

State of Minnesota

# STATE REGISTER

Department of Administration—Documents Division

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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

### Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
29	Monday 4 January	Monday 11 January	Monday 18 January
30	Monday 11 January	Friday 15 January	Monday 25 January
31	Friday 15 January	Monday 25 January	Monday 1 February
32	Monday 25 January	Monday 1 February	Monday 8 February

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

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

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

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Contact: Senate Public Information Office  
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Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
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# 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."

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## Proposed Rules

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

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

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

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

## Department of Human Services

### Proposed Permanent Rules Relating to Payment Rates For ICF/MR's

#### Notice of Intent to Adopt Amendments to a Rule Without a Public Hearing

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256B.501, subdivisions 2 and 10.

All persons have 30 days or until 4:30 p.m. on February 17, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number 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*, sections 14.131 to 14.20.

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

Chuck Osell  
Minnesota Department of Human Services  
Long Term Care Management  
444 Lafayette Road  
St. Paul, MN 55155  
(612) 297-3463

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

The proposed rule amendments govern the reimbursement rates for ICF/MR facilities. The amendments affect the facilities as well as the state and counties who share in the cost of reimbursement.

The amendment to part 9553.0041, subpart 1, permits ICF/MR facilities that are attached to nursing homes to substitute ICF/MR costs for the fiscal year ending September 30 for those costs otherwise required to be reported under part 9553.0041.

The amendment to part 9553.0050, subpart 1, item A, subitem (1), unit (f) changes the source used to determine the inflation index for use in calculating the group administrative cost per licensed bed limit. Currently the rule identifies the historical consumer price index for Minneapolis/St. Paul as the source of the inflation index. The amendment replaces the historical index with the forecasted index published by Data Resources, Inc.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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The amendment to part 9553.0050, subpart 1, item A, subitem (2) establishes new limits for the maintenance operating cost category. The new limits permit costs in the maintenance cost category to exceed the current limit by 25 percent for the portion of the rate year beginning January 1, 1988 and ending September 30, 1988. The maintenance operating cost category limit will be indexed by the forecasted index published by Data Resources, Inc. annually each rate year thereafter.

The amendment to 9553.0050, subpart 1, item A, subitem (4) specifies how program payment rates made during the reporting year are to be used in computing the efficiency incentive for rate years beginning on or after October 1, 1988.

The amendment to part 9553.0050, subpart 2, item A, provides for the establishment of the total operating cost payment rate using an annualization of the inflation index forecasts.

The amendment to part 9553.0050, subpart 2, item E, provides that the computation of the current efficiency incentive be based on "allowable" operating costs after desk audit and limits for rate years beginning on or after January 1, 1988.

The amendment to part 9553.0060, subpart 4, item A, makes it possible for a facility to use its reduced licensed bed capacity at a time (August 1) closer to the beginning of the rate year (October 1).

A free copy of the rule is available upon request from:

Nancy Storelee  
Minnesota Department of Human Services  
Rules Division  
444 Lafayette Road  
St. Paul, MN 55155  
(612) 296-2854

A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

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

Nancy Storelee  
Minnesota Department of Human Services  
Rules Division  
444 Lafayette Road  
St. Paul, MN 55155  
(612) 296-2854

Adoption of these rules will result in additional spending by local public bodies in excess of \$100,000 in the second year following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is attached.

If no hearing is required, upon adoption of the rule, the rule 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 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:

Nancy Storelee  
Minnesota Department of Human Services  
Rules Division  
444 Lafayette Road  
St. Paul, MN 55155  
(612) 296-2854

Dated: 6 January 1988

Sandra S. Gardebring  
Commissioner

### Fiscal Note

The Department has proposed several changes to *Minnesota Rules*, parts 9553.0010 to 9553.0080 (Rule 53). The following is a brief summary of the changes that are being proposed.

- Change the inflation index from the Consumer Price Index (CPI-U for Minneapolis/St. Paul) to the Average Hourly Earnings in Nursing and Personal Care Facilities Index (a wage driven index).

- Adjustment to increase the program operating cost base for increased staffing needs due to changes in standards.
- Increase the historical maintenance cost limitation to provide a corridor for cost variations.
- Refined the efficiency incentive computation to reward efficient providers.
- Changed the computation of capacity days for property costs so that reductions in actual capacity days due to de-licensure more closely relate to the facility's rate year.

Since most of the changes affect costs of the Medical Assistance Program through alterations in the rate-setting formula, the Department incorporated the proposed changes into its computerized rate-setting system to estimate the fiscal impact. Also, because a number of facilities were not included in the computerized rate-setting program as they are on interim/settle-up rate status due primarily to negotiated closure agreements, the Department separately estimated the budgetary impact of agreements with those facilities.

In calculating the overall fiscal impact of these proposed amendments the following factors must be considered: the timing difference between the provider's rate year, and the State's fiscal year; the fact that for the first rate year the changes in the reimbursement formula will be in effect for 9 months of the rate year; and that payments are made a month after services are provided. Given these factors the additional fiscal impact of the changes can be summarized as follows:

**Medical Assistance Costs (000's)**

	<b>Total</b>	<b>Federal</b>	<b>State</b>	<b>County</b>
FY 1988	\$ 900.0	\$ 484.6	\$ 374.0	\$ 41.4
FY 1989	\$5,250.0	\$2,834.0	\$2,174.6	\$241.5
Total Impact for the 88/89 Biennium	\$6,150.0	\$3,318.6	\$2,548.6	\$282.9

The federal, state, and county shares were determined using the following figures:

	<b>Federal Share</b>	<b>State Share</b>	<b>County Share</b>
Fiscal Year 1988	53.84%	41.55%	4.61%
Fiscal Year 1989	53.98%	41.42%	4.60%

**Rules as Proposed**

**9553.0041 GENERAL REPORTING REQUIREMENTS.**

Subpart 1. **Required cost reports.** No later than April 30 of each year, the provider shall submit an annual cost report on forms supplied by the commissioner in order to receive medical assistance payments. The reports must cover the reporting year ending December 31, except that for reporting years ending on or after December 31, 1987, a provider operating a facility that is attached to a nursing home that is reimbursed under parts 9549.0010 to 9549.0080 may elect to report the facility's costs and statistical information for the period covered by the nursing home's reporting year. If a certified audit has been prepared, it must be submitted with the cost report. In addition, a provider or provider group which has 48 or more licensed beds shall submit an annual certified audit of its financial records obtained from an independent certified public accountant or licensed public accountant. The examination must be conducted in accordance with generally accepted auditing standards as adopted by the American Institute of Certified Public Accountants and generally accepted accounting principles. A government owned facility may comply with these auditing requirements by submitting the audit report prepared by the state auditor.

Subp. 2. to 16. [Unchanged.]

**9553.0050 DETERMINATION OF TOTAL OPERATING COST PAYMENT RATE.**

Subpart 1. **Establishment of allowable historical operating cost per diem.** The commissioner shall annually review and adjust the operating costs incurred by the facility during the reporting year preceding the rate year to determine the facility's allowable historical operating costs. The review and adjustment must comply with parts 9553.0010 to 9553.0080. Each facility's allowable historical operating cost per diem shall be established according to items A to F

A. The total allowable historical operating cost per diem shall be limited according to subitems (1) to (5).

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

(1) For the rate years beginning on or after October 1, 1986, the administrative allowable historical operating costs shall be limited as in units (a) to (g).

(a) to (e) [Unchanged.]

(f) For rate years beginning on or after October 1, 1988, the commissioner shall increase the administrative cost per licensed bed limit in unit (e) by multiplying the limit established for the rate year beginning October 1, 1987, by the percentage change in the all urban consumer price index (CPI-U) for Minneapolis-Saint Paul as published by the Bureau of Labor Statistics, United States Department of Labor, between the two most recent Decembers before the beginning of the rate year. The year 1967 is the standard reference base period percent moving average of the index of average hourly earnings in nursing and personal care facilities for the fourth quarter of the rate year following the reporting year, forecast by Data Resources, Inc. in the second quarter of the calendar year following the reporting year. The forecast appears in Health Care Costs, published by Data Resources, Inc., and is incorporated by reference. Health Care Costs is available through the Minitex interlibrary loan system. It is published monthly. The maximum administrative allowable historical operating cost shall be the lesser of the facility's administrative allowable historical operating cost or the amount determined in this unit multiplied by the facility's licensed beds.

(g) [Unchanged.]

(2) For the rate years beginning on or after October 1, 1986, the allowable historical operating costs in the maintenance operating cost category must not exceed the operating cost payment rate for the maintenance operating cost category in effect during the reporting year times the prorated resident days which correspond to those operating cost payment rates paid during the reporting year. For the period January 1, 1988 to September 30, 1988, the allowable historical operating costs in the maintenance operating cost category must not exceed 125 percent of the operating cost payment rate for the maintenance operating cost category in effect during the reporting year times the prorated resident days which correspond to those operating cost payment rates paid during the reporting year. For rate years beginning on or after October 1, 1988, the allowable historical operating costs in the maintenance operating cost category must not exceed the amount determined for the period January 1, 1988 to September 30, 1988, increased annually by the index in subitem (1), unit (f).

(3) [Unchanged.]

(4) For the rate year beginning October 1, 1986, and October 1, 1987, the facility's total operating cost payment rate in effect during the reporting year must be adjusted for reclassifications in accordance with part 9553.0040 and be separated into program, maintenance, special, and administrative operating cost payment rates according to units (a) to (c).

(a) to (c) [Unchanged.]

For rate years beginning on or after October 1, 1988, the program operating cost payment rate in effect during the reporting year times the prorated resident days that correspond to those operating cost payment rates paid during the reporting year must be used in computing the total of the limits in the computation of the efficiency incentive under subpart 2, item E.

(5) [Unchanged.]

B. to F [Unchanged.]

Subp. 2. **Establishment of total operating cost payment rate.** The total operating cost payment rate shall be established according to items A to F

A. For the rate year beginning October 1, 1986, and for the first three months of the rate year beginning October 1, 1987, the allowable historical operating cost per diems determined according to subpart 1, items B to D, shall be adjusted by the annualized percentage change in the all urban consumer price index (CPI-U) for Minneapolis-Saint Paul as published by the Bureau of Labor Statistics, United States Department of Labor, between the two most recent Decembers before the beginning of the rate year. The year 1967 is the standard reference base period. For the rate year beginning October 1, 1986, the allowable certified audit cost per diem in subpart 1, item E, shall not be adjusted by the CPI-U. Beginning January 1, 1988, and for rate years beginning on or after October 1, 1988, the allowable historical operating cost per diems determined according to subpart 1, items B to D, shall be adjusted by the annualized percent moving average of the index specified in subpart 1, item A, subitem (1), unit (f). For the period January 1, 1988 to September 30, 1988, the program allowable historical operating cost per diem determined according to subpart 1, item B, shall be adjusted by adding 2.46 to the annualized percent moving average of the index specified in subpart 1, item A, subitem (1), unit (f).

B. to D. [Unchanged.]

E. If the reporting year's total operating cost excluding special operating costs, is less than the sum of the limits computed in subpart 1, item A, subitems (2), (3), and (4), the facility shall receive the difference divided by the greater of resident days or 85 percent of capacity days as an efficiency incentive, up to a maximum of \$2 per resident per day. Beginning January 1, 1988, and for rate years beginning on or after October 1, 1988, if the reporting year's total allowable operating cost after all limits excluding

special operating costs, is less than the sum of the limits computed in subpart 1, item A, subitems (2), (3), and (4), the facility shall receive the difference divided by the greater of resident days or 85 percent of capacity days as an efficiency incentive, up to a maximum of \$2 per resident per day. A facility whose program allowable historical operating cost incurred during the reporting year is below the program historical operating cost limit established in subpart 1, item A, subitems (2), (3), and (4) is not eligible to receive the efficiency incentive. The efficiency incentive must not be adjusted as a result of a field audit.

F [Unchanged.]

Subp. 3. [Unchanged.]

#### **9553.0060 DETERMINATION OF PROPERTY RELATED PAYMENT RATE.**

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Computation of property related payment rate.** The commissioner shall determine the property related payment rate according to items A to C.

A. The number of capacity days is determined by multiplying the number of licensed beds in the facility by the number of days in the facility's reporting year. For rate years beginning on or after October 1, 1988, a facility that has reduced its licensed bed capacity after January 1, 1988, may, for the purpose of computing the property-related payment rate under this subpart, establish its capacity days for each rate year following the licensure reduction based on the number of beds licensed on the previous August 1, provided that the commissioner is notified of the change by August 4. The notification must include a copy of the delicensure request that has been submitted to the commissioner of health.

B. and C. [Unchanged.]

Subp. 5. to 7. [Unchanged.]

## **Department of Natural Resources**

### **Proposed Permanent Rules Relating to Metallic Mineral Leasing**

#### **Notice of Intent to Amend Rules Without a Public Hearing**

Notice is hereby given that the State Department of Natural Resources intends to adopt amendments to the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt amendments to the rules is set forth in *Minnesota Statutes*, sections 93.08 to 93.12 and 93.25.

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

Any person may make a written request for a public hearing on the amendments 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, the reason for the request and any change proposed. If a public hearing is required, the agency will proceed to *Minnesota Statutes*, sections 14.121 to 14.20.

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

William C. Brice  
Director, Division of Minerals  
Minnesota Dept. of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4045  
Phone: (612) 296-4807

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The proposed amendments to the 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 amendments as noticed.

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

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

If no hearing is required, upon adoption of the amendments to the rules, the amendments 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 submission of this material to the Attorney General, or who wish to receive a copy of the adopted amendments, must submit the written request to William C. Brice.

Dated: 18 January 1988

Joseph N. Alexander, Commissioner  
Department of Natural Resources

### Rules as Proposed

#### PERMITS AND LEASES FOR ~~COPPER, NICKEL, AND ASSOCIATED~~ METALLIC MINERALS, EXCEPT IRON ORES AND TACONITE ORES

##### 6125.0100 PURPOSE.

The purpose of parts 6125.0100 to 6125.0700 is to promote and regulate prospecting for, mining, and removing ~~copper, nickel, and associated ores that are primarily valuable for their metallic~~ minerals content, and the rules hereunder shall be construed to carry out that purpose.

##### 6125.0200 DEFINITIONS.

Subpart 1. **Scope of terms.** For purposes of ~~these parts 6125.0100 to 6125.0700~~, the following words ~~shall~~ have the meanings ascribed to given them.

Subp. 1a. Associated mineral products. "Associated mineral products" means those intermingled or associated materials and substances recovered from each ton of crude ore mined from the mining unit that are excluded from the definition of metallic minerals.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources of the state of Minnesota, or ~~his~~ the commissioner's designated representative.

Subp. 2a. Metallic minerals. "Metallic minerals," whether singular or plural, means any mineral substances of a metalliferous nature, except iron ores and taconite ores.

Subp. 3. **Mining unit.** "Mining unit" means the land and water area designated as such by the commissioner, wherein the state owns an interest in the minerals and mineral rights.

Subp. 4. **Ton.** "Ton" means 2,000 pounds avoirdupois after removal of all free moisture from the material weighed, by drying at 212 degrees Fahrenheit.

Subp. 5. Troy ounce. "Troy ounce" means a unit of mass equal to 480 grains or 31.1035 grams or 1.0971 avoirdupois ounces.

##### 6125.0300 PERMITS.

The first two years of any lease issued ~~pursuant to these under parts shall be deemed 6125.0100 to 6125.0700 is considered~~ the prospecting permit, and no permit to prospect for ~~copper, nickel, and associated metallic~~ minerals shall be issued separately or independently from ~~such the~~ lease, provided that nothing in this part shall restrict ~~such~~ mining operations as ~~may be~~ authorized by the lease.

##### 6125.0400 LEASES.

The commissioner, with the approval of the state executive council, shall adopt rules for the issuance of leases to prospect for, mine, and remove ~~copper, nickel, and associated metallic~~ minerals on lands ~~wherein where~~ an interest in the minerals is owned by the state, including trust fund lands, land forfeited for nonpayment of taxes and held in trust by the state, lands where severed mineral interests have forfeited under Minnesota Statutes, section 93.55, lands where severed mineral interests have been otherwise acquired, the beds of public waters, and lands otherwise acquired that have been designated by the commissioner as mining units. Each ~~such~~ lease shall cover one mining unit. No ~~such~~ lease shall be issued for a term longer than 50 years.

**6125.0500 PUBLIC SALE OF LEASES.**

Subpart 1. **Time, place, and notice.** Except as otherwise expressly provided by law, or as otherwise provided in part 6125.0600, leases to prospect for, mine, and remove ~~copper, nickel, and associated~~ metallic minerals owned by the state shall be issued only upon public sale authorized by the commissioner.

The public sale of leases shall be held at such times and places as may be designated by the commissioner. The commissioner shall give public notice of each sale by publication for three successive weeks in a legal newspaper printed and published qualified newspaper that has its known office of issue in the county seats of the counties in which the mining units to be leased are located. If no qualified newspaper has its known office of issue in the county seat of a particular county, then notice must be published in the qualified newspaper designated as the publisher of the official proceedings of the county board of that county. The first publication shall be at least 30 days before the date of sale. Like notice may be published in not to exceed two additional newspapers and two trade magazines as the commissioner may direct. Each notice shall contain the following information:

A. time and place of holding the sale;

B. the place or places where the list of mining units to be offered for sale will be available for purchase or inspection, and where application and bid forms may be obtained; and

C. such other information as the commissioner may direct.

Subp. 2. **Mining unit books.** Those interested in bidding may obtain a ~~copper-nickel~~ mining unit book by making application to the commissioner, accompanied by a ~~certified check, cashier's check, or bank~~ money order, payable to the state treasurer, in the sum of \$25 as a fee for ~~such a~~ mining unit book. Unit books will be available for inspection at the Hibbing and Saint Paul offices of the Division of ~~Lands and Minerals~~.

Subp. 3. **Lease application and bid.** Each application and bid shall be submitted on a form obtained from the commissioner and shall cover only one mining unit, as designated in the mining unit book. The royalty rate offered in the bid shall be designated by inserting a figure in the blank space in the following clause of the bid form: "The royalty rates bid herein to be paid to the state per ton of crude ore for the ~~copper, nickel, and associated metals~~ metallic minerals and associated mineral products recovered from the ores mined from the mining unit shall be the sum of the base rate per ton of dried crude ore, plus, as described in part 6125.0700, paragraph 8, and an additional bid rate of \_\_\_\_\_ percent of the value of the ~~metals~~ metallic minerals and associated mineral products recovered in the mill concentrate."

The application and bid, together with a certified check, cashier's check, or bank money order, payable to the state treasurer in the sum of ~~\$50~~ \$100, shall be submitted in a bid envelope obtained from the commissioner. Each sealed bid envelope shall be enclosed in another envelope and shall be delivered in person or by mail to the commissioner at Saint Paul, Minnesota. Bids may be submitted at any time ~~prior to the time before~~ 4:30 p.m., Saint Paul, Minnesota time, on the last business day before the day specified for the opening of the bids, and no bids submitted after that time shall be considered. Upon receipt, the commissioner shall endorse upon each sealed bid envelope the exact time of presentation and preserve the same, unopened in ~~his~~ the commissioner's office.

At the time specified, the commissioner, together with at least one member of the state executive council as designated by the council, shall then publicly open the bids and announce the amount of each bid separately. Leases shall be awarded by the commissioner, with the approval of the state executive council, to the highest bidder for the respective mining units, but no bids shall be accepted that do not equal or exceed the base royalty rates ~~set forth~~ in part 6125.0700. The right is reserved to the state, through the executive council, to reject any or all bids. Tie bids will be resolved by the commissioner, with the approval of the state executive council, by the random drawing of the name of one tied bidder from a pool comprised of the names of all the tied bidders. Upon the award of a lease, the certified check submitted with the bid shall be deposited with the state treasurer as a fee for the lease. All bids not accepted shall become void, and the checks accompanying the bids shall be returned to the respective bidders.

