATE LEGISLATURE	55 STATE OFFICE BLDG	ST PAUL	
MN	031 1 00.00 2								
		4472	LARSON	JOHN	W	MINN DEPT PUBLIC SAFETY	B4 CAPITOL BLDG	ST PAUL	
MN	031 1 00.00 2								
		8855	LARSON	NANCY	J	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD	ST PAUL	
MN	031 1 00.00 2								
		9352	MCINERNEY JR	DANIEL	J	MINN DEPT HEALTH	717 DELAWARE ST SE XXX	MINNEAPOLIS	
MN	031 1 00.00 2								
		1776	MILLER	WILLIAM	C	US DEPT TRANSPORTATION	METRO SQUARE BLDG 490	ST PAUL	
MN	031 1 00.00 2								
		0281	MOOSBRUGGER	LLOYD	J	OFC ATTORNEY GENERAL	515 TRANSPORTATION BLDG	ST PAUL	
MN	031 1 00.00 2								
		9264	MORAN	JOHN	E	MINN TRANSP REG BOARD	100 STOCKYARDS ROAD	SO ST PAUL	
MN	031 1 00.00 2								

Dst	Cpy	Key	Cost	C	Last	First	M	Organization	Address	City	St
			0280		MUETING	DONALD	J	OFC ATTORNEY GENERAL	515 TRANSPORTATION BLDG	ST PAUL	
MN	031	1	00.00	2							
			0283		RAY	RON		MINN STATE LEGISLATURE	700 STATE OFFICE BLDG	ST PAUL	
MN	031	1	00.00	2							
			1187		SCHADE	BARRY	C	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD 6XX	ST PAUL	
MN	031	1	00.00	2							
			1076		SPITZER	SUSANNE	P	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD 6XX	ST PAUL	
MN	031	1	00.00	2							
			1135		(VACANT)			BUREAU NATL AFFAIRS INC	1231 H STREET NW	WASHINGTON	
DC	031	1	00.00	3							
			1045		(VACANT)			CRYSTAL SHAMROCK INC	6000 DOUGLAS DRIVE N	MINNEAPOLIS	

MN 031	1 00.00 3	3041	BRUTLAG	PAUL		MINN SUGAR BEET GROWERS	ROUTE 1 / PO BOX 2	WENDELL
MN 031	1 00.00 3	1049	BUNGE	DARREL	D	MINN PETROLEUM COUNCIL	350 ST PETER ST STE 1025	ST PAUL
MN 031	1 00.00 3	9265	BUTLER	TIMOTHY	H	LINDQUIST & VENNUM	80 SOUTH 8TH STREET	MINNEAPOLIS
MN 031	1 00.00 3	1032	CAMPBELL	JAMES	M	CAMPBELL & COSTELLO	401 MIDWEST FEDERAL BLDG	ST. PAUL
MN 031	1 00.00 3	1022	CLARKSON	J	B	MOSS & BARNETT PA	1200 PILLSBURY CENTER	MINNEAPOLIS
MN 031	1 00.00 3	9263	COX	RICHARD	P	ASSOCIATION MINN COUNTIES	SUITE 300, 555 PARK ST	ST. PAUL
MN 031	1 00.00 3	1190	CRIST	LAWRENCE	J	UNITED TRANSPORTATION UN	317 E 5TH STREET #11	DES MOINES
IA 031	1 00.00 3	9423	CRUSOE	ELIZABETH		GOOD SAMARITAN CENTER	311 WASHBURNE AVENUE	PAYNSVILLE
MN 031	1 00.00 3	1123	DAILEY	THOMAS	M		1312 S CLEVELAND AVENUE	SAINT PAUL
MN 031	1 00.00 3	1143	DANIELSON	RODNEY		CARPENTERS UNION	411 MAIN	ST. PAUL
MN 031	1 00.00 3	1178	DENN	JAMES	N	MINN MOTOR TRANSPORT ASSN	1821 UNIVERSITY AVE 134N	ST PAUL
MN 031	1 00.00 3	5162	DOLENTZ	JOHN	L	CITY OF ST CLOUD	400 2ND STREET S	ST CLOUD
MN 031	1 00.00 3	1018	DONAHUE	DANIEL	J	CITY OF NEW HOPE	4401 XLYON AVENUE N	NEW HOPE
MN 031	1 00.00 3	9326	DOYLE	THOMAS		FELHABER/LARSON/FENLON VO	444 CEDAR ST RM 900	ST PAUL
MN 031	1 00.00 3	9433	DRESS	ANTHONY	M	HANDICAPPED TRANSP SYST	PO BOX 281	SO ST PAUL
MN 031	1 00.00 3	9329	EELKEMA	ROBERT		MINN MEDICAL ASSOCIATION	2221 UNIVERSITY AVE RM400	MPLS
MN 031	1 00.00 3	3369	ERICKSON	CLAYTON			ROUTE 2	HAWLEY
MN 031	1 00.00 3	4436	ESCHENBACHER	JOSEPH	A	DAHLEN TRANSPORT INC	1680 4TH AVENUE	NEWPORT
MN 031	1 00.00 3	1203	FEINWACHS	DAVID		MINN HOSPITAL ASSOCIATION	2221 UNIVERSITY AVENUE SE	MINNEAPOLIS
MN 031	1 00.00 3	1005	FITZPATRICK	LEO	C		8138 HENSLOWE AVENUE S	COTTAGE GROVE
MN 031	1 00.00 3	1134	FONTAINE	LEYTEN		RDC REGION 5	611 IOWA AVENUE	STAPLES