**6125.0600 NEGOTIATED LEASES.**

~~Whenever~~ When the commissioner ~~shall find~~ finds that it is impractical to hold a public sale on any mining unit because of its location or size or the extent of the state's interest in the minerals ~~therein~~, and that the best interests of the state will be served ~~thereby~~, the commissioner, with the approval of the executive council, may, without holding a public sale, issue a lease to any qualified applicant to prospect for, mine, and remove ~~copper, nickel, and associated~~ metallic minerals. Applications shall be in ~~such~~ a form and shall contain ~~such~~ information as the commissioner may prescribe. The applicant shall submit with the application a

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certified check, cashier's check, or bank money order, payable to the state treasurer in the sum of \$100. The leases so issued shall be in the form set forth in part 6125.0700, with such additional terms and conditions ~~not inconsistent therewith~~ consistent with the lease as may be agreed upon. The rental and royalty rates agreed upon shall be not less than those prescribed in part 6125.0700.

No lease shall be issued under this part for the removal of ~~copper, nickel, and associated~~ metallic minerals from any mining unit for which notice of public sale has been published, until ~~such the~~ the public sale has been held. ~~No lease shall be issued under this part until at least one public sale has been held under part 6125.0500.~~

### 6125.0700 FORM OF LEASE.

The form of lease for prospecting for, mining, and removing ~~copper, nickel, and associated~~ metallic minerals belonging to the state shall consist of the following provisions, with ~~such~~ such insertions, changes, or additions as may be necessary to incorporate the royalty rates and other particulars applicable to each lease as may be authorized under ~~these rules~~ parts 6125.0100 to 6125.0700:

This ~~indenture, made this lease agreement is entered into on the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, ~~by and between. The parties to this lease are~~ the State of Minnesota, hereinafter called the state, and \_\_\_\_\_, hereinafter called the lessee, ~~WITNESSETH.~~

1. Term; description of mining unit. ~~That~~ The state, ~~for and~~ in consideration of the sum of \_\_\_\_\_ Dollars, ~~to it in hand paid~~ by the lessee, being the rental ~~hereinafter~~ provided in this lease for the unexpired portion of the current calendar year and for the next succeeding two (2) calendar year years, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and conditions ~~hereof of this lease~~ to be kept and performed by the lessee, does hereby lease and demise unto agrees to lease to the lessee for a term of \_\_\_\_\_ (\_\_\_\_) years beginning the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the following-described mining unit, ~~hereinafter called "said mining unit,"~~ situated in the county of \_\_\_\_\_, in the State of Minnesota, ~~to wit:~~

2. Definitions. For the purposes of this lease, the following words ~~shall~~ have the meanings ascribed to given them:

a. "Associated mineral products" means those intermingled or associated materials and substances recovered from each ton of crude ore mined from the mining unit that are excluded from the definition of metallic minerals.

b. "Commissioner" means the commissioner of natural resources of the state of Minnesota, or ~~his~~ the commissioner's designated representative.

c. "Metallic minerals," whether singular or plural, means any mineral substances of a metalliferous nature, except iron ores and taconite ores.

b. d. "Ton" means 2,000 pounds avoirdupois after removal of all free moisture from the material weighed, by drying at 212 degrees Fahrenheit.

e. "Troy ounce" means a unit of mass equal to 480 grains or 31.1035 grams or 1.0971 avoirdupois ounces.

3. Purpose of lease. The ~~said~~ the mining unit is leased to the lessee for the purpose of prospecting for, ~~and the mining and removal of removing ores containing copper, nickel, and associated~~ primarily valuable for their metallic minerals content that are found on or in said the mining unit, except the iron ore and taconite ore that is a part of the Biwabik iron formation.

The lessee ~~shall have~~ has the right to construct or make ~~such~~ such buildings, excavations, openings, ditches, drains, railroads, roads, and other improvements ~~thereon on the mining unit~~ as may be necessary or suitable for such those purposes. The lessee ~~shall have~~ has the right to mill and concentrate the ore so mined, either upon ~~said the~~ the mining unit or elsewhere in Minnesota, but ~~such the~~ the right to mill and concentrate ~~shall does~~ does not include the right to reduce or smelt ore upon ~~said the~~ the mining unit without an agreement between the lessee and the commissioner, authorizing ~~such that~~ such that use of the surface of the land and providing for the necessary protection of life and property. The lessee may contract with others for doing any work authorized or required ~~hereunder under this lease~~, or for the use of ~~said the~~ the mining unit or any part ~~thereof of it~~ for the purposes ~~hereof of the lease~~, but no ~~such~~ such contract ~~shall relieve of this type relieves~~ the lessee from any duty, obligation, or liability ~~hereunder under the lease~~. No such contract providing for shipping, handling, or removal of ore-bearing material ~~shall become~~ becomes effective for any purpose until three executed duplicates of ~~such the~~ the contract have been filed with the commissioner.

4. State's right to lease ~~iron ore and ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances~~. The state reserves the right to lease or grant to other persons or corporations the right to explore for, mine, remove, and benefitiate iron ores, ~~including taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances, that are a part of the Biwabik iron formation and located in said the mining unit.~~ The state agrees that any permit or lease granted by it to any person or corporation to explore for, develop, mine, or dispose of ~~such the~~ the iron ores, ~~including taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances~~ shall contain a provision that the permittee or lessee ~~thereof~~ shall exercise ~~such those~~ such those rights so as not to cause any unnecessary or unreasonable injury or hindrance to the operations of the lessee ~~herein of this lease~~ in the exploration for, or the development, mining, or removal of ~~copper, nickel, and metallic~~ metallic minerals other than iron ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances covered by ~~such that~~ such that permit or lease. The lessee herein of this lease agrees that

it will exercise the rights granted to it by this lease in such manner as not to cause any unnecessary or unreasonable injury or hindrance to the operations of any permittee or lessee of the state in the exploration for, or the development, mining, or removal of ~~such iron ores, including taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances.~~

5. State's right to lease surface and sell timber. The state reserves the right to sell and dispose of all the timber upon ~~said the~~ the mining unit without ~~let or~~ hindrance from the lessee and ~~pursuant~~ according to the law now or hereafter governing the sale of timber on state lands, and reserves to the state and to the purchaser of ~~such the~~ the timber, and their agents, the right at all times to enter ~~thereon~~ the mining unit, and to cut and remove ~~any such timber therefrom~~ from it according to the terms of the purchaser's contract with the state; ~~provided that such.~~ The timber purchaser shall not unduly interfere with the prospecting or mining operations ~~thereon~~. The state further reserves the right to grant leases, permits, or licenses to any portion of the surface of ~~said the~~ the mining unit to any person, partnership, corporation, or other association under the authority of Minnesota Statutes, section 92.50, or other applicable laws, after consultation with lessee; ~~and provided that such.~~ The surface leases, permits, or licenses shall not unduly interfere with the prospecting or mining operations conducted ~~thereon~~ on the mining unit.

6. Annual rental. The lessee ~~covenants and~~ agrees to pay to the state rental for ~~said the~~ the mining unit at the rate of one dollar ~~(\$1.00)~~ per acre of land and water area included in ~~said the~~ the mining unit, per calendar year, payable in advance, for the unexpired portion of the current calendar year from the effective date ~~hereof of this lease~~ and for the next succeeding two calendar year years; and payable quarterly for the ~~(4) four~~ after that time at the rate of three dollars per acre per calendar year, payable quarterly for the three succeeding calendar years; and thereafter ~~after that time~~ after that time at the rate of five eight dollars ~~(\$5.00)~~ per acre per calendar year, payable quarterly for the five ~~(5)~~ succeeding calendar years; and thereafter ~~after that time~~ after that time at the rate of \$25 per acre per calendar year, payable quarterly for the remainder of the term hereof; ~~provided that the rate shall not exceed five dollars (\$5.00) per acre per calendar year for any calendar year in which the lessee is actively engaged in mining ores containing copper, nickel, and associated minerals from any copper-nickel mine located within the government township in which said mining unit is situated, or from a mine within a government township that has at least one point in common along its boundary line with the government township in which said mining unit is located, and produces within such calendar year from such mine not less than 100,000 tons of such ores; provided further that unless the lessee is actively engaged in mining ores containing copper, nickel, and associated minerals from said mining unit leased hereunder, or from any copper-nickel mine located within the government township in which said mining unit is situated, or from a mine within a government township that has at least one point in common along its boundary line with the government township in which said mining unit is located, and has produced, within one calendar year, not less than 100,000 tons of such ores by the end of the twentieth full calendar year of this lease, then the state may, at its option during the twenty-first calendar year, cancel this lease in the manner hereinafter provided of this lease.~~

~~Said~~ The mining unit may include state-owned minerals under water, in trust fund lands, in acquired lands, and in lands forfeited for taxes, and in lands in which severed mineral interests have forfeited for failure to comply with registration laws, or have been otherwise acquired. Any amount paid for rental, at the time of ~~such~~ payment, shall be allocated to the proper fund as determined by the mineral ownership.

Any amount paid for rental accrued for any calendar year ~~shall~~ must be credited on any royalty that may become due for ore removed ~~hereunder under this lease~~ during the same calendar year but no further, and only to the extent that ~~such the~~ rental was paid or deposited into the particular fund to which the royalty for ~~such the~~ ore is due; ~~and.~~ Any amount paid for royalty in excess of ~~such the~~ credit during ~~such that~~ year ~~shall~~ must be credited on rental, if any, subsequently accruing for ~~such that~~ year but no further, and only to the extent that ~~such the~~ royalty was paid or deposited into the particular fund to which ~~such the~~ rental is due. However, any amount paid for rental in excess of five eight dollars ~~(\$5.00)~~ per acre for any previous calendar year may be credited on any royalty that may become due for ore removed ~~hereunder under this lease~~ during the current calendar year in excess of any credits for current rental, but only to the extent that ~~such the~~ rental was paid or deposited into the particular fund for which ~~such the~~ royalty is due.

Rental payments ~~shall~~ must be made on the 20th day of May 20, August 20, November 20, and February 20 for the previous calendar quarters. The first calendar quarter ~~shall be~~ is the first three calendar months of the year, and so on.

Upon surrender of any part or parts of ~~said the~~ the mining unit by lessee ~~pursuant to the provisions of under~~ this lease, the annual rental payment may be discontinued as to ~~such part or those~~ parts for all subsequent calendar years; however, the rentals paid on the ~~part or parts surrendered shall~~ must not be credited on any royalties due for ore removed from that part of the mining unit which remains under lease.

Where the state owns only a fractional undivided interest in the minerals in any portion of ~~said the~~ the mining unit, only that fractional part of the rentals and royalties established ~~herein in this lease~~ shall be paid for ~~such that~~ portion.

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If at any time during the term of this lease it is determined in a proper proceeding that the state does not own the minerals in a part of the area included in said the mining unit, the commissioner shall delete from the description of said the mining unit the part not owned by the state, and only if such that determination is made prior to the fifth anniversary date of this lease shall is the lessee be entitled to a refund, or in the case of tax forfeited minerals to receive credit on future payments due the same fund, for payments made to the state on said that part prior to such the determination. If the commissioner deems it necessary, additional time to make such the determination may be granted.

7. Tonnage for royalty purposes. Royalty shall must be computed on the dry weight of the crude ore. The dry weight of the crude ore shall be calculated from natural crude ore weights and moisture percentages from samples taken at the time the crude ore is weighed.

### 8. Royalty rates.

a. The royalty rate to be paid to the state by the lessee for the copper, nickel, and associated metals metallic minerals and associated mineral products recovered from each ton of ore mined from said the mining unit shall be is the sum of the base rate described hereinafter, plus in this paragraph and an additional bid rate of \_\_\_\_\_ percent of multiplied by the value of the metals metallic minerals and associated mineral products recovered in the mill concentrate from each ton of dried crude ore.

For ores mined by either underground or open pit methods during the unexpired portion of the calendar year in which the lease commences plus the first succeeding ten calendar-year period, the base rate shall be two percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional two percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds \$17 per ton of dried crude ore.

For ores mined by underground methods during the second ten calendar-year period, the base rate shall be 2-1/4 percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional 2-1/4 percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds \$17 per ton of dried crude ore; and for the third ten calendar-year period, the base rate shall be 2-1/2 percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional 2-1/2 percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds \$17 per ton of dried crude ore; and for the fourth ten calendar-year period, the base rate shall be 2-3/4 percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional 2-3/4 percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds \$17 per ton of dried crude ore; and for the remaining portion of the lease term thereafter, the base rate shall be three percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional three percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds \$17 per ton of dried crude ore.

For ores mined by open pit mining methods, after the first ten calendar-year period, the base rate shall be 33-1/3 percent greater than those shown above for underground ore.

b. If the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore exceeds the special royalty base, as hereafter defined, the lessee shall pay a special royalty in addition to the royalties specified in a. The amount of special royalty to be paid to the state shall be determined by multiplying the special royalty rate by that portion of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore that exceeds the special royalty base.

The special royalty rate shall be four hundredths of one percent (.04%) of that portion of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore that exceeds the special royalty base. The special royalty rate shall be subject to increase or decrease each calendar month by multiplying the special royalty rate by a fraction, the numerator of which shall be that month's base value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, and the denominator of which shall be that month's value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore.

The special royalty base shall be \$50 per ton of dried crude ore, subject to increase or decrease each calendar month by multiplying the special royalty base by a fraction, the numerator of which shall be that month's value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, and the denominator of which shall be that month's base value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore.

b. The base rate must not be less than 3-1/2 percent nor more than 20 percent and varies with the value of the metallic minerals and associated mineral products recovered from each ton of ore mined from the mining unit. The base rate must be calculated as provided in clauses (1) to (4):

(1) If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is equal to or less than \$75, the base rate is 3-1/2 percent.

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(2) If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is greater than \$75 but less than or equal to \$150, the base rate is 3-1/2 percent plus an additional 0.015 percent for each dollar increase in value above \$75.

(3) If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is greater than \$150 but less than or equal to \$225, the base rate is 3-1/2 percent, plus an additional 0.015 percent for each dollar increase in value above \$75, plus a further additional 0.02 percent for each dollar increase in value above \$150.

(4) If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is greater than \$225, the base rate is 3-1/2 percent, plus an additional 0.015 percent for each dollar increase in value above \$75, plus a further additional 0.02 percent for each dollar increase in value above \$150, plus a further additional 0.025 percent for each dollar increase in value above \$225.

In computing the base rate, there must be no rounding before calculating the total royalty due. The values of \$75, \$150, and \$225, as used above, must be escalated each calendar quarter in accordance with the formula set forth in paragraph c.

For example, assume the value (v) of metallic minerals and associated mineral products recovered in the mill concentrate from a ton of dried crude ore was \$100. The base rate would be calculated as follows:

$$\begin{aligned}\text{Base rate} &= .035 + (.00015 \times [v - 75]) \\ &= .035 + (.00015 \times [100 - 75]) \\ &= .035 + (.00015 \times 25) \\ &= .035 + .00375 \\ &= .03875 \\ &= 3.875 \text{ percent}\end{aligned}$$

If the value (v) of the metallic minerals and associated mineral products recovered in the mill concentrate from a ton of dried crude ore was \$250, then the base rate would be calculated as follows:

$$\begin{aligned}\text{Base rate} &= .035 + (.00015 \times [v - 75]) + (.0002 \times [v - 150]) + (.00025 \times [v - 225]) \\ &= .035 + (.00015 \times [250 - 75]) + (.0002 \times [250 - 150]) + (.00025 \times [250 - 225]) \\ &= .035 + (.00015 \times 175) + (.0002 \times 100) + (.00025 \times 25) \\ &= .035 + .02625 + .02 + .00625 \\ &= .0875 \\ &= 8.75 \text{ percent}\end{aligned}$$

c. If the special royalty to be paid for any calendar month exceeds 20 percent of that month's value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, the lessee may apply to the commissioner for a modification of the special royalty rate in regard to the amount exceeding 20 percent. Any modification of the lease agreed upon between the lessee and the commissioner must be approved by the state executive council. The values of \$75, \$150, and \$225 as used in the base rate must be increased each calendar quarter as follows:

If the unadjusted Producer Price Index for All Commodities (1967 equals 100), as originally published (unrevised) by the Bureau of Labor Statistics of the United States Department of Labor, or any succeeding federal government agency publishing the Index, in the monthly publication titled Producer Price Indexes, for the first month in the calendar quarter for which royalty payment is to be made, exceeds 310.5, which was the level of the index for August 1987 (hereinafter called the "Base Index"), an additional amount, computed in the manner hereinafter provided, must be added to the values of \$75, \$150, and \$225 to be used in the base rate for the calculation of the royalty to be paid by the lessee on the ore removed from the mining unit during any quarter.

The increase in the values of \$75, \$150, and \$225 must be computed by multiplying each value by a fraction, the denominator of which is the Base Index and the numerator of which is equal to the amount by which the Producer Price Index for All Commodities for the first month of the calendar quarter in question exceeds the Base Index. The resulting products must be carried to two decimal places and then rounded to the nearest whole dollar.

For example, the Base Index under this lease is 310.5 and if the Producer Price Index for All Commodities for January 1990 was 325.5, the increase in the values of \$75, \$150, and \$225 would be computed as follows:

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$$\frac{\$ 75 + (325.5 - 310.5)}{310.5} = \$3.62, \text{ rounded to } \$4.00$$

$$\frac{\$150 \times (325.5 - 310.5)}{310.5} = \$7.24, \text{ rounded to } \$7.00$$

$$\frac{\$225 \times (325.5 - 310.5)}{310.5} = \$10.86, \text{ rounded to } \$11.00$$

The indexed values to be used in the calculation of the base rate that would be used in the calculation of royalty payable on the metallic minerals and associated mineral products recovered during the first calendar quarter of 1990 would be:

$$\frac{\$ 75 + \$ 4}{310.5} = \$ 79$$

$$\frac{\$150 + \$ 7}{310.5} = \$157$$

$$\frac{\$225 + \$11}{310.5} = \$236$$

If some period other than 1967 is used as a base of 100 in determining the Producer Price Index for All Commodities, for the purposes of this lease provision the index must be adjusted so as to be in correct relationship to the 1967 base. In the event the index is not published by any federal agency, the index to be used as previously provided must be the index independently published, which, after necessary adjustments, if any, provides the most reasonable substitute for the Producer Price Index for All Commodities during any period after August 1987, it being intended to substitute an index that most accurately reflects fluctuations in the prices of commodities in the all commodities index in the manner presently reported by the Producer Price Index for All Commodities (1967 equals 100), published by the Bureau of Labor Statistics of the United States Department of Labor.

The values of \$75, \$150, and \$225 as used in the base rate must never be less than the minimum values prescribed in paragraph 8b of this lease.

d. The lessee may apply to the commissioner and the commissioner may grant the lessee a partial deferral of the lessee's obligation to pay royalties under this lease. Up to 50 percent of royalties due and payable less any credits against royalties as provided in paragraph 6, may be deferred by the commissioner. Any deferral granted applies only to the royalties due and payable during the first consecutive years, up to a maximum of the first five consecutive years, beginning with the first year that any royalties are due and payable under this lease, or to royalties due and payable during the first one-half of the expected operational life of the first mine established under this lease in the mining unit, whichever is less.

The amount of royalties deferred for each calendar quarter as provided above, plus interest at the rate of eight percent per year, becomes finally due and payable on the future date that is determined by adding the total number of years of deferral granted under this section to the date on which royalties would have been due and payable had there been no deferral.

The commissioner in considering the lessee's application for deferral of royalties may consider factors including, but not limited to, the expected operational life of the mine producing the royalties, the express purposes for which the money deferred is proposed to be used by the lessee, the cash flow analysis of the mine, the amount of either the capital invested or to be invested, or both, by the lessee in exploration and mining operations under this lease, and the technical and financial capabilities of the lessee.

### 9. Value of metal metallic minerals and associated mineral products.

a. The value of metals metallic minerals and associated mineral products recovered in the mill concentrate from each ton of dried crude ore shall must be determined monthly as follows: Multiply the total pounds respectively of copper, nickel, and each associated metal metallic mineral and associated mineral product recovered during the month in the mill concentrate from the mining unit, by the average market price per pound respectively for that month of each such fully refined metal metallic mineral and of each such associated mineral product. The total amount of copper and nickel recovered in any form in the mill concentrate shall be valued for royalty purposes as fully refined metal. For the purpose of this lease, associated mineral products shall mean the mineral products other than those that are principally valuable for their copper or nickel content. When less than 50 percent of any associated metal or mineral product recovered in the mill concentrate is sold or otherwise gainfully disposed of, then only the quantity of such associated metal or mineral product actually sold or otherwise gainfully disposed of shall be multiplied by the market price in determining the value of such metal or mineral product for royalty purposes. Subtract from that total, the smelter charges, as later defined in this lease, to obtain the value of each metallic mineral and each associated mineral product. Add the values thus obtained for each such metal metallic mineral and each such associated mineral product for the month, and divide the sum by the total number of tons of dried crude ore from the mining unit concentrated in the mill during the month, to obtain the value of the metals metallic minerals and associated mineral products recovered from each ton of dried crude ore. The value must be carried to four decimal places and rounded to the nearest one-hundredth of a dollar.

The base value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore shall be

determined monthly in the same manner, except that the total pounds respectively of copper, nickel, and each associated metal and mineral product recovered during the month in the mill concentrate from the mining unit shall be multiplied by the respective average of the average market price per pound of each fully refined metal and of each mineral product for each of the 12 complete calendar months of 1981.

b. When metallic minerals and associated mineral products recovered during the month in the mill concentrate are sold during the same month, only those metallic minerals and associated mineral products recovered from that concentrate that are actually paid for by the smelter, refiner, or other purchaser must be valued as part of the metallic minerals and associated mineral products recovered during the month. When metallic minerals and associated mineral products recovered during the month are not sold during the same month, the value of the metallic minerals and associated mineral products recovered during the month must be adjusted, if necessary, at the time they are sold to reflect the market price at the time of sale, and to reflect any metallic minerals and associated mineral products recovered in a concentrate that are not actually paid for by a smelter, refiner, or other purchaser. Any prior payment of royalty that becomes an overpayment of royalty as a result of the adjustment of value under this paragraph is a credit against future royalty payments due under this lease.

c. Metallic minerals and associated mineral products sold by the lessee to a nonaffiliate shall be deemed sold at the time the metallic minerals and associated mineral products are delivered to the nonaffiliate. Metallic minerals and associated mineral products sold or transferred by lessee to an affiliate shall be deemed sold by lessee at the time of delivery to the affiliate and value must be calculated on the basis of the market prices at the time of the deemed sale of the fully refined metallic minerals and of the associated mineral products sold or transferred to the affiliate. Metallic minerals and associated mineral products retained by the lessee for its own internal use and consumption shall be deemed sold when they are removed from the mining unit and value must be calculated on the basis of the market prices at the time of the removal of the fully refined metallic minerals and of the associated mineral products retained for internal use and consumption. For the purpose of this lease "affiliate" means the lessee, or any business entity that is effectively owned or controlled directly or indirectly by the lessee or that directly or indirectly effectively owns or controls the lessee, or any business entity operated by or that operates the lessee.

d. If material is recovered and sold on a basis other than for the purpose of recovering the fully refined metallic minerals and the associated mineral products contained in the material, such as the recovery and sale of titanium dioxide for paint pigment uses, then the value of the material recovered and sold, for royalty calculation purposes, is subject to agreement between the commissioner and the lessee.

e. "Smelter charges" means the base smelter treatment charge assessed by the smelter for treating each ton of the mill concentrate plus the smelter losses that are deducted from the assay or market values to arrive at the gross payment to the lessee for each of the metallic minerals and associated mineral products paid for by the smelter. Smelter charges do not include the following: mining or milling, or similar beneficiation costs or charges; refinery losses; refinery charges; penalties for impurities; freight and transportation charges either to or from the mill, concentrator, smelter, or refinery; weighing and sampling charges; handling charges; selling charges; taxes of any kind; processing charges; or any other charges, other than the base smelter treatment charge and smelter losses, assessed by the smelter or purchaser of the metallic minerals or associated mineral products. If the mill concentrate is treated at a smelter owned by, or directly or indirectly effectively controlled by, the lessee or its affiliate, or that the lessee or its affiliate operates or manages, then the smelter charges allowed are equal to the smelter charges that the smelter would assess or charge an unaffiliated third party desiring to have a substantially similar mill concentrate treated at the smelter. If the smelter owned by, operated by, or effectively controlled by the lessee or its affiliate does not provide smelter treatment services to unaffiliated third parties, then the smelter charges allowed are equal to the mean of the smelter charges assessed and charged for substantially similar mill concentrates in smelter contracts between unaffiliated parties. If any metallic minerals or associated mineral products produced under this lease from the mining unit are sold, or otherwise disposed of, without smelter treatment, as, for example, in the production of gold dore, then no deduction for smelter charges, nor any other charges, is allowed in the computation of the value of the metallic minerals and associated mineral products recovered in the mill concentrate. If the state disagrees as to the smelter charges, the lessee has the burden of proof of substantiating the smelter charges.

f. The average market price of copper per pound for each month shall be is that quoted for domestic refinery electrolytic copper in earload lots, f.o.b. Atlantic Seaboard Refineries MW US Producer Cathode (MW US PROD CATH), as reported in the "Metals and Minerals Markets" section of the Engineering and Mining Journal Metals Week. The average market price of nickel per pound for each month shall be is that quoted for nickel cathodes, in earload lots, f.o.b. Port Colborne, Ontario, Canada, United States import duty (if any) included New York Dealer Cathode (NY DEALER CATH), as reported in said journal Metals Week. The

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average market price of gold per troy ounce for each month is that quoted for the London Final, as reported in Metals Week. The average market price of silver per troy ounce for each month is that quoted for Handy & Harman, as reported in Metals Week. The average market price of zinc per pound for each month is that quoted for MW US High Grade (MW US HG), as reported in Metals Week. The average market price of lead per pound for each month is that quoted for North American Producer Low (NA PRODUCER L), as reported in Metals Week. The average market price of other metals metallic minerals and of associated mineral products per pound for each month shall be that quoted for their usual and customary shipping quantities, f.o.b. the usual and customary place of shipment, United States import duty (if any) included, as reported in said journal Metals Week. If Metals Week does not or ceases to report an average monthly market price for any metallic mineral or associated mineral product, then the average monthly market price of that metallic mineral or associated mineral product is the arithmetic average of the daily market prices for the metallic mineral or associated mineral product for that month as reported in Metals Week. If said journal Metals Week or its successors ceases cease to furnish such quotations, or its quotations cease to be recognized in the trade, or a particular metal metallic mineral or associated mineral product is not listed, then the quotations of such other source as the parties may agree upon shall govern.

10. Commingled ores. The lessee ~~shall have~~ has the right to commingle ore from ~~said the~~ mining unit with other ore, either in the mine, in stockpile, or in the mill, ~~provided, however, that or in the smelter,~~ but the ores ~~shall must~~ be kept entirely separate and distinct until their quantities and metal and mineral contents have been separately measured and determined. Ratios of concentration, percent mill recoveries, and any other factors necessary for determining the beneficiating amenability of the commingled ores, the allocation of values and the royalties, must be separately measured and determined by methods approved by the commissioner and shall be reported on a monthly basis. "Ratio of concentration" means the dry weight of the crude ore divided by the dry weight of the concentrate derived from the crude ore. "Percent mill recovery" means the dry weight of the metal in the concentrate divided by the dry weight of the metal in the crude ore, expressed as a percent.

11. Quarterly payment on ore removed. The lessee ~~covenants and~~ agrees to pay to the state, on or before ~~the 20th day of~~ May 20, August 20, November 20, and February 20 in each year during the period this lease continues in force, royalty at the rates ~~hereinbefore~~ specified in paragraph 8 for all of the ore removed from ~~said the~~ mining unit ~~and milled~~ during the previous calendar quarter. The lessee also agrees to pay to the state on or before May 20 of each year all royalty due and payable as a result of the adjustment to value of the metallic minerals and associated mineral products sold during the previous calendar year as provided for in paragraph 9b.

The lessee ~~shall be~~ is liable for payment of royalty when due on all ore removed from ~~said the~~ mining unit for concentration elsewhere or for any other purpose, from the actual time of ~~such~~ removal; and if ~~any of such ore is not concentrated,~~ or if the royalty due ~~thereon on the ore~~ is not determined and accounted for as ~~herein~~ provided by the next royalty payment date, the commissioner may determine ~~such the~~ royalty by ~~such any~~ method as ~~he the~~ commissioner deems appropriate and consistent with the royalty rates set forth in this lease. Any amount paid for royalty ~~shall must~~ be allocated to the proper fund as determined by the mineral ownership.

12. Lessee to transmit statement of ore removed and royalty due. The lessee shall transmit to the commissioner with each royalty payment an exact and truthful statement of the tonnage and royalty value of the ore mined and removed from ~~said the~~ mining unit ~~and milled~~ during each of the three months for which ~~such the~~ payment is made, and the amount of royalty due ~~thereon on the ore~~, separated as to the various state fund ownerships. The lessee shall provide for all the operations required for ~~such these~~ determinations except as otherwise specified.

13. Weighing. The ~~method or~~ methods of obtaining the weights used to determine tonnage for the calculation of royalty, or to determine other weights required by the state, ~~shall be~~ are subject to the approval of the commissioner.

14. Sampling. Samples for royalty purposes ~~shall must~~ be taken of the ores and ~~mill their~~ products at places and intervals subject to the approval of the commissioner. A portion of each ~~such~~ sample or composite sample ~~shall must~~ be delivered to the commissioner unless, by mutual agreement, it has been decided that certain of such portions are not needed by the state. Except as otherwise permitted by the commissioner, all ore mined from this mining unit ~~shall must~~ be sampled and its weight determined before being commingled with any other ores.

Each royalty sample ~~shall must~~ be analyzed at the expense of the lessee by competent chemists or assayers approved in writing by the commissioner. The elements in the royalty sample for which analytical determinations will be made, ~~shall be~~ are subject to agreement between the commissioner and the lessee.

15. Monthly reports. Except as otherwise permitted by the commissioner, the lessee shall transmit within 30 days after the end of each calendar month, statements for ~~said that~~ calendar month in ~~such the~~ form as the commissioner may require, covering the tonnages and analyses of the following: all material mined from ~~said the~~ mining unit, all material milled from ~~said the~~ mining unit, all material stockpiled from ~~said the~~ mining unit, all concentrates produced from ~~said the~~ mining unit, all material mined from any source and commingled with material from ~~said the~~ mining unit, all commingled material concentrated, all commingled material stockpiled, all commingled concentrates produced during ~~the said that~~ calendar month, and such other information as may reasonably be required by the commissioner for the purpose of verifying the amount of royalty due.

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## Proposed Rules

The weight of ore as set forth in ~~said the~~ monthly statements shall prima facie be binding as between the parties, but the state ~~shall have~~ has the right to sample the ore, check the analyses, and inspect, review and test the correctness of the methods, books, records and accounts of the lessee in sampling, analyzing, recording, and reporting ~~such the~~ weights, and to inspect, review, and test the correctness of the weights and scales and other equipment used in measuring the amount of ore, it being understood that any errors in these reports, when ascertained, shall be corrected.

16. Additional monthly and annual reports to be furnished by lessee; exploration; mine samples required. Except as otherwise permitted by the commissioner, in addition to other reports or statements required ~~herein in this lease~~, the lessee shall furnish the following:

a. Copies of all exploration data, including, but not limited to, all logs and drill hole records; all maps and coordinates showing drill holes, geophysical grids, geochemical and geologic sampling, trenching, and survey data; all chemical and analytical data and information; all laboratory test data; all geophysical survey data, geochemical, and geologic records; all results of mine and metallurgical testings; and all periodic mine maps, analyses maps, cross-sections, and development plans. All material required under this subparagraph must be available to the commissioner, or the commissioner's representative, at all reasonable times. Copies must be submitted annually to the commissioner when the data is in the form customarily prepared for permanent record of the operations on ~~said the~~ mining unit. Material available to and furnished to the commissioner under this subparagraph ~~a- and subparagraph b. below~~ shall be considered confidential during the life of this lease or any extension ~~thereof~~ of it.

b. At least a quarter-portion of all exploration samples, and when requested by the commissioner in writing, a quarter-portion of mine or mill samples. In the event that the lessee requires certain exploration samples in their entirety, the commissioner or ~~his the~~ commissioner's representative may waive the requirement for a quarter-portion of such exploration samples, provided that the lessee grants the state an opportunity to examine and classify such samples before they are crushed or processed.

c. A monthly report showing the estimated weights and analyses of all materials stockpiled, including lean ore, waste and tailings, and divided as to property of origin and deposition.

d. Certified copies of smelter statements, schedules, agreements, and settlement sheets or receipts from sales involving materials produced from this mining unit showing the product sold and factors relevant to the calculation of royalties.

e. Not later than March ~~1st~~ 1 of each year during ~~said the~~ term of this lease, a summary statement of the tonnage of all ore mined and all ore milled from the premises and all ore materials placed in or removed from stockpile during the previous calendar year, divided as to the property of origin and the disposition of ~~such the~~ ore materials and showing such analyses of ~~the same them~~ as the commissioner may require.

17. How remittances and reports are to be transmitted. All remittances by the lessee ~~hereunder shall~~ under this lease must be made payable to the state treasurer; ~~and~~. All such remittances and all reports, notices and documents required ~~hereunder shall~~ under this lease must be transmitted to the commissioner through the director of the division of ~~waters, soils, and~~ minerals at Saint Paul, Minnesota.

18. State inspection; inspectors at plants and mines. The commissioner may at all reasonable times enter ~~said the~~ mining unit and any other premises used or operated by the lessee in connection with the operation of ~~said the~~ mining unit, inspect the operations conducted ~~hereunder~~ under this lease, and conduct such engineering and sampling procedures and other investigations as the commissioner may require, not unreasonably hindering or interrupting the operations of the lessee.

The lessee shall provide, upon written request of the commissioner, a suitable room in the dry or wash house or in some other suitable place on ~~said the~~ mining unit or elsewhere when necessary, with water, light, and heat, all without cost to the state, for the use of state inspectors. ~~Such The~~ room shall must be at least equal in size and equipment to that customarily furnished for the use of the mine engineer ~~or captain~~ at comparable operations.

Whenever royalties or rentals due the state are required to be distributed to more than one fund, or when ore from ~~said the~~ mining unit is commingled with other ore, or when ore from ~~said the~~ mining unit is concentrated at the same plant as other ore, the commissioner may appoint ~~such~~ special inspectors as ~~he deems~~ the commissioner considers necessary to insure proper accounting and protect the interests of the state; ~~and~~. The lessee shall reimburse the state monthly for the cost of ~~all such this~~ inspection service upon notification by the commissioner.

19. Removal of ore for experimental purposes. Notwithstanding ~~the provisions of~~ paragraph 11- ~~herein~~, upon written application of the lessee, the commissioner may authorize the removal of ore from ~~said the~~ mining unit for experimental purposes without

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payment of royalty; and it is further understood that the removal of samples obtained by drilling, trenching, or testpitting, for the purposes of exploration, ~~shall~~ is not be subject to the payment of royalty.

20. Stockpiled materials. All materials mined ~~from said mining unit~~ and not shipped ~~to the concentrating mill, and all mill rejects derived from crude ore~~ from said the mining unit, ~~shall remain~~ remains the property of the state and shall be stockpiled only in such manner and on such sites as may be authorized by the commissioner in writing; ~~provided, however, that~~. When, however, the commissioner agrees that substantially all minerals of value have been extracted from the mill tailings, ~~such the~~ the material may be used for stope filling on said the mining unit or elsewhere, and the tailings material ~~so~~ used shall be deemed to be considered abandoned, and title to ~~such the~~ the material shall revert to the mineral owners of the property in which it is deposited.

21. Reversion of title on land conveyed to the state for stockpiling purposes. When the commissioner determines that it is necessary and that the interests of the state will be fully protected ~~thereby~~, the lessee may convey land to the state upon the condition that it ~~shall~~ be used for the storage of ore or other materials having present or potential value belonging to the state, and that the state's interest in the land ~~shall terminate~~ terminates and title ~~shall revert~~ reverts to the lessee when the land is no longer needed or used for that purpose. No consideration shall be paid for ~~such the~~ the conveyance unless authorized by law.

22. Cross-mining rights. The lessee is hereby granted the right to mine and remove any ores from said the mining unit through any shafts, openings, or pits that may be made upon adjoining and nearby premises controlled by the lessee; and the lessee may, if it so desires, use said the mining unit and any shafts, openings, pits, made ~~thereon on~~ it for the mining or removal of any ores from ~~any such~~ adjoining or nearby premises, not, however, preventing or interfering with the mining or removal of ore from said mining unit; ~~provided, however, that~~. The ores taken from said the mining unit ~~shall~~ must at all times be kept entirely separate and distinct from any other ores until measured and sampled as ~~herein provided~~ in this lease so that the rights of the lessor ~~shall be~~ are at all times preserved and protected; ~~and~~. The lessor ~~agrees hereby to and does hereby recognize~~ recognizes the rights and liens of the owners of any nearby or adjoining premises in any ores mined ~~therefrom from them~~ and transported through said the mining unit.

23. Lessee's obligations under state and federal laws and regulations. The provisions of this lease are subject to all applicable state and federal statutes, orders, rules and regulations, and all operations under this lease shall be conducted in conformity ~~therewith~~ with them. No interference, diversion, use or appropriation of any waters over which the commissioner or any other state agency has jurisdiction, ~~shall may~~ be undertaken unless authorized in writing by the commissioner or the ~~said~~ state agency.

24. Operations to be conducted in accordance with good mining and metallurgical engineering. The lessee shall advise the commissioner when exploration drilling, trenching, or testpitting on said the mining unit is about to begin. The lessee shall open, use, and work the mine or mines on said the mining unit and conduct metallurgical operations in such manner only as is usual and customary in skillful and proper ~~copper-nickel~~ mining and milling operations in accordance with the requirements, methods, and practices of good mining and metallurgical engineering, and in such manner as not to cause any unnecessary loss of minerals, or unusual permanent injury to said the mining unit. Surface lands owned by the state in said the mining unit are not to be cleared or used for construction or stockpiling purposes ~~unless and~~ until the plan for such use has been approved by the commissioner. The surface use of said the mining unit ~~shall~~ must be conducted in such manner as to prevent or reduce scarring and erosion of the land and pollution of air and water.

25. Lessee's obligation for damages. It is understood and agreed that in case any interest in the land or minerals covered by this lease is owned by anyone other than the state, this lease shall not be construed as authorizing any invasion of or trespass upon such other interest. The lessee is obligated to save the state harmless from all damages or losses caused directly or indirectly by operations under this lease, whether to land, timber, minerals, growing crops, or buildings, or to any person or other property, including damages suffered by ~~such that~~ that other owner of the surface or mineral rights, and the state shall not be liable ~~therefor for them~~.