Dst	Cpy	Cost	C	Key	Last	First	M	Organization	Address	City	St
MN	031	1 00.00	3	1056	FORBES	GORDON		MINN TRANSFER RAILROAD CO	2071 UNIVERSITY AVENUE	ST PAUL	
MN	031	1 00.00	3	1008	FREDIN	CONRAD	M		515 PROVIDENCE BLDG	DULUTH	
MN	031	1 00.00	3	9432	FRIESEN	MILLER	A	RANGE MENTAL HEALTH CTR	PO BOX 1188	VIRGINIA	
MN	031	1 00.00	3	1120	FRISON	FRANK		N E C A	200 S ROBERT STREET	ST PAUL	
MN	031	1 00.00	3	1072	GARRETT	VIOLA	M	CITY OF PINE RIVER	PO BOX 87	PINE RIVER	
MN	031	1 00.00	3	5174	GAILIN	STEVEN	D	CITY OF WHITE BEAR LAKE	4700 MILLER AVENUE	WHITE BEAR LAKE	
MN	031	1 00.00	3	0436	GERBER	ALLEND		MINN ASSN OF COOPERATIVES	480 CEDAR ST 380	ST PAUL	
MN	031	1 00.00	3	1128	GERMUNDSON	OMER	M	OTTER TAIL POWER CO	2115 S CASCADE	FERGUS FALLS	