26. Lessee to pay all taxes. The lessee ~~covenants and~~ agrees to pay when due all taxes, general and specific, personal and real that may be assessed against said the mining unit and the improvements made ~~thereon on it~~, and the ore materials ~~therein in it~~ or mined ~~therefrom from it~~, and any personal property ~~thereon on the mining unit~~ owned, used, or controlled by the lessee. This covenant ~~shall~~ does not apply to taxes assessed against any part of said the mining unit as a result of any other lease granted by the state to other parties. The cancellation, termination, or expiration of this lease ~~shall~~ does not relieve the lessee of the obligation to pay taxes assessed during the continuance of the lease, even though such taxes may be due or payable after ~~such the~~ the cancellation, termination, or expiration date.

27. State lien for unpaid sums due. The state reserves and shall at all times have a lien upon all ore mined from said the mining unit, all ore concentrated ~~therefrom from it~~, smelter returns due the lessee ~~therefor for the ore~~, and all improvements made ~~hereunder~~ under this lease for any sums not paid when due.

28. Lessee's right to terminate lease. The lessee may at any time deliver to the commissioner written notice of intention to terminate this lease, and this lease shall terminate 60 days after ~~such the~~ the delivery unless ~~such the~~ the notice is revoked by the lessee by further written notice delivered to the commissioner before the expiration of ~~said~~ 60 days. On December ~~31st~~ 31 following the tenth anniversary date of this lease, and on any succeeding December ~~31st~~ 31, the lessee may surrender its rights and privileges ~~herein~~ granted in this

lease on any governmental descriptions or on beds of public waters included in ~~said the~~ mining unit, by giving the lessor written notice of its intention so to do at least 60 days before the date of such surrender. All sums due to the state under this lease up to the effective date of ~~such~~ termination ~~shall~~ must be paid by the lessee.

29. Lessor's right to cancel lease upon lessee's failure to meet production requirements. The state may cancel this lease as provided in paragraph 30 if the lessee has not met both of the following conditions by the end of the 20th full calendar year of this lease:

(a) The lessee must be actively engaged in mining ore under this lease from:

i. the mining unit;

ii. a metallic mineral mine within the government township in which the mining unit is located; or

iii. a metallic mineral mine within a government township that has at least one point in common along its boundary line with the government township in which the mining unit is located.

(b) The lessee must have paid to the state at least \$100,000 in earned royalty under a metallic minerals lease. This amount must be paid during a single calendar year.

The state may exercise its option to cancel the lease during the 21st calendar year of the lease. If it does not do so, and if the conditions have not been met by the end of the 35th full calendar year of this lease, it may exercise its option to cancel during the 36th calendar year of the lease. The commissioner shall take the lessee's financing needs and the state's proportional ownership interest into consideration in determining whether the requirements of this paragraph have been met.

30. Lessor's right to cancel lease upon default. This lease is granted upon the express condition that, if any sum owing hereunder owed under it by the lessee for rental, royalty, or otherwise shall remain remains unpaid after the time when the same it became due as herein provided, or if the lessee or any its agent or servant thereof shall knowingly or willfully make makes any false statement in any report, account, or tabulation submitted to the state or to the commissioner, or any of his the commissioner's agents pertaining to any matter hereunder under this lease, or if the lessee shall fail fails to perform any of the covenants or conditions herein expressed to be performed by said lessee required by this lease, the commissioner may cancel this lease by mailing or delivering to the lessee 60 days' notice thereof of the cancellation in writing, specifying such nonpayment or other default as the case may be, and. This lease shall terminate at the expiration of said the 60 days, and the lessee and all persons claiming under the lessee shall be wholly excluded from said the mining unit except as hereinafter provided in paragraph 31. Such Termination shall does not relieve the lessee from any liability for payment or other liability incurred hereunder under this lease. If the default consists of a nonperformance of an act required hereunder under this lease other than payment of royalty or rental, the lessee may perform within said the period of 60 days and the lease shall continue continues in full force and effect, and. If the correction of any such default requires more time than 60 days after the notice has been received by the lessee, the commissioner, upon written request of the lessee and for good cause shown, may, at his or her discretion, grant an extension of such the period of 60 days. If the default consists of a nonpayment of royalty or rental and the lessee performs within 15 days from the mailing or delivery of notice of cancellation, the lease shall continue continues in full force and effect; and if the lessee performs at any time thereafter within said the period of 60 days, the commissioner, at his or her discretion, may continue the lease in full force and effect.

~~30.~~ 31. Rights of lessor and lessee during 180-day period following termination. Upon termination of this lease, whether by expiration of the its term hereof or by act of either party, except as necessary to comply with applicable mineland reclamation statutes and rules, the lessee shall have has 180 days thereafter after termination in which to remove all equipment, materials, railroad tracks, structures and other property placed or erected by the lessee upon said mining unit, and any such. Property not removed within said that time shall, at the discretion of the commissioner, either be removed by the state at the lessee's expense or become the property of the state. The lessee shall not remove or impair any supports placed in any mine or mines on said the mining unit, or any timber or framework necessary to the use or maintenance of shafts or other approaches to such mine or mines or tramways within said the mining unit, all of which shall become the property of the state. During said the period of 180 days, the lessee shall, at its own expense, properly and adequately fence all pits, level banks, and refill all test pits and cave-ins that may be deemed dangerous or are likely to cause damage to persons or property, and the lessee shall do all other work which the commissioner deems necessary to leave the premises in a safe and orderly condition to protect against injury or damage to persons or property, and shall restore the premises as nearly as the commissioner deems practicable to the natural conditions of the surrounding area and shall reclaim the premises in accordance with the applicable mineland reclamation statutes and rules. Subject to the foregoing, upon the termination of this lease, whether by expiration of the term hereof or otherwise, the lessee shall quietly and peaceably surrender

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possession of ~~said~~ the mining unit to the state. During ~~said~~ the period of 180 days, the lessee shall not be relieved of any obligation or liability resulting from the occupancy of ~~said~~ the mining unit unless the lessee has wholly vacated ~~said~~ the mining unit prior to the expiration of ~~said~~ that period and has notified the commissioner thereof in writing.

32. Recovery of expenses. If it is necessary for the state to incur expenses by court action or otherwise for the ejection of the lessee, or removal from the leased premises of the lessee's property, or recovery of rent or royalties, or for any other remedy of the state under this lease, and the state prevails in the court action or otherwise, then the lessee shall pay to the state all expenses, including attorney's fees, thus incurred by the state.

~~31.~~ 33. Mining of minerals other than copper, nickel, and associated metallic minerals. If any minerals not covered by this lease are ore found on or in said the mining unit is primarily valuable for other than its metallic minerals content, the terms and conditions upon which such minerals the ore may be mined or products recovered therefrom from it shall be as may be agreed upon by the lessee and the commissioner and approved by the state executive council. This provision does not apply to iron ore and ores, taconite ore that are a part of the Biwabik iron formation ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances.

~~32.~~ 34. Agreements, assignments, or contracts. All assignments, agreements, or contracts affecting this lease shall must be made in writing and signed by all parties thereto, witnessed by two witnesses, properly acknowledged and shall must contain the post office addresses of all parties thereto, and when so executed shall must be presented in quadruplicate to the commissioner for record. No such instrument shall be is valid until approved in writing by the commissioner and approved as to form and execution by the attorney general. No assignment or other agreement shall relieve relieves the lessee of any obligation or liability imposed by this lease, and all assignees, sublessees, and subcontractors shall are also be liable for all obligations or liabilities imposed by this lease.

~~33.~~ 35. Lease binding on assignees and successors. The covenants, terms, and conditions of this lease shall run with the land and shall extend to and bind all assignees and other successors in interest of the lessee.

~~34.~~ 36. Notices. For the purposes of this lease, the addresses of the parties shall be are as follows, unless changed by written notice to all parties: For the state — Commissioner of Natural Resources, State of Minnesota, Centennial Office Building 500 Lafayette Road, Saint Paul, Minnesota 55101 55155-4037; for the lessee — \_\_\_\_\_.

## Secretary of State

### Proposed Permanent Rules Relating to Mail Ballots

#### Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 204B.45.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number 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*, sections 14.131 to 14.20.

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

Jeff Sigurdson  
Election Division  
180 State Office Building  
St. Paul, MN 55155  
(612) 296-6011

The proposed rule may be modified if the modifications are supported by data and view submitted to the agency and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

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

You are advised, pursuant to *Minnesota Statutes*, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to *Minnesota Statutes*, section 14.11 "Special Notice of Rulemaking", the adoption of this rule will not have any impact upon agricultural land nor will the adoption of this rule result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following the adoption of this rule within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule 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 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 the Election Division.

Dated: 4 January 1988

Joan Anderson Growe  
Secretary of State

### **Rules as Proposed (all new material)**

#### **8210.3000 MAIL BALLOTING.**

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

- A. the name or description of the municipality or unorganized territory;
- B. the date of the election and the dates that ballots will be mailed;
- C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;
- D. the times, places, and manner in which voted ballots can be returned;
- E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;
- F. the place and time for counting of ballots; and
- G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

### 8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

#### REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....  
(print or type legal name of voter)

.....  
(print or type legal address)

I certify that I am a resident and eligible voter in

.....  
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

.....  
(date)

.....  
(legal signature of voter)

**8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.**

**INSTRUCTIONS TO MAIL BALLOT VOTERS**

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

- a. any eligible voter of the county where you reside;
- b. a notary public;
- c. a United States postmaster, assistant postmaster, postal supervisor, or clerk of a postal contract station; or
- d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

**8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.**

**MAIL VOTER'S CERTIFICATE**

**OF**

.....  
(print or type legal name of voter)

.....  
(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of ..... ;  
(name of township or territory)

that I am not under guardianship of the person, have not been found by a court of law to be legally incom-

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## Proposed Rules

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petent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

.....  
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

.....  
(date)

.....  
(legal signature of witness)

.....  
(print or type name of witness)

.....  
(legal address if witness is an eligible voter)

OR

.....  
(official title if witness is an official)

## Board of Veterinary Medicine

### Proposed Permanent Rules Relating to Fees

#### Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Veterinary Medicine (hereinafter "Board") proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature pursuant to *Minnesota Statutes* § 16A.128 and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.21-14.28.

Interested persons shall have 30 days to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

PLEASE NOTE THAT NO PUBLIC HEARING WILL BE HELD ON THESE RULES unless 20 percent of the persons required to pay these fees submit to the agency during the 30-day comment period, a written request for a public hearing on the proposed rule, *Minnesota Statutes* § 16A.128, subd. 2.a.

Persons who wish to submit comments should submit such comments or requests to:

Dr. Roland C. Olson  
Minnesota Board of Veterinary Medicine  
2700 University Avenue West  
St. Paul, Minnesota 55114  
Telephone: (612) 642-0597

The statutory authority of the Board to make the proposed rule changes is contained in *Minnesota Statutes* §§ 16A.128, 156.01, subd. 1, and 214.06.

If adopted, the proposed rules would set the fees for persons applying for a license to practice veterinary medicine in Minnesota.

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

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies. In accordance with *Minnesota Statutes* § 14.115, the Department's consideration of any such effect on small business will be addressed in the Statement of Need and Reasonableness. Persons representing small businesses are invited to participate in the rulemaking process.

Upon adoption of the final rules without a public hearing, the proposed changes, 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

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## Adopted Rules

form and legality, including the issue of substantial changes. 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 Dr. Roland C. Olson.

Dated: 7 January 1988

Dr. Roland C. Olson  
Executive Director

### Rules as Proposed

#### 9100.0400 APPLICATION FEES TO PRACTICE VETERINARY MEDICINE.

Subpart 1. **Amount.** A person applying for a license to practice veterinary medicine in this state shall submit to the Board of Veterinary Medicine a fee of ~~\$185~~, in the form of a check or money order payable to the state treasurer, the following fees to total \$250:

A. \$125, for the National Board of Examination;

B. \$90, for the Clinical Competency Test; and

C. \$35, for the Minnesota State Practical Examination.

The application fee received shall support only the application with which the fee was submitted. A person who applies more than once shall submit the full application fee with each subsequent application.

Subp. 2. [Unchanged.]

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

## Department of Human Services

### Adopted Permanent Rules Relating to Licensure of Chemical Dependency Rehabilitation Programs

The rules proposed and published at *State Register*, Volume 12, Number 13, pages 542-560, September 28, 1987 (12 S.R. 542) are adopted with the following modifications:

#### Rules as Adopted

##### 9530.4100 DEFINITIONS.

Subp. 6. **Chemical dependency.** "Chemical dependency" means a pattern of pathological use as defined in subpart 18, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use. Chemical dependency includes a pattern of pathological use as defined in subpart ~~17~~ 18, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal, which has been interrupted by a period of incarceration or hospitalization.

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## Adopted Rules

### 9530.4110 SCOPE.

Subp. 2. **Inapplicability.** Parts 9530.4100 to 9530.4450 do not apply to Category II, III, or IV rehabilitation programs located within a hospital, licensed under Minnesota Statutes, sections 144.50 to 144.56, except hospitals that accept funds under Minnesota Statutes, chapter 254B. A Category I program located in a hospital, licensed under Minnesota Statutes, sections 144.50 to 144.56, does not require a license issued under parts 9530.4100 to 9530.4450.

### 9530.4120 LICENSING OF PROGRAMS.

Subpart 1. **License required.** A rehabilitation program may not operate in Minnesota unless it has a current valid license or provisional license as required by Laws of Minnesota 1987, chapter 333, sections 1 to 17, to be codified as Minnesota Statutes, sections 245A.01 to 245A.16. An applicant or license holder applying for more than one program license may reference in the second application the materials submitted with the applicant's or license holder's first application.

Subp. 3. **Contents of application.** An applicant shall submit the following to the commissioner prior to issuance of a license:

G. ~~a completed consent form as required under documentation of compliance with Minnesota Statutes, section 13.05 245A.04, subdivision 4, from the applicant and the applicant's employees to authorize the disclosure of arrest, conviction, or criminal history records 3, on forms and in a manner prescribed by the commissioner;~~

Subp. 5. **Health facility licenses.** Rehabilitation programs must have the following licenses:

B. Category II and III programs must have at least a supervised living facility class A or B license, in accordance with parts 4665.0100 to 4665.9900, from the Minnesota Department of Health.

C. Category IV programs must have at least a supervised living facility class A or B, in accordance with parts 4665.0100 to 4665.9900, or a board and lodging license, in accordance with parts 4625.0100 to 4625.5000, issued by the Minnesota Department of Health.

Subp. 6. **Change in license terms.** A license holder must apply to the commissioner and a new license must be issued before the license holder:

E. ~~changes reduces~~ the total number of hours of rehabilitation services provided; or

F. ~~changes staffing patterns or ratios, affecting reducing~~ the amount of program services offered.

~~Changes in employees must be reported to the commissioner. A license holder shall initiate the study required under Minnesota Statutes, section 245A.04, subdivision 3, within ten days of the change. License holders must submit a completed consent form, as required under Minnesota Statutes, section 13.05, subdivision 4, from each new employee to authorize the disclosure of arrest, conviction, or criminal history records addition of a new employee of the rehabilitation program. The study must be initiated on forms and in a manner prescribed by the commissioner.~~

Subp. 7. **Access by commissioner.** A rehabilitation program is subject to review, with or without notice, by the commissioner in accordance with Laws of Minnesota 1987, chapter 333, section 4, to be codified as Minnesota Statutes, section 245A.04, subdivision 5. The commissioner's right to access shall include complete access to all clients and staff, and to all client, staff, financial, and administrative program records needed to determine whether the rehabilitation program meets the standards of parts 9530.4100 to ~~9530.4400~~ 9530.4450. The commissioner may review and copy records in compliance with Minnesota Statutes, sections 13.46, and 254A.09; and Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987.

### 9530.4250 PERSONNEL POLICIES AND PROCEDURES.

Subp. 2. **Staff development plan.** The license holder shall have a written staff development plan. The staff development plan shall identify training adapted to the needs of the program's target population. The plan must specify training requirements for counselors in current treatment concepts and methods.

The license holder must assure that each staff person working directly with clients receives at least ~~20~~ 15 hours of continuing education annually. All training completed must be recorded in individual personnel files. The training must include the following areas in a twelve-month period:

### 9530.4260 PERSONNEL FILES.

Each license holder shall maintain a separate personnel file for each employee. At a minimum, the file must contain the following:

B. names and addresses of all previous employers for the past five years for program directors, chemical dependency counselor supervisors, and employees who are responsible for the provision of rehabilitative services;

### 9530.4270 STAFF QUALIFICATIONS.

Subpart 1. **Qualifications applying to all employees working directly with clients.** All employees working directly with clients must meet the following qualifications:

C. the employee program directors, chemical dependency counselor supervisors, and employees who are responsible for the provision of rehabilitative services must document two years of freedom from chemical use problems.

Subp. 3. **Chemical dependency counselor supervisor qualifications.** In addition to the requirements specified under subpart 1, the personnel file of a chemical dependency counselor supervisor must include documentation that the individual meets the criteria established in items A to C:

B. The individual has three or more years experience in the provision of individual and group counseling to chemically dependent clients by January 1, 1989.

Subp. 5. **Documentation of chemical dependency counselor qualifications.** The department will accept one of the following as adequate documentation that a chemical dependency counselor is competent in the areas required under subpart 4:

A. the individual has at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology, or is a licensed registered nurse; has successfully completed 30 hours of classroom instruction in each of the areas identified in subpart 4, items A and B; and has successfully completed 480 hours of supervised experience as a chemical dependency counselor, either as a student or as an employee; or

Subp. 6. **Family counselor qualifications.** In addition to the requirements in subpart 1, the personnel file of a family counselor must document:

A. that the individual has at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology; or is a licensed registered nurse; or meets the requirements of subpart 5, item B or C;

B. that the individual has at least 30 hours of classroom instruction in family dynamics; and

C. that the individual has had at least 150 hours of supervised experience as a family counselor, either as a student or as an employee.

An individual is also qualified as a family counselor if the individual meets the requirements of item A and was employed as a family counselor in a licensed program before January 1, 1988. After January 1, 1989, family counselors must document that they meet the requirements of items A, B, and C in order to comply with this subpart.

Subp. 7. **Technician qualifications.** In addition to the requirements in subpart 1, the personnel file of a technician employed by a Category I program must include documentation of six months of freedom from chemical use problems and the individual's competency in the following areas:

#### **9530.4280 STAFFING REQUIREMENTS.**

Subp. 4. **Category I staffing requirements.** A Category I program shall provide one full-time equivalent ~~chemical dependency counselor~~ qualified assessor who meets the criteria in part 9530.6615, subpart 2, for each 15 clients being served by the program. This may be provided by part-time, full-time, or contracted staff or staff from another agency guaranteed by interagency contract.

A Category I program must have one technician on duty at all times for each ten clients in the program. For the purpose of establishing this ratio, all health care personnel whose qualifications meet or exceed those for technicians under part 9530.4270, subpart 7, may be counted as technicians. An individual may not be counted as both a technician and a chemical dependency counselor. A Category I program must have a nurse, licensed under Minnesota Statutes, sections 148.171 to 148.285, available for consultation and supervision.

Subp. 5. **Category II staffing requirements.** Each Category II program shall provide one full-time chemical dependency counselor for each 12 clients being served by the program.

Subp. 6. **Category III and IV staffing requirements.** Each Category III and IV license holder shall provide one full-time chemical dependency counselor for each 24 clients being served by the program.

#### **9530.4300 ADMISSION, INFORMATION AND REFERRAL, AND DISCHARGE POLICIES.**

Subpart 1. **Admission policy.** Each license holder shall have a written admission policy. A copy of the admission policy must be submitted to the commissioner with the application for a license. This policy must be posted in the area of the facility where clients are admitted, or given to all interested individuals upon inquiry and all clients upon admission. The admissions policy shall also designate which staff members are authorized to admit and discharge clients.

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## Adopted Rules

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The license holder must have a written policy that requires that no client be discriminated against during admission, discharge, or the provision of program services in accordance with Minnesota Statutes, sections 253B.04, subdivision 1, and 363.03.

Subp. 2. **Admission criteria for Category I programs.** A Category I program is limited to admitting clients who ~~are identified~~ meet the criteria in the programs admission criteria, which is approved by the physician in accordance with part 9530.4330, subpart 3, item A, and who meet the criteria of at least one of the following:

Subp. 3. **Admission criteria for Category II, III, and IV programs.** The license holder of a Category II, III, or IV program shall maintain in the client files documentation that each client ~~has been assessed as being chemically dependent, the client has been placed in accordance with parts 9530.6600 to 9530.6655, or the client~~ meets the criteria for placement in parts 9530.6600 to 9530.6655; or the client meets the definition of chemically dependent provided in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition, Revised), published by the American Psychiatric Association, copyright, 1987. This definition is incorporated by reference. It is available through the Minitex interlibrary loan system.

Subp. 4. **Individuals not served by program.** The following individuals shall not be admitted:

A. An individual in need of emergency medical care not provided by the program.

B. An individual who poses a substantial likelihood of physical harm to self or others, as demonstrated by an attempt or threat to physically harm self or others, if the behavior is beyond the behavior management capabilities of the program and staff.

C. An individual not meeting the program's admission criteria.

All denials under item A or B that involve the commission of a crime against a license holder's employee or on a license holder's property, as provided under Code of Federal Regulations, title 42, section 2.51, must be reported to a law enforcement agency with proper jurisdiction ~~and~~. All denials under item A or B that involve a bona fide medical emergency, as provided under Code of Federal Regulations, title 42, section 2.1(b)(1), must be referred to an agency a medical facility capable of admitting the individual.

### 9530.4310 POLICIES AND PROCEDURES WHICH GUARANTEE CLIENT RIGHTS.

Subp. 3. **Client property management.** Each license holder and applicant shall establish a written procedure for the management of the personal property of clients admitted to the program. The procedure must include:

E. A procedure whereby all property held in trust is returned to the client upon discharge, regardless of discharge status, with the following exceptions:

(1) drugs, drug paraphernalia, and drug containers that are forfeited under Minnesota Statutes, section 152.19 shall be destroyed by staff or given over to the custody of a local law enforcement agency, in accordance with the Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987;

### 9530.4320 HEALTH MONITORING SERVICES.

Subp. 3. **Category II, III, and IV health monitoring procedures.** In Category II, III, and IV programs the information gained through the health monitoring procedures required under subpart 1 must be included in the individual treatment plan, in accordance with part 9530.4370, subpart 3, item ~~B~~ C.

### 9530.4330 MEDICAL SERVICES.

Subp. 4. **Category II and III medical consultation services.** In addition to the requirements under subpart 2, the license holder or applicant of a Category II or III program shall have available a licensed physician and a licensed nurse for necessary medical care for all clients in the program. The license holder or applicant shall document the availability of a psychiatrist or a licensed psychologist to provide, at the discretion of the program director, psychiatric and psychological evaluation services for clients of the program. The license holder or applicant shall also document the availability of a family counselor to provide, at the discretion of the program director, family counseling services.

Subp. 5. **Administration of prescription medications.** Each license holder that elects to provide for the administration of prescription medications shall have a staff member employed for this function who is licensed to practice nursing under Minnesota Statutes, ~~chapter 148 sections 148.171 to 148.285.~~ Oral prescription medications, if administered within the facility, must be stored, recorded, and administered, under the supervision of a licensed registered nurse, by an individual having a medication administration certificate from a training program approved by the Minnesota Department of Health or a license to practice nursing. Administration of medications by injection shall be limited to staff members with a license to practice nursing under Minnesota Statutes, sections 148.171 to 148.285 or 148.29 to 148.299, or a license to practice medicine under Minnesota Statutes, chapter 147. All medications administered must be recorded in the client file and signed, timed, and dated by the personnel administering the medication. This charting must include the dosage and route of medication.

### 9530.4340 PROTECTIVE PROCEDURES.

Subp. 3. **Restriction.** Restriction must be ~~employed used~~ only where a client's unauthorized departure must be prevented to avoid the client's harm to self when authorized by law or when necessary to prevent harm to the client or others.

Subp. 5. **Physical restraint.** Physical restraint must be used only in cases where less restrictive means will not assure client safety. Clients in physical restraint shall be attended by a licensed nurse. Physical restraint must be authorized by the program director or a licensed physician prior to placing the client in restraint when possible, and within 30 minutes of initiation of restraint when the program director or a licensed physician is not present in the facility. Authorization for physical restraint must not exceed 12 hours. Restraint equipment must be designed, used, and maintained to ensure protection from self-harm with minimal client discomfort. The A client in restraint equipment must be loosened sufficiently to allow motion checked for circulatory problems every 15 minutes, and, Restraint equipment must remain be loosened for not less than ten minutes out of at least once every 60 minutes to allow change of position, unless the loosening would be dangerous to the client or others. If the restraints are not loosened every hour, the client's behavior that prevented loosening the restraints must be recorded in the client's file. Clients shall not remain in physical restraint for a total period of more than ~~two~~ four hours.

Subp. 6. **Chemical restraint.** Chemical restraint must only be used in a facility with at least a supervised living facility class B license from the Minnesota Department of Health. Chemical restraint must be authorized by a licensed physician upon examination of a client prior to administration of any chemical restraint procedure implemented in accordance with the program's medication administration plan and consistent with its license from the Minnesota Department of Health. Clients under chemical restraint shall be attended by a licensed physician or by a licensed nurse who shall assess the health status of the client as directed by the authorizing physician.

#### **9530.4370 CATEGORY I CLIENT SERVICES.**

Subpart 1. **Chemical use assessment.** Each Category I license holder shall screen each client admitted to its program to determine if the client is chemically dependent or a chemical abuser. Each Category I license holder shall ~~assure~~ provide or arrange for the provision of a chemical use assessment for each client admitted to its program who is determined to be chemically dependent or a chemical abuser. The chemical use assessment shall be conducted by a qualified assessor, as defined in part 9530.6605, subpart 4. Information obtained in the assessment and the findings of the assessor shall be recorded in the client's case file, and must include the following:

#### **9530.4410 INDIVIDUAL TREATMENT PLANS FOR CATEGORY II, III, AND IV CLIENTS.**

Subp. 5. **Aftercare plan.** A chemical dependency counselor shall develop a written aftercare plan for each client who completes the program before a the client is discharged ~~that identifies the client's need for services following discharge.~~ The aftercare plan must:

Subp. 6. **Discharge summary.** A chemical dependency counselor shall write a discharge summary for each client who leaves against staff or medical advice. The summary must be completed within ~~three~~ five days of the client's discharge and include at least the following information:

#### **9530.4450 ADDITIONAL REQUIREMENTS FOR PROGRAMS SERVING ADOLESCENTS.**

Subp. 3. **Staffing ratios.** A Category II license holder serving adolescents shall have at least one chemical dependency counselor for each eight adolescent clients. A Category III or IV license holder serving adolescents shall have at least one chemical dependency counselor for each ten adolescent clients.

When a Category II, III, or IV license holder provides services to both adolescent and adult clients, the number of chemical dependency counselors that the license holder must provide must be determined as follows:

A. When a Category II license holder provides services to both adolescents and adults at the same time, the number of staff persons necessary to meet the staff ratio of part 9530.4280, subpart 5, and the staff ratio of subpart 3 must be determined by making the following computation:

(1) multiply the number of adults being served by the program by .083;

(2) multiply the number of adolescents being served by the program by .125;

(3) add the two figures that result from the multiplication in subitems (1) and (2);

(4) the sum of subitems (1) and (2) is the number of full-time equivalent chemical dependency counselors the license holder must provide.

B. When a Category III or IV license holder provides services to both adolescents and adults at the same time, the number

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## Adopted Rules

of staff persons necessary to meet the staff ratio of part 9530.4280, subpart 6, and the staff ratio of subpart 3 must be determined by making the following computation:

(1) multiply the number of adults being served by the program by .042;

(2) multiply the number of adolescents being served by the program by .100;

(3) add the two figures that result from the multiplication in subitems (1) and (2);

(4) the sum of subitems (1) and (2) is the number of full-time equivalent chemical dependency counselors the license holder must provide.

## Department of Public Safety

### Adopted Permanent Rules Relating to Liquor Labeling Requirements

The rules proposed and published at *State Register*, Volume 12, Number 9, pages 363-364, August 31, 1987 (12 S.R. 363) are adopted as proposed.

## 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.

## Department of Agriculture

### Adopted Emergency Rules Relating to Farmer-Lender Mediation

The rules proposed and published at *State Register*, Volume 12, Number 12, pages 504-509, September 21, 1987 (12 S.R. 504) are adopted with the following modifications:

#### Rules as Adopted

##### 1502.0001 [Emergency] SCOPE.

Parts 1502.0001 to 1502.0025 [Emergency] are adopted by the Department of Agriculture pursuant to Minnesota Statutes, section 583.285, and govern the procedures to be followed in farmer-lender mediation held under the Farmer-Lender Mediation Act. Mediation concluded or commenced before the adoption of parts 1502.0001 to 1502.0025 [Emergency] is not void for lack of compliance with these rules.

##### 1502.0002 [Emergency] APPLICABILITY.

Parts 1502.0001 to 1502.0025 [Emergency] apply to creditors and debtors as defined in Minnesota Statutes, section 583.24.

**~~1502.0003~~ 1502.0002 [Emergency] DEFINITIONS.**

Subp. 4. **Parties.** "Parties" means the debtor and all creditors who are actively participating in the mediation process, excluding those who have completed claim forms in lieu of attending mediation meetings. Mediation notice. "Mediation notice" means the mediation notice served by an initiating creditor under Minnesota Statutes, section 336.9-501, 505.365, 559.209, or 581.015.

Subp. 5. **Mediation proceeding notice.** "Mediation proceeding notice" means the mediation proceeding notice sent by the county extension agent under Minnesota Statutes, section 583.24, subdivision 4.

Subp. 6. **Proceeding.** "Proceeding" means the process required by law, security agreement, lease agreement, or contract for enforcing a debt against agricultural property under Minnesota Statutes, chapter 580 or 581, or sections 336.9-501 to 336.9-508, terminating a contract for deed to purchase agricultural property under Minnesota Statutes, section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property.

Subp. ~~6-~~ 7. **Send.** "Send" means to mail by first class mail.

**~~1502.0004~~ 1502.0003 [Emergency] ADMINISTRATION.**

The director of Minnesota extension services shall administer the Farmer-Lender Mediation Act subject to the delegation power prescribed in Minnesota Statutes, sections 583.22, subdivision 5, and 583.23, subdivision 3. Under the delegation power in Minnesota Statutes, section 583.22, subdivision 5, the county extension agent in the county in which the debtor resides is the director's designee as provided in parts 1502.0001 to 1502.0025 [Emergency] and for purposes of service, filing, and other purposes specified by the director.

**~~1502.0005~~ 1502.0004 [Emergency] RESPONSIBILITIES.**

The director's responsibilities under the Farmer-Lender Mediation Act include, but are not limited to, the following:

B. The director shall provide support to mediators, including, but not limited to, technical assistance in complying with parts 1502.0001 to 1502.0025 [Emergency] and applicable statutes the Farmer-Lender Mediation Act, clerical support, postage, and other necessary supplies.

C. The director shall provide training in farm financial analysis (FINPAC) computer software to credit financial analysts.

D. The director shall set the compensation of mediators and credit financial analysts and shall reimburse them upon submission of expense claims.

**~~1502.0006~~ 1502.0005 [Emergency] FORMS.**

The director shall make forms for mediation under the Farmer-Lender Mediation Act available through each county extension agent and county recorder for use by debtors, creditors, and mediators ~~under parts 1502.0001 to 1502.0025 [Emergency] and applicable statutes.~~

**~~1502.0007~~ 1502.0006 [Emergency] SUBSTANTIVE RIGHTS.**

The fact that the director or a designee county extension agent has in any way acted upon a request for mediation does not determine the substantive rights of the parties debtor or creditors under the Farmer-Lender Mediation Act or parts 1502.0001 to 1502.0025 [Emergency].

**~~1502.0008~~ 1502.0007 [Emergency] WITHDRAWAL OF MEDIATION REQUEST.**

A debtor may withdraw a mediation request at any time before the first 14 days after receiving a mediation meeting notice. The debtor's withdrawal must be in writing. Withdrawal of the mediation request constitutes a waiver of the debtor's right to mediate the debt that initiated the service of the mediation notice under the Farmer-Lender Mediation Act unless the debtor refiles the mediation request within the 14 days permitted to file the original mediation request. ~~In case of a waiver, the county extension agent shall notify the creditor who started the proceedings, in writing, that the creditor may proceed against the agricultural property because the debtor has withdrawn the mediation request. The county extension agent shall also notify, in writing, creditors who received a mediation proceeding notice that the debtor has withdrawn the mediation request and therefore the mediation is canceled.~~

**~~1502.0009~~ 1502.0008 [Emergency] FAILURE TO FILE TIMELY REQUEST.**

If a debtor fails to file a timely mediation request the county extension agent shall ~~notify~~ send a copy of the Extension Notice of Debtor(s) Failure to Request Mediation (Form 3) to the debtor and the creditor who started the proceedings, in writing, that the

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## Emergency Rules

creditor may proceed against the agricultural property because the debtor has failed to file a mediation request serve the mediation notice. This notice The extension Notice of Debtor(s) Failure to Request Mediation (Form 3) must be sent within 20 days of the after service of the mediation notice. The county extension agent shall send a copy of the notice to on the debtor.

### ~~1502.0010~~ 1502.0009 [Emergency] RETURN:

Subpart 1. **Proof of service.** Service of a mediation notice must be proved by the certificate of the sheriff making it, by the affidavit of another person making it, by the written admission of the party served, or by the certified mail receipts. A creditor proving service by a certificate of mailing must provide the county extension agent with a copy of the certificate of mailing and an affidavit stating that the creditor has made an unsuccessful attempt to serve the debtor personally as in a district court civil action or by certified mail using return receipt signed by addressee only. Proof of service must state the date, place, and manner of service. Failure to make proof of service does not affect the validity of the service.

### Subp. 2. PROOF OF FILING MEDIATION REQUEST.

Filing of When a debtor files a mediation request with the county extension agent, the mediation request must be proved filed by the certified mail using return receipt or by the written acknowledgment actual delivery of the mediation request with a signed receipt of the county extension agent.

### ~~1502.0011~~ 1502.0010 [Emergency] CREDITOR CLAIM FORMS FOR DEBTS NOT SUBJECT TO MEDIATION.

Subpart 1. **Supporting documents.** A creditor returning a claim form when owed a debt is not subject to the Farmer-Lender Mediation Act under Minnesota Statutes, section 583.26, subdivision 4, paragraph (f), must return a claim form specifying why the debt is not subject to the Farmer-Lender Mediation Act to the county extension agent and attach the documents indicated for the debts listed in items A to E.

A. for a debt that has been in bankruptcy under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (1), either a copy of the proof of claim form filed in bankruptcy, a copy of the bankruptcy petition in which the debt is listed as a scheduled debt, or a notice of petition for bankruptcy in which the debt is listed as a scheduled debt;

B. for a debt in default and mediated under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (2):

(1) an affidavit stating that debt was in default when the creditor received a mediation proceeding notice under the Farmer-Lender Mediation Act, a claim form was filed, the debt was mediated during the mediation period, and the mediation was unresolved or a mediation agreement with respect to that debt was signed;

(2) a copy of the creditor's claim form; and

(3) a copy of the Memorandum of Agreement (Form 8) or Mediation Conclusion With No Agreement (Form 12), or other evidence that the debt was mediated during the mediation period;

C. for a debt, if the debtor did not request mediation was not requested and the creditor proceeded to enforce the debt under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (3):

D. for liens filed because of a debt that is not subject to mediation under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (5), because there is a lien under Minnesota Statutes, section 514.661 or 559.2091, a copy of the lien statement under Minnesota Statutes, section 514.661 or 559.2091, indicating that the filing officer has received and filed the lien statement; and

E. for a debt restructured in mediation under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (4):

(1) a copy of the Mediation Proceeding Notice; and

(2) a copy of the signed agreement reached in mediation that is a separate contract agreement between the debtor and the creditor with respect to that debt. The agreement may be an attachment to the Memorandum of Agreement (Form 8).

Subp. 2. **County extension agent procedure Notification of debt not subject to mediation.** If it appears from a creditor returns a claim form with the face of documents submitted required under subpart 1, items A to E, that the county extension agent shall determine from the documents whether the debt is not subject to the Farmer-Lender Mediation Act and that therefore the creditor need not participate in the mediation proceeding. The county extension agent shall ~~so~~ notify the debtor, creditor, and mediator of the determination.

### ~~1502.0012~~ 1502.0011 [Emergency] FINANCIAL ANALYST AND FARM ADVOCATE.

Upon receipt of Within three business days of receiving a mediation request, the county extension agent shall provide a financial analyst to meet with the debtor at the orientation session and as necessary to prepare the debtor's records before the initial mediation meeting, and, The county extension agent shall provide the debtor with information on obtaining, without charge, a Department of Agriculture farm advocate to assist the debtor and the financial analyst.

**~~1502.0013~~ 1502.0012 [Emergency] COMPUTATION OF TIME PERIODS.**

In computing any period by parts 1502.0001 to 1502.0025 [Emergency], by court order, or by an applicable statute under the Farmer-Lender Mediation Act, the day of the last act, event, or default from which the designated period begins to run must not be included. The last day of the computed period must be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the period prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays must be excluded in the computation.

**~~1502.0014~~ 1502.0013 [Emergency] ORIENTATION SESSION.**

At the orientation session, the mediator must inform the parties debtor and creditors of their right to seek counsel regarding the legal and tax consequences of documents and agreements. At the debtor's request, the financial analyst shall meet in private with the debtor at intervals during the orientation session.

**~~1502.0015~~ 1502.0014 [Emergency] SELECTION OF MEDIATOR.**

Subp. 2. **Replacement mediator.** If the appointed mediator withdraws from the case, the county extension ~~director~~ agent shall appoint a replacement mediator not previously stricken from the mediator list by the debtor or the initiating creditor, or if an unstricken mediator is not available, the county extension agent shall appoint an available mediator, subject to the disapproval of either the debtor or creditor, upon a showing of conflict of interest.

Subp. 3. **Co-mediators.** At the discretion of the ~~director~~ county extension agent, more than one mediator may be assigned to a mediation proceeding.

**~~1502.0016~~ 1502.0015 [Emergency] DUTIES OF MEDIATOR.**

At the initial mediation meeting and subsequent meetings, the mediator shall:

- A. perform the duties prescribed in Minnesota Statutes, section 583.26, subdivision 6, paragraph (b);
- B. review the parties' debtor's and creditors' rights and obligations in the mediation process;

**~~1502.0017~~ 1502.0016 [Emergency] MEDIATION PROCESS.**

Subpart 1. **Combined proceeding.** The ~~director~~ county extension agent shall combine all mediation notices for more than one debtor into one mediation proceeding if the debtors are liable for the same debt or a portion of the same debt on a single piece of agricultural property.

Subp. 2. **Late notice.** The ~~director~~ county extension agent shall combine all mediation notices for the same debtor that are received before the initial mediation meeting into one mediation proceeding. It shall be at the ~~director's~~ county extension agent's discretion as to how to proceed if a mediation notice is served on a debtor between the time of the initial mediation meeting and the end of the mediation period.