		1064 GETTY	R	F H B FULLER CO	3530 N LEXINGTON AVENUE	ST PAUL
MN 031	1 00.00 3					
		1081 GOEKEN	W	R NORTHWESTERN RDC	PO B[illegible]	THIEF RIVER FALLS
MN 031	1 00.00 3					
		1157 GRABER	SHERMAN	WORTHINGTON AVIATION	AIRPORT ROAD	WORTHINGTON
MN 031	1 00.00 3					
		1188 GRABOW	RICHARD	CITY OF DETROIT LAKES	1025 ROOSEVELT PO BOX 647	DETROIT LAKES
MN 031	1 00.00 3					
		1173 GRAVEN	DAVID	L	470 PILLSBURY CENTER	MINNEAPOLIS
MN 031	1 00.00 3					
		1184 GRINDEN	JOHN	C DULUTH AIRPORT AUTHORITY	DULUTH INTL AIRPORT	DULUTH
MN 031	1 00.00 3					
		5010 GUSTAFSON	ROGER	M COUNTY OF CARVER	600 E 4TH STREET PO BOX 6	CHASKA
MN 031	1 00.00 3					
		4470 HACKING	EARL		1700 NEW BRIGHTON BLVD	MINNEAPOLIS
MN 031	1 00.00 3					
		9422 HAGEN	PAUL	N CHRISTIAN CONCERN INC	PO BOX 3383-217 E WALNUT	MANKATO
MN 031	1 00.00 3					
		1042 HALLMAN	WES	A ASSOCIATED MOTOR CARRIERS	1745 UNIVERSITY AVENUE	S PAUL
MN 031	1 00.00 3					
		1460 HAMMARGREN	DAVID	FABYANSKE ETAL	400 N ROBERT STE 1000	ST PAUL
MN 031	1 00.00 3					
		1000 HANKS	FRED	J MINN ASSN OF TOWNSHIPS	GENERAL DELIVERY	LEROY
MN 031	1 00.00 3					
		1186 HARRY	RICHARD		1000 LAKESHORE DRIVE	MOOSE LAKE
MN 031	1 00.00 3					
		1110 HAVEN	ROBERT	L TWIN TOWN TREATMENT CTR	1706 UNIVERSITY AVENUE	ST PAUL
MN 031	1 00.00 3					
		1075 HEDGES	THOMAS	A CITY OF EAGAN	3830 PILOT KNOB ROAD	EAGAN
MN 031	1 00.00 3					
		5120 HOFFMAN	FRANCIS	J CITY OF EDINA	4801 W 50TH STREET	EDINA
MN 031	1 00.00 3					
		1181 HOFFMAN	CHARLES	B PICKANDS MATHER & COMPANY	200 W SUPERIOR ST 811	DULUTH
MN 031	1 00.00 3					
		1024 HOILAND	DAVID	J LEGAL ADVOCATE FOR BLIND	120 S 6TH STREET 1208	MINNEAPOLIS
MN 031	1 00.00 3					
		1107 HOLEY	GEORGE		1509 SW 6TH ST	FARIBAULT
MN 031	1 00.00 3					
		1136 HOLLIDAY	WARD	E ELMO AERO INC	PO BOX 833	LAKE ELMO
MN 031	1 00.00 3					
		4476 HOLTE	GREG	RED RIV VAL SUGAR BEET GR	336 5TH AVENUE E	HALSTAD
MN 031	1 00.00 3					
		5160 HONCHELL	CHARLES	V CITY OF ROSEVILLE	2660 CIVIC CENTER DRIVE	ROSEVILLE
MN 031	1 00.00 3					
		2328 HUGHES	MARY	WILLOWS	1622 PARK AVENUE	MINNEAPOLIS
MN 031	1 00.00 3					
		5800 IBACH	JAMES	PEPSI COLA BOTTLING CO	PO BOX 2465	FARGO
ND 031	1 00.00 3					
		1150 JACK	JAMES	T MANKATO STATE UNIVERSITY	PO BOX 36	MANKATO
MN 031	1 00.00 3					
		1059 JAEGER	BRUCE	D WILLMAR AIR SERVICE INC	PO BOX 1077	WILLMAR
MN 031	1 00.00 3					
		1159 JENSEN	GAYNOLD	HEALTH CARE FACILITIES	111 W 107TH STREET	MINNEAPOLIS
MN 031	1 00.00 3					
		1007 JILK	STEPHAN	CITY OF ROSEMOUNT	2875 145TH ST W	ROSEMOUNT
MN 031	1 00.00 3					
		1161 JOHANSEN	JIM	JOHANSEN BUS SVC INC	11911 CAVELL AVENUE N	CHAMPLIN
MN 031	1 00.00 3					
		1009 JOHNSON	JOHN	A	RR 2 - PO BOX 79	SACRED HEART
MN 031	1 00.00 3					
		1070 JOHNSON	LARRY	FORD AVIATION INC	CRYSTAL AIRPORT	MINNEAPOLIS
MN 031	1 00.00 3					
		1093 JOHNSON	GENE	P GENE P JOHNSON LTD	PO BOX 2471	FARGO
ND 031	1 00.00 3					
		1065 JOHNSON	ROBERT	D INSURANCE FEDERATION MINN	1310 PIONEER BUILDING	ST PAUL
MN 031	1 00.00 3					

		1010	JOHNSON	GORDON	H	LUTHERAN SOCIAL SERVICE	2414 PARK AVENUE	MINNEAPOLIS	
MN	031	1	00.00	3					
		1169	JOHNSON	STEVE		MN-DAKOTAS RETAIL HARDWAR	3033 EXCELSIOR BLVD	MINNEAPOLIS	
MN	031	1	00.00	3					
		4465	JONES	RAY			10735 BERGLUND AVENUE	CHISAGO CITY	
MN	031	1	00.00	3					
		1034	KAUFMAN	BARBARA	W	MINN VOL SOC AGENCY ASSN	1418 GRIGGS MIDWAY BLDG	ST PAUL	
MN	031	1	00.00	3					
		9075	KEEFE	STEVE		METROPOLITAN COUNCIL	METRO SQUARE BLDG STE 300	ST PAUL	
MN	031	1	00.00	3					
		1013	KLEIN	ALLAN		MINN OFC ADMIN HEARINGS	310 FOURTH AVE S #400	MINNEAPOLIS	
MN	031	1	00.00	3					
		5130	KLEINSCHMIDT	JAMES		CITY OF HASTINGS	100 SIBLEY STREET	HASTINGS	
MN	031	1	00.00	3					
		1029	KLUG	JOHN		RED BARON FLYERS INC	607 S 5TH STREET	LA CRESCENT	
MN	031	1	00.00	3					
		1878	KNAPP	JOHN	A	WINTHROP WEINSTINE SEXTON	180 CONWED TOWER	ST PAUL	
MN	031	1	00.00	3					
		1012	KOERNER-MOORE	J		ERNEST K LEHMANN & ASSOC	1409 WILLOW STREET 300	MINNEAPOLIS	
MN	031	1	00.00	3					
		1025	KRUEGER	CHARLES	A	Q S S INC	PO BOX 838	FARIBAULT	
MN	031	1	00.00	3					
		1208	KROGMAN	ROBERT	S	N W PETROLEUM ASSOCIATION	2345 RICE STREET STE 173	ST PAUL	
MN	031	1	00.00	3					
		1016	KRUPA	DENNIS		ANDERSON TRUCKING SERVICE	203 COOPER AVENUE N	ST CLOUD	
MN	031	1	00.00	3					
		1139	LEIER	BRUCE		MINN SOCIAL SERVICE ASSN	614 PORTLAND AVE	ST. PAUL	
MN	031	1	00.00	3					
		1130	LICKE	W	J	BLANDIN PAPER COMPANY	115 FIRST STREET SW	GRAND RAPIDS	
MN	031	1	00.00	3					
		1074	LOFTHUS	MARK	W	COUNTRYSIDE COUNCIL	PO BOX 78	MARSHALL	
MN	031	1	00.00	3					
		9436	LUNDER	MANDA	J	HILLTOP NURSING HOME	ROUTE 1 / PO BOX H	WATKINS	
MN	031	1	00.00	3					
		9417	LYNCH	FRANCES		504 ADVISORY COMMITTEE	4323 LONGFELLOW AVENUE	MINNEAPOLIS	
MN	031	1	00.00	3					
		1014	LYNGEN	CAROLINE	L	LAKE COUNTRY ENTERPRISES	HCR 1	HACKENSACK	
MN	031	1	00.00	3					