Subp. 3. **Meeting place and time.** The mediator shall call mediation meetings during the mediation period. The meetings must be held at a convenient and neutral place and at times as convenient as possible for the parties debtor and creditors attending and participating in mediation meetings, including nights and weekends.

Subp. 4. **Attendance by financial analyst, farm advocate, or attorney.** A financial analyst, farm advocate, or attorney must be permitted to attend mediation meetings at the invitation of the debtor, a creditor, or the mediator. A financial analyst, farm advocate, or attorney may not attend in place of a debtor or a creditor unless good cause is shown for the debtor's or creditor's inability the mediator determines a debtor or creditor is unable to attend and the attendance of a financial analyst, farm advocate, or attorney in place of the debtor or a creditor is beneficial to the mediation.

**~~1502.0018~~ 1502.0017 [Emergency] REMOVAL OF MEDIATOR.**

Subpart 1. **Procedure.** The mediator may be removed at any time during the mediation period upon the written agreement of ~~all~~ parties the debtor and creditors attending mediation meetings. This agreement must be sent to the county extension agent who, upon receipt of the agreement, shall assign a an available replacement mediator not previously stricken from the mediator list by the debtor or initiating creditor to participate in the mediation or if an unstricken mediator from the list is not available, the county extension agent must assign an available mediator subject to the disapproval of either the debtor or creditor upon a showing of conflict of interest.

Subp. 2. **Limitation.** The parties debtor and creditors may remove only one mediator during ~~the~~ a mediation period proceeding.

**~~1502.0019~~ 1502.0018 [Emergency] MEDIATION AGREEMENT.**

Subpart 1. **Final meeting.** The mediator shall hold one final meeting by the end of the time allowed for mediation for the purpose of signing the mediation agreement.

## Emergency Rules

Subp. 2. **Copies to other creditors.** Copies of the signed agreement must be sent to all creditors who have filed claim forms within three days of the signing of the parties' agreement by the debtor and creditors.

~~Subp. 3. **Legal effect of agreement:** The debtor and creditors who are parties to the approved mediation agreement and creditors who have filed claim forms and have not objected to the mediation agreement are bound by the terms of the agreement, may enforce the mediation agreement as a legal contract, and may use the mediation agreement as a defense against an action contrary to the mediation agreement. Creditors who are notified of the initial mediation meeting and who neither attend mediation meetings nor file a claim form are also subject to and bound by a mediation agreement.~~

### ~~1502.0020~~ 1502.0019 [Emergency] OBLIGATION OF GOOD FAITH.

#### 1502.0020 [Emergency] ABUSIVE BEHAVIOR.

Lack of good faith may include abusive behavior on the part of any of the participating parties debtor or a creditor or a person assisting the debtor or a creditor.

#### 1502.0021 [Emergency] LACK OF GOOD FAITH AFFIDAVIT.

If the mediator determines that one of the parties a debtor or a creditor is not participating in good faith, the mediator shall file an affidavit indicating the reasons for the finding with the county extension agent, the parties participating in the mediation, and creditors who did not participate in mediation but are bound by it under part 1502.0025 [Emergency] the debtor, and the creditors.

#### 1502.0022 [Emergency] CREDITOR'S LACK OF GOOD FAITH.

If the mediator finds the creditor has not participated in mediation in good faith, the debtor may require court-supervised mediation by:

B. filing serving a copy of the request with each creditor participating in mediation; and

C. sending a copy of the affidavit to the county extension agent. The request must be filed with the court within ten days of receipt of the lack of good faith affidavit by the debtor or within 90 days after the debtor filed the mediation request with the director county extension agent, whichever is later.

#### 1502.0023 [Emergency] DEBTOR'S LACK OF GOOD FAITH.

Not participating in good faith may include:

A. failure of the debtor to list all creditors as defined in Minnesota Statutes, section 583.22, subdivision 4, regardless of which county the property is located in, and all unsecured creditors necessary for the farm operation on the debtor mediation request; and

B. failure of the debtor to provide the following records and documents:

(4) completed state and federal income tax records for the past three years;

(5) projected farm budget for the current 12 months;

(6) copies of all real estate mortgages, contracts for deed, land and machinery leases;

(7) copies of promissory notes and security agreements;

(8) (5) copies of any other legal documents that are necessary for the mediation and pertain to the farm business; and

(9) (6) copies of FINPAC programs printout analysis for the farm operation where applicable.

#### 1502.0024 [Emergency] COURT-SUPERVISED MEDIATION.

Subp. 2. **Suspension of remedies.** The remedies of all creditors, including those who are parties to the mediation and those who are bound by mediation under Minnesota Statutes, section 583.28, subdivision 1, are suspended during court-supervised mediation.

#### 1502.0025 [Emergency] CREDITOR NOT ATTENDING MEDIATION MEETING.

Subp. 2. **Written objection.** To object to the provisions of a mediation agreement, a creditor who files a claim form in lieu of attending mediation meetings may shall serve a written objection to the terms of the agreement on the mediator and the debtor within ten days after receiving the mediation agreement. The written objection must identify the particular items in the agreement that are unacceptable and state the specific reason for rejection of each item.

Subp. 3. **Good faith.** Creditors who file claim forms are bound by the good faith requirements of Minnesota Statutes, chapter 583 the Farmer-Lender Mediation Act.

Subp. 4. **New mediation.** Upon the service of receiving the objection, the mediator shall meet again with the debtor and creditors to mediate a new agreement. Mediation meetings must take place within ten days of the receipt of the written objections to the terms of the agreement.

Subp. 5. **Required attendance.** Creditors A creditor who file objections files an objection shall attend and participate in any meeting held under this part subpart 4, unless good cause is shown for their inability the mediator determines there is a good reason why the creditor is unable to attend.

**Department of Agriculture****Notice of Withdrawal of Proposed Emergency Rule**

Notice is hereby given that the proposed emergency rule relating to compensation for crops damaged or destroyed by elk, as published in the *State Register* on September 21, 1987, pages 502-504 (12 S.R. 502), is withdrawn.

The department failed to adopt the emergency rule within 180 days of the effective date of the statutory authority. The department intends to republish the rule and a Notice of Intent to Adopt a Rule Without a Public Hearing at a later date.

Dated: 7 January 1988

Jim Nichols, Commissioner  
Department of Agriculture

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**Executive Orders****Order No. 88-1: Amending Executive Order 87-7 Providing for Additional Members on the State Emergency Response Commission**

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

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

WHEREAS, under the Act the governor of each state is required to appoint a State Emergency Response Commission; and

WHEREAS, the Governor by Executive Order No. 87-7 provided for the establishment of a State Emergency Response Commission, which consisted of members of the Hazardous Substance Notification Advisory Committee; the Commissioners of the Departments of Agriculture, Health, and Public Safety; and the Director of the Pollution Control Agency; and

WHEREAS, effective implementation of the Act requires the involvement of individuals representing additional areas of expertise;

NOW, THEREFORE, I hereby order that:

1. The State Emergency Response Commission shall be expanded by four members to be appointed by the Commissioner of Public Safety. The additional members shall consist of representation from community groups, elected officials, labor, and waste treatment operators.

2. Commission members shall be appointed, serve, and be compensated in the manner provided in section 15.059, and shall serve at the pleasure of the Commissioner of Public Safety.

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

IN TESTIMONY WHEREOF, I have set my hand this twelfth day of January, 1988.



Rudy Perpich  
Governor

# Official Notices

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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.

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## Minnesota State Arts Board

### Board Meeting

The next regular meeting of the Minnesota State Arts Board will hold a regular business meeting on Thursday, January 21, 1988 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The meeting will begin at 9:30 a.m. The public is invited to attend. Open meeting law guidelines will be in effect.

Agenda items include: the selection grantees for Artist Assistance fellowships for two and three dimensional Visual Arts, Film and Video, and Photography.

**Advisory Panel Meetings** are scheduled for 9:00 a.m. to 5:00 p.m. and take place at the Arts Board offices.

#### Advisory Panel Meetings:

- February 1-2, 1988 Artist Assistance Music Fellowships
- February 4-5, 1988 Artist Assistance Dance Fellowships

## 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:

#### • Horse Clubs

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 April 17, 1988 at 9:00 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 March 30, 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 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, or 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*.

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, MN 55101. Their phone number is (612) 222-0484.

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: 5 January 1988

Michael A. Hatch  
Commissioner 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.

## Official Notices

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**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

### Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Adams Area Ambulance, Adams, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application for an expansion to the primary service area of the Adams Area Ambulance, Adams, Minnesota.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 (1986) and 144.802 (Supp. 1987), a public hearing will be held on March 28, 1988, at the Adams City Hall, Adams, Minnesota, commencing at 7:00 P.M. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application for licensure for an expansion of primary service area as a basic life support transportation service should be granted to Adams Area Ambulance, Adams, Minnesota, based upon the criteria set out at *Minnesota Statutes* § 144.802, subd. 3(g) (Supp. 1987).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093 (1986 and Supp. 1987), *Minnesota Statutes* §§ 14.57 to 14.69 (1986), and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* pts. 1400.5100-1400.8402 (1987). Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Howard L. Kaibel, Office of Administrative Hearings, 500 Flour Exchange, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 341-7608, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in this matter.

4. At the hearing the applicant will present its evidence showing that the application for licensure should be granted and then all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

5. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 (1987) on or before February 8, 1988. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the ground and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

6. In addition to or in place of participating at the hearing any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before February 17, 1988.

7. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.1700 (1987).

8. Please be advised that if no public data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2 (1986).

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of this Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61 (1986), the final decision of the Commissioner of Health in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in the proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

## Department of Health

### Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Glacial Ridge Hospital Ambulance Service, Glenwood, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application for an expansion to the primary service area of the Glacial Ridge Hospital Ambulance Service, Glenwood, Minnesota.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 (1986) and 144.802 (Supp. 1987), a public hearing will be held on March 23, 1988, at the Community Room, Pope County Courthouse, Glenwood, Minnesota, commencing at 7:00 P.M. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application for licensure for an expansion of primary service area as a basic life support transportation service should be granted to Glacial Ridge Hospital Ambulance Service, Glenwood, Minnesota, based upon the criteria set out at *Minnesota Statutes* § 144.802, subd. 3(g) (Supp. 1987).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093 (1986 and Supp. 1987), *Minnesota Statutes* §§ 14.57 to 14.69 (1986), and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* pts. 1400.5100-1400.8402 (1987). Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Peter C. Erickson, Office of Administrative Hearings, 500 Flour Exchange, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 341-7606, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in this matter.

4. At the hearing the applicant will present its evidence showing that the application for licensure should be granted and then all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

5. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 (1987) on or before February 8, 1988. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the ground and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

6. In addition to or in place of participating at the hearing any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before February 17, 1988.

7. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.1700 (1987).

8. Please be advised that if no public data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2 (1986).

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of this Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61 (1986), the final decision of the Commissioner of Health in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in the proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 11 January 1988

## Official Notices

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### Kanabec County District Court

#### Notice of Law Library Fees for Matters Filed in Kanabec County District Court

In keeping with the mandates of Section 140.422 Subdivision 4, *Minnesota Statutes*, we respectfully request that the following be published in the *State Register*:

Effective July 1, 1987, the following are the Law Library Fees for matters filed in Kanabec County District Court:

Civil Proceedings—Plaintiff	\$5.00	Felonies	\$10.00
Civil Proceedings—Defendant	5.00	Gross Misdemeanors	10.00
Conciliation	1.00	Misdemeanors	5.00
Probate	5.00	Petty Misdemeanors	1.00

The foregoing fee schedule was adopted by the Kanabec County Law Library Board of Trustees at its meeting of March 3, 1987, and approved by the Kanabec County Board of Commissioners at its meeting of March 11, 1987.

Dated: 7 January 1988

Norman J. Loren  
Kanabec County Attorney

### Department of Labor and Industry

#### Reconsideration of Prevailing Wages for Highway and Heavy Construction

Due to an error in reporting, the Commissioner has reconsidered prevailing wage determinations as authorized by *Minnesota Statutes* 177.44, subd. 4 as follows: Labor Classification 103—Landscape Laborer certified October 1, 1987 in Fillmore, Goodhue, Olmsted, Wabasha, and Winona counties has been abolished.

Copies may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties the charge is \$25.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Ray Bohn, commissioner  
Department of Labor and Industry

### Minnesota Racing Commission

#### Applications Being Taken for Positions of Assistant Veterinarian

The Minnesota Racing Commission is accepting applications for the position (two positions) of Assistant Veterinarian for its 1988 Quarter Horse/Thoroughbred Race Meeting at Canterbury Downs, from April 29, 1988 to October 12, 1988. These Assistant Veterinarians will function in an as-needed basis for the Commission. Representative duties include securing samples of blood, urine and/or saliva, or other substances from race horses as directed by the MRC; supervising personnel and activities within the secure testing area; assisting the MRC veterinarian in conducting pre-race soundness exams; giving expert testimony at MRC meetings and hearings regarding testing procedures; and, performing other duties as assigned by the MRC veterinarian.

Successful candidates should be licensed to practice veterinary medicine in the State of Minnesota, and should submit appropriate references and/or credentials with their application.

Successful candidates will be paid \$150.00 per race day worked, and \$50.00 per non-race day worked.

Inquiries should be directed to Camille McArdle, D.V.M., Chief Veterinarian, Minnesota Racing Commission, 11000 West 78th Street, Suite 201, Eden Prairie, Minnesota 55344, (612) 341-7555.

Applications must be received by 5:00 P.M. on February 17, 1988.

## **Office of the Secretary of State**

### **Notice of Vacancies in Multi-Member State Agencies**

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes*, 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is February 9, 1988.

#### **INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL**

1 member from a city of the 2nd or 3rd class within the metro area.

#### **REHABILITATION REVIEW PANEL**

1 medical practitioner.

#### **SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL**

1 member.

#### **MN COUNCIL FOR THE BLIND**

1 member knowledgeable about blind and visually handicapped services.

#### **INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL**

658 Cedar St., Centennial Bldg., 5th Floor.  
St. Paul 55155. 612-297-2172. *Minnesota Statutes*, 16B.42.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: None.

The council assists local governments in developing automated information systems by awarding grants.

Twenty-five members (fourteen elected or appointed by local government officials, seven representatives of state agencies and four public members) include two each from counties outside of metro area, cities of the 2nd and 3rd class within and outside of the metro area, and cities of the 4th class, one member each from the metropolitan council, an outstate regional body, counties within the metro area, cities of 1st class, school districts within and outside the metro area, state dept. officials, and four from state community at large.

#### **REHABILITATION REVIEW PANEL**

Dept. of Labor and Industry, Office of Public Affairs.  
444 Lafayette Rd., St. Paul 55101. 612-296-8946. *Minnesota Statutes* 176.102, subd. 3.

APPOINTING AUTHORITY: Commissioner of Labor and Industry.

COMPENSATION: Reimbursed for expenses.

The panel advises on rehabilitation matters relating to workers compensation and hears appeals under chapter 14.

Members include two representatives each from employers, insurers, rehabilitation and medicine, one representative of chiropractors, four representing labor plus three alternates. Commissioner of labor and industry, or designee, is ex-officio member.

Members must file with the Ethical Practices Board.

#### **SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL**

112 Administration Bldg.  
St. Paul 55155. 612-297-4412. *Minnesota Statutes* 16B.20, subd. 2 & 3.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: None.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports.

Thirteen members.

#### **MN COUNCIL FOR THE BLIND**

Dept. of Jobs and Training, 1745 University Ave.  
St. Paul 55104. 612-642-0500. *Minnesota Statutes* 248.10.

APPOINTING AUTHORITY: Commissioner of Jobs and Training.

## Official Notices

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COMPENSATION: \$35 per diem plus expenses.

The council advises the commissioner on the development of policies, programs and services affecting the blind and visually impaired; to provide the commissioner with a review of ongoing services.

The council includes seven members of whom four must be blind or visually handicapped. Terms are staggered.

## Teachers Retirement Association

### Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, January 28, 1988 at 9:00 a.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

## Department of Trade and Economic Development

### Community Development Division

### Comments Sought on the Proposed Final Statement for the 1988 Small Cities Community Development Block Grant Program

Notice is hereby given that the Department of Trade and Economic Development, Community Development Division, is seeking comments or opinions from sources outside the agency in preparing to submit the Final Statement for the 1988 Small Cities Community Development Block Grant (CDBG) Program. The 1988 Final Statement will be submitted to the U.S. Department of Housing and Urban Development by March 31, 1988.

The State of Minnesota anticipates an allocation of \$17 to \$17.5 million. The final amount is expected to be announced in February.

The 1988 Final Statement will consist of the Administrative Rules Governing the Community Development Block Grant Program, which are found in *Minnesota Rules*, Chapter 4300, and were published, as adopted, in the *State Register* on September 17, 1984 (9 S.R. 602-611); a description of the use of funds in the 1987 grant program; an assessment of the use of funds in the 1987 grant program in relation to the community development objectives in the Rules and to the requirements of section 104(G)(3) of the U.S. Housing and Community Development Act, as amended by the U.S. Housing and Community Development Act of 1974, as amended by the U.S. Housing and Urban Rural Recovery Act of 1983 (P.L. 98-181).

The Minnesota Department of Trade and Economic Development, Community Development Division, requests comments or opinions concerning proposed use of grant funds. Interested or affected persons, groups, or units of general purpose local government may submit statements or comments orally or in writing. Written statements should be addressed to:

Louis Jambois  
Community Development Division  
Minnesota Department of Trade and Economic Development  
8th Floor, American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101

A public hearing will be conducted by the Division of Community Development on February 2, 1988 at 10:00 a.m. in Conference Room 3, 9th floor American Center Building. Oral statements will also be received during regular business hours over the telephone at (612) 297-3172 or in person at the above address until 4:30 p.m. on February 6, 1988.

### Final Statement as Proposed

Federal fiscal year 1988 Community Development Block Grant funds made available to the State for distribution to nonentitlement areas will be distributed in accordance with administrative rules adopted in Chapter 4300. The text of said rules is as follows:

#### CHAPTER 4300 COMMUNITY BLOCK GRANTS

#### 4300.0100. Definitions

Subp. 1. **Scope.** As used in this chapter, the following terms have the meanings given them:

Subp. 2. **Application Year.** "Application year" means the federal fiscal year beginning October 1st and ending September 31st.

Subp. 3. **Community Development Need.** "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.

Subp. 4. **Competitive Grant.** "Competitive grant" means a grant application that is evaluated and ranked in comparison to other applications in the same grant category and includes housing, public facilities and comprehensive applications.

Subp. 5. **Comprehensive Program.** "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.

Subp. 6. **Economic Development Project.** "Economic development project" means one or more activities designed to create new employment, maintain existing employment, increase the local tax base, or otherwise increase economic activity in a community.

Subp. 7. **Eligible Activities.** "Eligible activities" means those activities so designated in *United States Code*, title 42, section 5305 (1981) and as described in *Code of Federal Regulations*, title 24, sections 570.200-570.207 (1981).

Subp. 8. **General purpose Local Government.** "General purpose local government" means townships as described in *Minnesota Statutes*, chapter 365; cities as described in *Minnesota Statutes*, chapters 410 and 412; and counties.

Subp. 9. **Grant.** "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.

Subp. 10. **Grant Closeout.** "Grant closeout" means the process by which the office determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

Subp. 11. **Grant Year.** "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under *United States Code*, title 42, sections 5301-5316 (1981), and includes the period of time during which the office solicits applications and makes grant awards.

Subp. 12. **Infrastructure.** "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.

Subp. 13. **Low- and Moderate-Income.** "Low- and moderate-income" means income which does not exceed 80 percent of the median income for the area, with adjustments for smaller and larger families.

Subp. 14. **Metropolitan City.** "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under *United States Code*, title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.

Subp. 15. **Nonentitlement Area.** "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.

Subp. 16. **Office.** "Office" means the office or division in the Department of Energy and Economic Development to which the program is assigned.

Subp. 17. **Per Capita Assessed Valuation.** "Per capita assessed valuation" means the adjusted assessed valuation divided by population.

Subp. 18. **Population.** "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to *Minnesota Statutes* § 275.53, subd. 2, by a population estimate made by the Metropolitan Council, or by the population estimate of the state demographer made under *Minnesota Statutes* § 4.12, subd. 7, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

Subp. 19. **Poverty Persons.** "Poverty persons" means individuals or families whose incomes are below the poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

Subp. 20. **Program.** "Program" means the community development block grant program for nonentitlement areas.

Subp. 21. **Program Area.** "Program area" means a defined geographic area within which an applicant has determined that, based on community plans or other studies, there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

Subp. 22. **Program Income.** "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

Subp. 23. **Project.** "Project" means one or more activities designed to meet a specific community development need.

## Official Notices

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Subp. 24. **Regional or Community Development Plans.** "Regional or community development plans" means written documents, resolutions, or statements which describe goals, policies, or strategies for the physical, social, or economic development of a neighborhood, community, or substate area. Regional or community development plans include comprehensive plans and elements of comprehensive plans, including land use plans, which have been approved by the governing boards of townships, counties, or cities, and also include regional development plans adopted under *Minnesota Statutes*, § 462.281, where applicable.

Subp. 25. **Slums and Blight.** "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in *Minnesota Statutes* § 462.421 or which are characterized by the conditions used to describe redevelopment districts in *Minnesota Statutes* § 273.73, subd. 10.

Subp. 26. **Single-purpose Project.** "Single-purpose project" means one or more activities designed to meet a specific housing or public facilities community development need.

Subp. 27. **Urban County.** "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under *United States Code*, title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

### 4300.0200. Purpose

This chapter gives procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Energy and Economic Development under *United States Code*, title 42, sections 5301-5136 (1981), and regulations adopted in *Code of Federal Regulations*, title 24, part 570.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263.

### 4300.0300 Objective of the Program

The primary objective of this program is to develop viable urban communities by providing decent housing and suitable living environment and by expanding economic opportunities, principally for persons of low- and moderate-income. Activities funded under this program shall not benefit moderate-income persons to the exclusion of low-income persons. All funded activities must be designed to:

- A. Benefit low- and moderate-income persons;
- B. Prevent or eliminate slums and blight; or
- C. Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

### 4300.0400. Application of Federal Law

If it is determined that any provisions of parts 4300.0100 to 4300.3200 are inconsistent with federal law controls to the extent necessary to eliminate the conflict.

**Statutory Authority:** MS s 116K.06; 116K.07

## GRANT APPLICATION, EVALUATION, AND DETERMINATION

### 4300.1100. Types of Competitive Grants Available

Subp. 1. **Single-purpose Grants.** The office shall approve single-purpose grants for funding from a single grant year for single-purpose projects. The office shall place single-purpose grant applications in one of the following categories for purposes of evaluation:

- A. Housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or
- B. Public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

Subp. 2. **Comprehensive Grants.** The office shall approve comprehensive grants for two or more projects which constitute a comprehensive program as described in part 4300.0100.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

### 4300.1101. Economic Development Grants, Noncompetitive

The office shall approve grants for economic development projects for funding throughout a single application year, or until the funds reserved have been exhausted.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07  
**History:** 8 SR 1263

#### **4300.1200 Application Process and Requirements**

Subp. 1. **Grant Application Manual.** The office shall prepare a manual for distribution to eligible applicants no later than 120 days before the application closing date for competitive applications. The manual must instruct applicants in the preparation of applications and describe the method by which the office will evaluate and rank applications.

Subp. 2. **Eligibility Requirements.** Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under *United States Code*, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may apply for only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may apply for one economic development grant in addition to a competitive grant each application year.

Subp. 3. **Disqualification of Applicants.** Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these rules or awarded by the Department of Housing and Urban Development under *United States Code*, title 42, section 5306 (1981), it is determined by the office that any of the following conditions exist:

- A. There are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;
- B. Previously approved projects have passed scheduled dates for grant closeout and the grantee's ability to complete the project in an expeditious manner is in question; or
- C. The applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

Subp. 4. **Contents of Application.** The contents of the application must be consistent with the informational requirements of this chapter and must be on a form prescribed by the office. The application must be accompanied by:

- A. An assurance, signed by the chief elected official, that the applicant will comply with all applicable state and federal requirements;
- B. An assurance signed by the chief elected official certifying that at least one public hearing was held at least ten days but not more than 60 days before submitting the application; and
- C. A copy of a resolution passed by the governing body approving the application and authorizing execution of the grant agreement if funds are made available. The office may request additional information from the applicant if it is necessary to clarify and evaluate the application.

Subp. 5. **Time Limit for Submitting Applications.** Competitive applications must be received in the office or postmarked by the closing date. The office shall give notice of the period during which applications will be accepted. The notice must be published in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the grant year.

Subp. 6. **Regional Review.** The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with *Minnesota Statutes* § 462.391, subd. 3, or *Minnesota Statutes* § 473.171, respectively.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873  
**History:** 11 SR 2416

#### **4300.1300. Evaluation of Applications**

All applications shall be evaluated by the office. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria in accordance with the percentages and fractions indicated in 4300.1400 to 4300.1900. Economic development project applications must meet threshold criteria in order to be evaluated.

**Statutory Authority:** MS s 116K.04; 116k.04; 116K.06; 116K.07  
**History:** 8 SR 1263

#### **4300.1400. Comparison of all Competitive Applications, General Competition**

Subp. 1. **Points Available.** Thirty percent of the total available points shall be awarded by the office based on a general competition involving a comparison of all applications.

Subp. 2. **Evaluation of Community Need.** Two-thirds of the points in the general competition shall be awarded based on evaluation of community need, which shall include:

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- A. The number of poverty persons in the area under the applicant's jurisdiction;
- B. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and
- C. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

Subp. 3. **Evaluation of Other Factors.** One-third of the points in the general competition shall be awarded based on evaluation of:

- A. The extent to which the proposed activities are compatible with regional or community development plans; and
- B. Adequacy of the applicant's management and financial plan.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

### **4300.1500. Comparison of Competitive Applications Within Categories**

After completing the general competition described in 4300.1400, the office shall place each application in the appropriate grant category in accordance with part 4300.1100. The categories are housing projects, public facilities projects, economic development projects, and comprehensive programs. Seventy percent of the total points available for each application shall be awarded based on a comparison of the applications within each of the categories, as further described in parts 4300.1600 to 4300.1900.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

### **4300.1600. Evaluation of Housing Projects**

Subp. 1. **Project Need.** Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the need for improvements or additions to the housing stock serving low- and moderate-income persons as evidenced by:

- A. Housing units which are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;
- B. An inadequate supply of affordable housing for low- or moderate-income persons; or
- C. Other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

Subp. 2. **Project Impact.** Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will eliminate or reduce the need for improvements or additions to the housing stock serving low- or moderate-income persons.

Subp. 3. **Project Cost-effectiveness.** One-seventh of the points available in the housing category competition shall be awarded by the office based on:

- A. Evaluation of the extent to which the proposed activities will make cost effective and efficient use of grant funds including coordination with, and use of, funds from other public and private sources; and
- B. Evidence that the cost of the proposed activities per benefitting household is reasonable.

**Statutory Authority:** MS s 116K.06; 116K.07

### **4300.1700. Evaluation of Public Facilities Projects**

Subp. 1. **Project Need.** Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities are necessary to improve provision of public services to low- and moderate-income persons or to eliminate an urgent threat to public health or safety.

Subp. 2. **Project Impact.** Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will reduce or eliminate the need identified under Subp. 1, and, in the case of activities designed to improve the provision of public services to low- and moderate-income persons, an evaluation of the extent to which the proposed activities directly benefit low- and moderate-income persons.

Subp. 3. **Project Cost-effectiveness.** One-seventh of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will make cost effective and efficient use of grant funds, including consideration of:

- A. The extent to which the requested grant funds are necessary to finance all or a portion of the costs;
- B. Evidence that the cost of the proposed activities per benefitting household or person is reasonable; and

C. The extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

**Statutory Authority:** MS s 116K.06; 116K.07

#### **4300.1900. Evaluation of Comprehensive Program Projects**

Subp. 1. **Program Need.** Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of need for the proposed comprehensive program, including consideration of:

A. The number of low- and moderate-income persons in the program area;

B. The percentage of residents in the program area which are of low- or moderate-income; and

C. The need for the proposed comprehensive program as evidenced by at least two of the following: the need for improvements or additions to the housing stock serving low- and moderate-income persons, the need for new or improved public facilities in the program area, or employment problems in the program area.

Subp. 2. **Program Impact.** Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of the extent to which the proposed comprehensive program will eliminate or reduce the need identified under Subp. 1, and the extent to which the proposed program will improve the long-term physical or economic condition of the program area and its residents.

Subp. 3. **Program Cost-effectiveness.** One-seventh of the points available in the comprehensive program category competition shall be based on evaluation of the extent to which the proposed comprehensive program will make cost effective and efficient use of grant funds, including consideration of coordination with, and use of, funds from other public and private sources.

**Statutory Authority:** MS s 116K.06; 116K.07

#### **4300.1901. Evaluation of Economic Development Projects**

Subp. 1. **In General.** Evaluation of economic development applications consists of eligibility threshold screening and project review. Applications must meet the eligibility thresholds in order to be referred for project review. Applications that fail to meet eligibility thresholds may be revised and resubmitted.

Subp. 2. **Federal and State Eligibility Thresholds.** Applicants shall provide a description of the ways that activities address one of the federal objectives described in Part 4300.0300. Each activity proposed for funding must be eligible under current federal regulations.

Applicants shall describe how they will meet two of the three following thresholds based on state economic development objectives:

A. Creation or retention of permanent private sector jobs;

B. Stimulation or leverage of private investment; or

C. Increase in local tax base.

Subp. 3. **Project Review.** Applications that meet eligibility thresholds will be awarded points by the office based on evaluation of the two rating categories: project design and financial feasibility. Applications must attain at least two-thirds of the total available points for economic development to be recommended for funding. Applications must score at least half of the points available in each of the two rating categories.

Two-thirds of the available points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consideration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

One-third of the available points will be awarded based on an evaluation of the effective use of program funds to induce economic development. Consideration of financial feasibility must include investment analysis, commitment of other funds, and other factors relating to the type of program assistance requested.

Subp. 4. **Funding Recommendations.** Applications that attain at least two-thirds of the available points will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

#### **4300.2000. Determination of Grant Awards**

Subp. 1. **Funds Available for Grants.** The amount of funds available for grants shall be equal to the total allocation of federal

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funds made available to the State under *United States Code*, title 42, section 5306 (1981), after subtracting an amount for costs available to the office for administration of the program, as allowed by that law. The office is not liable for any grants under this chapter until funds are received from the United States Department of Housing and Urban Development.

Subp. 2. **Division of Funds.** Of the funds available for grants in each grant year, 30 percent shall be reserved by the office to fund single purpose grants, 15 percent shall be reserved for economic development grants, and 55 percent shall be reserved by the office to fund comprehensive grants. However the office may modify the proportions of funds available for single purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of funding applications in either category.

At least 30 percent of the funds made available for single purpose grants shall be awarded for applications in each of the two categories: housing and public facilities. However, no application with a rating below the median score for its category shall be funded by the office solely for the purpose of meeting this requirement.

Subp. 3. **Funding List.** Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to Parts 4300.1300 to 4300.1900. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two applications within any category, the application with the higher score in the general competition shall receive the higher ranking on the list.

Subp. 4. **Approval by Commissioner.** The list of applications recommended for funding, including recommended grant awards, shall be submitted by the office to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

Subp. 5. **Reduction in Amount Requested.** The office may recommend an application for funding in an amount less than requested if, in the opinion of the office, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

Subp. 6. **Grant Ceilings.** No competitive single-purpose grant may be approved for an amount over \$600,000. No comprehensive grant may be approved for an amount over \$1,400,000. No economic development grant may be approved for over \$500,000.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

### CONTRACTS AND RECORDS

#### 4300.3100. Grant Agreements

Subp. 1. **Grant Contract Required.** A grant contract shall be offered to each applicant whose application is approved for funding. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

Subp. 2. **Contents of Grant Contract.** The grant contract must include:

A. A work program which indicates completion dates for major parts of the project and a projected budget supporting the work program;

B. A description of the manner in which payments will be made to grant recipients with the condition that five percent of the grant award will not be paid until successful completion of all activities in the work program; and

C. Assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws or regulations for which the state is made responsible for enforcement in *Code of Federal Regulations*, title 24, sections 570.495 and 570.496.

Subp. 3. **Use of Program Income.** Program income from sources such as reimbursements to and interest from a grant recipient's loan program, proceeds from disposition of real property, and proceeds from special assessments must be used for eligible activities. The office shall reduce future grant payments by the amount of any unobligated program income that an applicant has and shall take whatever additional action is necessary to recover any remaining amounts owed.

Subp. 4. **Grant Account Required.** Grant recipients must establish and maintain separate accounts for grant funds. In accordance with *Code of Federal Regulations*, title 24, section 570.494, clause 4, interest earned by grant recipients on grant funds before disbursement is not program income, and it must be returned to the United States Treasury.

Subp. 5. **Restrictions on Use of Funds.** No grant funds shall be used to finance activities not included in the grant agreement. If it is determined that an improper use of funds has occurred, the office will take whatever action is necessary to recover improperly spent funds.

Subp. 6. **Suspension of Payments.** The office shall suspend payments of funds to grant recipients which are not in compliance with applicable state and federal laws, rules, and regulations. Grant recipients must return funds which are improperly expended.

Subp. 7. **Amendments to the Agreement.** Amendments to the grant agreement must be in writing.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

#### **4300.3200. Recordkeeping and Monitoring**

Subp. 1. **Financial Records.** Grant recipients shall maintain financial records which identify the source and application of funds for grant-supported activities. These records must contain information about grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and other information required by the office under the responsibilities it assumes under *Code of Federal Regulations*, title 24, section 570.497, clause b. Financial records, supporting documents, statistical records, and all other reports pertinent to a grant must be retained by the grant recipient for three years from the date of submitting the final financial report. No such records or documents may be disposed of while audits, claims, or litigations involving the records are in progress.

Subp. 2. **Audits.** Grant recipients must arrange for and pay for an acceptable independent audit prepared in compliance with OMB Circular A-128, which was published in the *Federal Register*, volume 50, number 188, page 39083, on September 27, 1985, and the Single Audit Act of 1984, Public Law Number 98-502, codified as 31 U.S.C. sections 7501-7507. Costs incurred pursuant to this requirement are eligible under this program.

Subp. 3. **Financial Status Reports.** Grant recipients shall file financial status reports at the close of each reporting period as designated by the office and shall file a final financial report before grant closeout. Financial status reports must be on forms prescribed by the office. The office may not require these reports more often than quarterly.

Subp. 4. **Performance Report.** Grant recipients shall also file performance reports at the close of each reporting period as designated by the office and shall file a final performance report before grant closeout. Performance reports shall be on forms prescribed by the office. The office may not require these reports more often than quarterly.

Subp. 5. **Access to Records.** Representative of the office, either the State Auditor or Legislative Auditor as is appropriate, and federal auditors shall have access to all books, records, accounts, files, and other papers, things, or property belonging to grant recipients which are related to the administration of grants and necessary for audits and monitoring compliance with Parts 4300.0100 to 4300.3200.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

**Repealer.** Minnesota Rules, part 4300.1100, subpart 3 is repealed.

#### **Proposed Distribution of Funds**

The exact amount of Federal FY 1988 CDBG funds for use by the Small Cities Development Program is currently unknown. To paraphrase and summarize the administrative rules for this program, 15 percent, will be reserved for economic development grants; 30 percent, will be reserved for single-purpose housing or public facilities grants; and 55 percent, will be reserved for comprehensive grants. Two percent plus \$100,000 of the available funds will be used by DTED for administration of the grant program.

#### **Proposed Use of Funds for Activities That Will Benefit Persons of Low- and Moderate-Income**

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums and blight; or
- c) Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community, where other financial resources are not available to meet those needs.

Under the Housing and Community Development Act of 1974, as amended, at least 60 percent of the funds must be used for activities that benefit low and moderate income persons. The Department of Trade and Economic Development, Community Development Division, estimates that up to 80 percent of the funds will be used to benefit persons of low and moderate income.

#### **Recaptured and Reallocated Funds**

If FY '83 through FY '88 grant funds are returned to the Minnesota Department of Trade and Economic Development, Community Development Division, following audit resolution or project closeout, reuse of the funds will be conducted using one of two methods.

1. Fifteen percent could be used for funding economic development projects any time during the year following the recapture of funds. Eighty-five percent of the funds will be reserved for emergency, urgent need projects; or

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2. All recaptured funds could be reserved for funding emergency, urgent need projects.

With either option, a balance of recaptured FY '83 through FY '87 funds will be carried forward only until the point at which competitive grant awards are made. Any balance of recaptured or reallocated funds that exists at the time grants are awarded for the annual competitive grant cycle will be used to finance new competitive or economic development projects. Further, fifteen percent of the recaptured funds will be used for economic development projects. Eighty-five percent of the recaptured funds will be used to finance competitive projects.

Following is the criteria under which emergency urgent-need projects could be funded:

- a. Applications for emergency urgent need could be submitted at any time during the year.
- b. The problem poses a serious and immediate threat to the health or welfare of the community.
- c. The problem is of recent origin or has recently become urgent. To qualify for emergency, urgent-need funds, recent is defined to mean that a problem has to become urgent no earlier than 60 days before the last competitive application deadline.
- d. The applicant can document inability to finance the project on its own and other resources to sufficiently finance the project are not available.
- e. The project would have to score well enough in the rating system to have received a grant, had an application been submitted during the last competitive cycle. The recaptured and reallocated fund distribution methodology identified above is different than the methodologies which have appeared in previous Final Statements. As a result, by reference, previous Final Statement methodologies are amended.

### **Distribution of Program Income**

Any program income which is derived from the use of federal CDBG funds is retained by the recipient communities. Thus, the state will not have the use of program income for distribution in FY '88.

### **Description of the Use of Funds in the 1987 Small Cities Community Development Block Grant Program**

For the 1987 grant program, \$17,754,620 in federal funds was available for grants to eligible applicants for the Small Cities Development Program. In addition, \$499,785 in recaptured funds was available for grants. Under the administrative rules for the SCDP, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of January 30, 1987. The rules for the program establish the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for comprehensive programs. The rules also provide for the alteration of these percentages when a shortage of fundable applications occur in any specific category.

Upon completion of the competitive review and ranking process, 39 awards were made on May 1, 1987. Because there was a shortage of fundable comprehensive applications, \$3.2 million originally earmarked for comprehensives was transferred to fund competitive single purpose projects. Thus for FY '87, 36% of the available funds were used for comprehensive projects, 49% was used for single purpose projects, and 15% was used for economic development projects. The Department of Trade and Economic Development concludes that funds were awarded in accordance with the State's administrative rules for the program.

A formal Performance/Evaluation Report (PER) which provides a detailed description of the use of funds is available in this office for public inspection. A copy of the PER is also available at the HUD Minneapolis/St. Paul office.