Dst	Cpy	Key	Last	First	M	Organization	Address	City	St
		1111	MARTIN	DONALD	E	ECONOMICS LABORATORY INC	370 WABASHA STREET	ST PAUL	
MN	031	1	00.00	3					
		1089	MATTHIAS	HOWARD		ST CLOUD STATE UNIVERSITY	WHITNEY HOUSE	ST CLOUD	
MN	031	1	00.00	3					
		5098	MCINTOSH	ANDREW			270 GRAIN EXCHANGE N BLDG	MINNEAPOLIS	
MN	031	1	00.00	3					
		1205	MEDIN	GARY	R	MINN STATE AUTO ASSOC	7 TRAVELERS TRAIL	BURNSVILLE	
MN	031	1	00.00	3					
		1085	MEISSNER	CARL	F	CITY OF COTTAGE GROVE	7516 80TH STREET S	COTTAGE GROVE	
MN	031	1	00.00	3					
		1041	MELENA	THOMAS	M	CITY OF APPLE VALLEY	14200 CEDAR AVE	APPLE VALLEY	
MN	031	1	00.00	3					
		1119	MERRILL	THOMAS	E	FARIBAULT TRANSPORTATION	2615 1ST AVE NW BOX 163	FARIBAULT	
MN	031	1	00.00	3					
		1112	MEYER	HERBERT	W		10824 ZENITH AVENUE S	BLOOMINGTON	
MN	031	1	00.00	3					
		9419	MILLER	BRUCE		UNITED HANDICAPPED FEDN	1821 UNIVERSITY AVE 2845	ST PAUL	
MN	031	1	00.00	3					
		1117	MORGAN	R[illegible]T	S	MINNEAPOLIS PUBLIC WORKS	A-18[illegible]OVERNMENT CENTER	MINNEAPOLIS	
MN	031	1	00.00	3					
		9435	MORTENSEN	SHERRI	L	MINN ASSN REHAB FACILITY	1821 UNIVERSITY AVE S376	ST PAUL	

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of the Rules of the State Department of Transportation Governing Licensing of Hazardous Waste Transporters

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

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on November 23, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on November 19, 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 mailing 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 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

Three written comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The rule as proposed should be modified in the following manner:

1. Part 8870.0200 Scope, Subpart 2 G., Exceptions.

Delete these words from the proposed rule

"that does not exhibit a hazardous characteristic described in part 7045.0131,"

The hazardous waste transporter licensing law, Minn. Stat. 221.035, says that a person must have a license to transport a hazardous waste that requires a manifest under Minnesota Rules part 7045.0261, or shipping papers under part 7045.0125. Part 7045.0261 requires the preparation of a manifest for all hazardous waste transported by or offered for transportation by a generator. However, other parts of Chapter 7045 provide exemptions from that requirement. With respect to the transportation of waste oil, an exemption from the manifest requirement is provided in Minn. Rule part 7045.0120 EXEMPT WASTES. That part says "The following wastes may be stored, labeled, transported, ... without complying with the requirements of this chapter:... M. used oil which does not contain waste listed in part 7045.0135 and is to be recycled." Therefore, used oil that is to be recycled and that does not contain a waste listed in part 7045.0135, may be transported without a manifest and must, therefore, be exempt

from the hazardous waste license requirement. In most cases, used oil that does not contain a listed waste will not exhibit a hazardous characteristic described in part 7045.0131. The addition of that requirement to the exemption language in this rule adds an additional qualification to the exemption so that it no longer conforms to the exemption provided by the PCA rules in part 7045.0120.

Therefore, the language of the waste oil exemption in the MNDOT rules must be amended to conform to the language in the PCA rules where the exemptions are listed. The law exempts from the hazardous waste license requirement, hazardous waste that is exempt from the PCA manifest requirements. Used oil that does not contain a listed waste must be exempt from the transporter licensing rules without regard to whether it exhibits a hazardous characteristic under part 7045.0131. The wording of this amendment has been discussed with staff at the PCA and they concur in the proposed amended wording. It was due to a technical error in drafting that the phrase was included in the proposed rule.

This amendment does not make a substantial change within the meaning of Minn. Rule part 2010.1000.D. It does not affect classes of persons who could not reasonably have been expected to comment on the proposed rule as originally noticed. It affects the same persons or perhaps, fewer persons. It does not introduce significant new subject matter which a reasonable person would not have anticipated based on the published rule. The subject of used oil and manifest exemptions was expressed in the published proposed rule. It does not make a substantive change that was not raised by the proposed rule as originally noticed in such a way as to invite reaction. The proposed rule did raise the subject and someone did react to it. This amendment merely corrects an error made in drafting the rule.

2. Part 8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

The Department received a written comment asking that part 8870.0300, subpart 2, B. be amended to require foreign corporations to name an agent for service of process, instead of asking them to file the name of an agent, if they have one.

The Department is amending this rule to require that foreign corporations authorized to transact business in Minnesota name a registered agent in Minnesota for service of process. Minn. Stat. section 303.10, subdivision 1, requires that "Each foreign corporation authorized to transact business in this state shall have and continuously maintain in this state:... (2) A registered agent, which agent may be either an individual, resident in this state, whose business office is identical with such registered office, or a corporation having a business office identical with such registered office." This makes no substantial change in the proposed rule because it only restates in the transportation rules, a requirement that is already imposed under Minnesota law. It does not affect a class of persons who could not reasonably have been expected to comment on the proposed rule as originally noticed. It does not introduce significant new subject matter or make a major substantive change.

The Department declines to amend the rule to impose the same requirement on corporations that are not required by Minn. Stat. section 303.10 to have a resident agent. Minn. Stat. section 303.13, subdivision 1, provides that any foreign corporation that makes a contract with a resident of Minnesota to be performed in whole or in part by either party in Minnesota, or commits a tort in whole or in part in Minnesota against a resident of Minnesota, shall be deemed to be doing business in Minnesota and shall be deemed to have appointed the Secretary of State its lawful agent for service of process in any actions or proceedings against the foreign corporation arising out of the contract or tort. In addition, Minn. Stat. 221.67 provides that the use of the highways of Minnesota by a motor carrier in interstate commerce shall be deemed an irrevocable appointment of the Secretary of State as the carrier's attorney upon whom legal process may be served. Therefore, the Department does not see the need in those cases to create a new requirement when the goal sought, to be able to serve legal process on persons who are out of the state, is provided for in several statutes. Therefore, the department is merely amending the rule to conform to present Minnesota corporation law and is not imposing a new requirement. With respect to foreign corporations who are not required by Minnesota law to name a resident agent, the Department does not believe that such a requirement is necessary at this time to enable it to enforce the licensing rules.

3. Part 8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

The Department received a telephone comment asking whether the requirement in subpart 1, E. "the state and license number of vehicle registration;" referred to the license plate number. It does refer to the license plate number and the Department is amending that item to insert the word "plate" after the word "license." This is only a clarification and changes nothing.

4. Part 8870.0700 VEHICLE IDENTIFICATION DECAL.

The Department has begun to develop application forms and decals. Part 8870.0700, subpart 2, requires that decals be serially numbered. It now seems that it would be more practical to use the vehicle license plate number or some other number that combines the transporter license number with another identifying number, instead of serially numbering the decals. This would make it easier to identify the transporter on the road. Therefore, the Department is amending this subpart to read as follows "Vehicle identification decals must bear an identifying number and the month and year of expiration and the words 'hazardous waste transporter'." This is only a minor change and affects only the Department's record keeping method. It imposes no additional or different requirement on the transporter. It does not affect classes of persons who could have been expected to comment had we proposed the rule in that manner. It does not introduce new subject matter or make a substantive change.

The Department received a letter from the Chemical Waste Council asking that part 8870.0800, subparts 1 and 4, be amended to allow an employee who is not an officer of the company to sign the vehicle decal application. The Department declines to adopt this change.

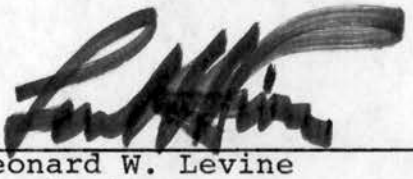
Because the transportation of hazardous waste must be closely controlled in order to enforce the regulations, the applications must be signed by a person who is ultimately responsible for the transportation activity of the business. A licensed business may buy as many decals at one time as it needs. One application describing several hundred vehicles may be submitted. The signatures on the decal application also certify that the drivers are trained, the laws will be obeyed and the application is truthful. An agent cannot make these statements on behalf of the company.

The Council also asked that the accident form submitted to the federal government be found sufficient for purposes of accident notification. The Department believes that submission of that form only to the federal government is far from sufficient. The federal government does not notify Minnesota of accident reports submitted to it by interstate carriers. Minnesota has a strong safety interest in knowing when a carrier has an accident; therefore, it must require carriers to submit a report to it as there is no other way to obtain that information. The form that Minnesota will require for accident reports is the federal form. Therefore, carriers may photocopy the completed form that they will send to the Federal Highway Administration and send a copy of it to MNDOT.

With respect to the Council's suggestion that the Department adopt rules that address emergency situations where a transporter wishes to use a vehicle that does not have a decal, the Department believes that a transporter can send a new decal application by wire or telefax and receive a new decal by return mail or by means of an express delivery service.

The above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as Proposed Permanent Rules Relating to Licensing of Hazardous Waste Transporters as modified are adopted this 11 day of January, 1988, pursuant to authority vested in me by Minnesota Statutes, section 221.035.



Leonard W. Levine
Commissioner

In the Matter of the Adoption of
the Rule of the State Department
of Transportation Governing
Proposed Permanent Rules
Relating to Licensing of
Hazardous Waste Transporters

DECLARATION
OF COUNSEL

I, Sherry A. Enzler, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 90.W647.0780

Sherry A. Enzler
Special Assistant
Attorney General

Dated: January 11, 1988

Rec'd
1-13-88

Minnesota Department of Transportation

Transportation Building, St. Paul, MN 55155

January 8, 1988

Phone 297-2913

Christie Eller
Assistant Attorney General
Administrative/Finance Division
Office of the Attorney General
515 Transportation Building
St. Paul, Minnesota 55155

Dear Ms. Eller:

Enclosed for your review pursuant to Minnesota Statutes, section 14.26, are proposed permanent rules of the Department of Transportation governing the licensing of transporters of hazardous waste.

In compliance with Minnesota Rule 2010.0300, we submit the following documents:

1. A copy of the notice of solicitation of outside information as published in the State Register;
2. A copy of the proposed rule, certified by the Revisor of Statutes;
3. Notice of intent to adopt the rule without a public hearing, as mailed;
4. Statement of need and reasonableness;
5. Affidavit of mailing the notice of intent to adopt a rule without a public hearing and statement as to completeness of the agency mailing list;
6. Notice of intent to adopt a rule without a public hearing as published in the State Register;
7. Four copies of the rule, adopted as modified, and certified by the Revisor of Statutes;
8. The findings of fact, conclusions, and order adopting the rules;
9. Copies of written comments received by the agency; and
10. Declaration of the Special Assistant Attorney General who represents the agency.

If you have questions about these rules or the rulemaking proceeding, please contact me.

Sincerely,

Elizabeth M. Parker

Elizabeth M. Parker
Attorney

An Equal Opportunity Employer

RECEIVED

JAN 13 1988

ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155