### **Assessment of the Relationship of 1987 Funds to State and Federal Objectives**

As in previous years, for the 1987 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives, all funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums or blight; or
- c) Alleviate urgent community development needs caused by existing conditions, which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs. Based on the FY '87 award plus recaptured funds, (or \$18,254,405) at least 51%, or \$9,309,747 must be awarded for activities designed to benefit persons of low- and moderate-income. To date, with an unobligated FY '87 balance of just over \$2 million, DTED has already approved more than \$13 million for activities designed to benefit low- and moderate-income persons. Thus, even with a balance, DTED has already awarded well over 70 percent of our total FY '87 grant award for activities which benefit low- and moderate-income persons. The remainder of the funds currently awarded for grants has been awarded for activities designed to prevent or eliminate slums and blight. No FY '87 funds have been awarded for activities designed to alleviate urgent community development needs.

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## State Contracts and Advertised Bids

The funds budgeted for planning and administration include both the funds retained by the Minnesota Department of Trade and Economic Development for administration of the program and funds awarded to units of general local government for planning and administration of their grants. No more than 20 percent of the block grant can be used for planning and administration.

To date, for the 1987 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, and the 1987 grant recipients budgeted slightly less than \$1.0 million for planning and administration. These funds amount to just over six percent of the block grant, well below the 20.0 percent limit.

In addition to meeting one of the federal objectives listed above, economic development set aside grants must meet at least 2 of the following state objectives:

- a) Creation or retention of permanent private sector jobs, with a minimum threshold of one job created or retained for each \$20,000 of grant funds;
- b) Leverage of private investment, with a minimum threshold of one dollar private funds for each grant dollar requested; and
- c) Increase the local tax base, with a minimum threshold of an estimated 50 percent increase in the value of the parcel involved.

All economic development set aside grants awarded to date have met the state job creation/retention objective and the private investment objective. In addition, 93% of those jobs will be held by, and/or available to low and moderate income persons.

Based upon analysis of the 1987 Small Cities Development Program, The Minnesota Department of Trade and Economic Development, Community Development Division concludes that the 1987 grant program fully meets state and national objectives for award of funds.

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## State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, 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.

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## 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:** Electrical supplies  
**Contact:** E.D.  
**Bid due date at 2pm:** January 19  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Install telephone systems  
**Contact:** J.G.  
**Bid due date at 2pm:** January 20  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 12900 16296

**Commodity:** Concrete—Capitol complex  
**Contact:** J.S.  
**Bid due date at 2pm:** January 20  
**Agency:** Dept. of Administration  
**Deliver to:** Capitol Complex  
**Requisition #:** Price Contract

**Commodity:** Hydraulic track excavator  
**Contact:** B.T.  
**Bid due date at 2pm:** January 19  
**Agency:** Transportation Dept.  
**Deliver to:** Virginia  
**Requisition #:** 79382 01329

**Commodity:** Complete line FH.P. & multiple industrial type V-belts—rebid  
**Contact:** E.S.  
**Bid due date at 2pm:** January 20  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Caulking & tuckpointing—Capitol complex  
**Contact:** J.S.  
**Bid due date at 2pm:** January 20  
**Agency:** Plant Management  
**Deliver to:** St. Paul  
**Requisition #:** Price Contract

## State Contracts and Advertised Bids

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**Commodity:** Caulking—Capitol complex

**Contact:** J.S.

**Bid due date at 2pm:** January 20

**Agency:** Dept. of Administration

**Deliver to:** Capitol Complex

**Requisition #:** Price Contract

**Commodity:** IBM page printer

**Contact:** B.V.

**Bid due date at 2pm:** January 20

**Agency:** Jobs & Training Dept.

**Deliver to:** St. Paul

**Requisition #:** 21200 17209

**Commodity:** Data general monitor

**Contact:** B.V.

**Bid due date at 2pm:** January 20

**Agency:** State University

**Deliver to:** St. Cloud

**Requisition #:** 26073 20315

**Commodity:** Scales

**Contact:** J.G.

**Bid due date at 2pm:** January 20

**Agency:** Transportation Dept.

**Deliver to:** Bemidji

**Requisition #:** 79200 03043

**Commodity:** Rubbish disposal—MCF Stillwater

**Contact:** J.S.

**Bid due date at 2pm:** January 21

**Agency:** MN Correction Facility

**Deliver to:** Stillwater

**Requisition #:** 78620 00201

**Commodity:** Used motor graders

**Contact:** B.T.

**Bid due date at 2pm:** January 21

**Agency:** Transportation Dept.

**Deliver to:** Various

**Requisition #:** 79382 01325

**Commodity:** Scales

**Contact:** J.G.

**Bid due date at 2pm:** January 21

**Agency:** Transportation Dept.

**Deliver to:** Mankato

**Requisition #:** 79200 03043

**Commodity:** PC & printers

**Contact:** B.V.

**Bid due date at 2pm:** January 21

**Agency:** Jobs Training

**Deliver to:** St. Paul

**Requisition #:** 21200 17207

**Commodity:** Ford automobile station wagon and light truck parts—rebid

**Contact:** E.S.

**Bid due date at 2pm:** January 22

**Agency:** Various

**Deliver to:** Various

**Requisition #:** Price Contract

**Commodity:** Rubbish disposal contract

**Contact:** J.S.

**Bid due date at 2pm:** January 22

**Agency:** MN Correction Facility

**Deliver to:** Oak Park Heights

**Requisition #:** 78630 07621

**Commodity:** Latex traffic paint

**Contact:** P.A.

**Bid due date at 2pm:** January 22

**Agency:** Transportation Dept.

**Deliver to:** Duluth

**Requisition #:** 79100 03875

**Commodity:** XT compatibles

**Contact:** B.V.

**Bid due date at 2pm:** January 22

**Agency:** Governor's Office

**Deliver to:** St. Paul

**Requisition #:** 39000 88050

**Commodity:** Lease purchase of Xerox 1065

**Contact:** T.R.

**Bid due date at 2pm:** January 22

**Agency:** Correctional Facility

**Deliver to:** Shakopee

**Requisition #:** 78640 01647

**Commodity:** Crackfiller

**Contact:** E.S.

**Bid due date at 2pm:** January 25

**Agency:** Transportation Dept.

**Deliver to:** Various

**Requisition #:** Schedule 95A

**Commodity:** Software system 36

**Contact:** B.V.

**Bid due date at 2pm:** January 25

**Agency:** Natural Resources Dept.

**Deliver to:** St. Paul

**Requisition #:** 29000 49271

**Commodity:** Calcium magnesium acetate (CMA)

**Contact:** D.O.

**Bid due date at 2pm:** January 26

**Agency:** Transportation Dept.

**Deliver to:** Various

**Requisition #:** 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:** 10M, 3-part form, type to be set, 2 sided, 8"x7" finished  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 20  
**Agency:** Jobs & Training Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 4353

**Commodity:** Window envelopes, 8M, 6¼"x4¼", 24# buff Kraft, camera ready, one-sided  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 20  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 4341

**Commodity:** Envelopes, 12"x16", 40# brown Kraft, 3M, one-sided, with flap closing string  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 20  
**Agency:** Transportation Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 4297

**Commodity:** Form pads, 50 sheets, 1,000, 8½"x11" finished, 24# white bond  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 20  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 4343

**Commodity:** Labels, 450 sets of 44, 19,800 total, 1¾"x1" finished size, one-sided, sticky-back, 60# white, negs furnished  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 20  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 4342

**Commodity:** Electronic equipment invoice, 300 5-part sets, negs furnished, one-sided, 8½"x7" finished size  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 20  
**Agency:** Administration Dept.— Printing & Mailing Services  
**Deliver to:** St. Paul  
**Requisition #:** 4310

**Commodity:** College catalog  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 28  
**Agency:** Community College  
**Deliver to:** Inver Grove Heights  
**Requisition #:** 4282

**Commodity:** *WIC and You and Recipes Too* booklet  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 28  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 4313

**Commodity:** 2-part forms, 25M, negs furnished, 2-sided, 11"x17" finished size  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 22  
**Agency:** Human Services Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 4430

**Commodity:** Brochure, camera ready, 80# white gloss, 4-color, 10M  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 22  
**Agency:** Higher Education Coordinating Board  
**Deliver to:** St. Paul  
**Requisition #:** 4207

**Commodity:** Poster, 4,500, camera ready, 30½"x20", 80# white gloss, 3-folds, 4-color  
**Contact:** Art Cooper  
**Bid due date at 2pm:** January 22  
**Agency:** Higher Education Coordinating Board  
**Deliver to:** St. Paul  
**Requisition #:** 4208

### Minnesota Department of Education

#### Notice of Request for Proposals for Evaluation of Exemplary Area Learning Centers

Proposals are being solicited to conduct evaluation/research of four geographically located exemplary area learning centers funded under the 1987 Area Learning Center Organization Legislation. The evaluation includes development of standardized data collection, provision of technical assistance to programs for these evaluation purposes and the preparation of a final report.

The anticipated time frame is May 1988 through December 30, 1989. Up to \$20,000 is available for this evaluation.

Applicants must have documented education and expertise in evaluation and education and/or alternative education philosophies, procedures and practices.

Copies of the complete Request for Proposals may be obtained by contacting Mary Yonan of the Minnesota Department of Education at (612) 296-4080, Learner Support Systems, 901 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Proposals must be submitted by March 30, 1988.

### Minnesota Historical Society

#### Advertisement for Bids for Printing of Historic Sites Promotional Booklet

##### BIDS

Sealed bids for the printing of a promotional booklet for historic sites operated by the Minnesota Historical Society, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Standard Time, on January 26, 1988, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., January 26, 1988, will be returned unopened.

##### BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

##### SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

##### CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

### Department of Jobs and Training

#### Correction to Notice of Request for Proposals for an Unemployment Insurance Wage Detail Systems Design

The Department of Jobs and Training (DJT) is requesting proposals from highly qualified firms to assist the Agency in the design, development and implementation of an employer quarterly wage detail based unemployment insurance processing system.

##### Project Scope

The overall scope of work for this project includes redesigning and rewriting five of the Department's major UI Benefits subsystems and modifications of seventeen other UI Benefits subsystems. In addition, the project includes the identification of user requirements and completion of the user design for the conversion of eight UI Tax subsystems to a new IDMS Employer Database.

##### Project Schedule

MDJT has prepared a preliminary work schedule that anticipates completion of the project in three phases. Phase 1 involves preparation of a multiyear plan for the DOL and is not included as part of this RFP. Phases 2 (Benefit/Wage Detail Systems Design) and 4 (Employer DBMS Systems Design) run concurrently and anticipate that the Project begins on February 1, 1988 with a completion date of July 1, 1988.

The size of this project, coupled with the legal requirement that the new Benefits System be in full operation by July 1, 1989 and

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## State Contracts and Advertised Bids

the fact that DOL funding is available only through fiscal year 1989, makes it absolutely essential that this project schedule be met. Any significant slippage will put the entire project in jeopardy; therefore, timely completion of the project phases is of prime importance to MDJT.

### Project Tasks/Deliverables

The overall project for purposes of this RFP is divided into 2 phases. Within each phase, the work effort is subdivided into individual projects.

#### Phase 2, Deliverables #1-14

1. Phase 2, Work Plan
2. Project Organization Chart
3. Project Administration System Report
4. Project Development Standards Manual
5. User Requirements Section of Benefits Systems Functional Specifications Report
6. Data Entry Hardware and Software Recommendations Report
7. Hardware/Software Direction Report
8. User Design Section of Benefits Systems Functional Specifications Report
9. Benefits System Technical Specifications Report
10. Preliminary Resource Requirements Report
11. Benefits System Installation Work Plan
12. Benefits System Preliminary Conversion Plan
13. Benefits System Cost/Benefit Analysis Report
14. Weekly Project Status Reports

#### Phase 4, Deliverables #15-21

15. Phase 4 Work Plan
16. User Requirements Section of Employer DBMS Functional Specifications Report
17. User Design Section of Employer DBMS Functional Specifications Report
18. Employer DBMS Installation Work Plan
19. Employer DBMS Preliminary Conversion Plan
20. Employer DBMS Cost/Benefit Analysis Report
21. Phase 4 Weekly Project Status Report

### General Instructions

All selection criteria are described in a request for proposal available from the Minnesota Department of Jobs and Training. Selection will follow the review of all proposals received before the deadline. Responders will be expected to demonstrate ability to initiate service as soon as possible following selection and awarding of contract.

Funding for this contract is dependent on the specifications in the final contract.

This notice does not obligate the State to complete this project. The State reserves the right to cancel this solicitation if it is considered to be in the best interest of the State.

Copies of the request for proposal and other information about this project are available from:

Kenneth Niemi  
Project Manager  
Wage Detail Conversion  
Department of Jobs and Training  
390 North Robert Street  
St. Paul, MN 55101  
Phone: 612/296-8743

All proposals must be submitted to Kenneth Niemi of the Department of Jobs and Training no later than 4:00 P.M., Friday, January 22, 1988.

### Minnesota Department of Natural Resources

#### Request for Proposals for Developing a Marketing Process and Plan for the Department

The Minnesota Department of Natural Resources is seeking proposals from qualified individuals or firms to provide technical expertise and group processing skills to facilitate the development and implementation of a Department marketing process and plan. The process and plan will be used to help the Department better meet the natural resource management needs of the citizens of Minnesota.

The final products will be based on input from an internal committee and a team of marketing professionals from outside the Department. The success of the project will depend on the ability to effectively facilitate, process and develop the ideas and information available into an achievable marketing process and plan.

The scope of services requested include:

- Work with DNR staff from top management to field staff.
- Coordinate all efforts through DNR marketing coordinator.
- Define the marketing process within DNR.
- Address the issues and questions identified by DNR marketing advisory committee and marketing staff.
- Design and facilitate, with marketing staff, meetings of outside volunteer team of marketing professionals.
- Facilitate focus groups with DNR customers and employees to understand needs, expectations and comment on potential strategy and tactics.
- Raise awareness of marketing and customer service, and process feedback from DNR staff.
- Process and translate ideas, thoughts and awareness of DNR employees and marketing advisory committee into DNR plan.
- Apply market research data collected previously and in conjunction with this study by Department.
- Develop marketing plan with creative input from team of marketing professionals and marketing staff.
- Identify potential immediate marketing projects for implementation.
- Utilize existing marketing efforts and communication techniques within Department and in the industry.
- Recognize and understand the policies, procedures, laws, organization and fiscal restraints of the DNR within the state government system.

Project tasks include managing focus groups, facilitating meetings of various internal committees, application of customer research, and preparation and documentation of a department marketing plan with process for implementing, expanding and updating it.

Qualified individuals or organizations may submit proposals for the required services individually or in joint ventures. Respondents must be able to demonstrate experience and expertise with government, interpersonal and marketing work. The Department estimates that the total cost of this project will not exceed \$40,000.

The complete Request For Proposal and any additional information needed is available from:

William Chiat, Marketing Coordinator  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4046  
Telephone: 612-296-6038

The deadline for receipt of proposals is **Wednesday, 24 February, 1988**. The project must be completed by 1 May, 1989.

### Department of Public Service

#### Energy Division

#### Notice of Request for Proposals for the Development of a Symposium on Building Energy Design Standards

The Department of Public Service, Energy Division (DPS), has issued a Request for Proposals to provide the management, coordination, and delivery of a two-day symposium on energy efficient design of commercial facilities. This symposium would be oriented

towards engineers, architects, and other professionals involved with the design and construction of commercial facilities (e.g. building owners, code officials, contractors, facility managers). This symposium will provide information on the ASHRAE Standard 90.1p and how it will impact the design and construction of building envelopes, and heating/air conditioning systems.

The Department has estimated that the cost of this project should not exceed \$20,000. A project start date of March 1, 1988 is expected and the project must be completed by June 15, 1988. The deadline for receipt of proposals is 3:00 P.M. Tuesday, February 23, 1988.

A copy of the Request for Proposals may be obtained from Rich Huelskamp, Commercial and Industrial Program Coordinator, DPS, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101, telephone 612/297-1771.

The DPS reserves the right to not award any contract, to negotiate modifications with the selected contractor, and to limit funding.

## **Department of Public Service**

### **Energy Division**

#### **Notice of Request for Proposals for an Energy Conservation Manual of Low Cost Measures for Small Commercial Businesses**

The Department of Public Service, Energy Division (DPS), has issued a request for proposals to develop a manual that will cover typical low or no cost energy conservation items that are of particular interest to owners of small commercial businesses.

The estimated cost for this project should not exceed \$4,000. A project start date of March 1, 1988 is expected, and the project must be completed by June 30, 1988. The deadline for receipt of proposals is 3:00 P.M. February 9, 1988.

A copy of the Request for Proposals may be obtained from Narvel Somdahl, Senior Engineer, DPS, 900 American Center Building, 150 E. Kellogg Blvd., St. Paul, MN 55101. Telephone 612/297-2117.

The DPS reserves the right to not award any contract, to negotiate modifications with the selected contractor, and to limit funding.

## **Department of Public Service**

### **Energy Division**

#### **Notice of Request for Proposals for an Engineering Study on Energy Conservation With Respect to Swimming Pools**

The Department of Public Service, Energy Division (DPS), has issued a request for proposals for an engineering study of heat loss and humidity control problems of swimming pools. This study will include an evaluation of various technologies of heat reclaiming available.

The estimated cost for this project should not exceed \$4,000. A project start date of March 1, 1988 is expected, and the project must be completed by June 30, 1988. The deadline for receipt of proposals is 3:00 P.M. February 9, 1988.

A copy of the Request for Proposals may be obtained from Narvel Somdahl, Senior Engineer, DPS, 900 American Center Building, 150 E. Kellogg Blvd., St. Paul, MN 55101. Telephone 612/297-2117.

The DPS reserves the right to not award any contract, to negotiate modifications with the selected contractor, and to limit funding.

## **Department of Public Service**

### **Energy Division**

#### **Notice of Request for Proposals for Videocassette Production Contractor**

The Department of Public Service/Energy Division (DPS) has issued a request for proposals for a contractor to provide videocassette production services for the development of a series of energy conservation programs.

The total cost of this project is not to exceed \$50,000. A project start date of March 21, 1988 is expected, and the project must be completed by June 30, 1988. The deadline for receipt of proposals is 2:00 pm, Monday, February 8, 1988.

## State Contracts and Advertised Bids

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A copy of the request for proposals may be obtained from Rick Korinek, Engineering Specialist, DPS/Energy Division, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone 612/297-9097.

The DPS reserves the right to not award any contract, to award several contracts, to negotiate modifications with the selected contractor(s), and to limit funding.

## Department of Trade & Economic Development

### Office of Tourism

#### Request for Proposals for Tourism Advertising Contract

The Minnesota Office of Tourism is seeking proposals from agencies interested in competing for the tourism advertising contract for fiscal year 1989.

The anticipated amount of this contract is \$2 million. The contract begins April 1, 1988 and ends March 31, 1989, with two one-year options to extend to March 31, 1991. The contract covers all consumer advertising in print and broadcast media, as well as direct-mail, statewide and nationally. Services also include public relations assistance as needed.

If you have any questions or wish to receive a proposal packet, please feel free to call Bonnie Richter, Communications Manager, at 612/297-3879.

Deadline for submittal of proposals is 5:00 pm, February 8, 1988.

Finalists will be selected by a committee during the week of February 8 from those who have submitted proposals. Oral presentations by those finalists will be held March 7, 1988.

## Department of Transportation

### Technical Services Division

#### Availability of Contract for Bridge Design

The Minnesota Department of Transportation intends to engage a consultant to prepare final design plans for Bridge Nos. 27716, 27732, 27031, 27786, and 27787 in Minneapolis and Golden Valley, Minnesota. These bridges are part of the T.H. 394 construction project.

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

Technical inquiries should be directed to:

Mr. D. L. Dorgan  
Bridge Analysis and Liaison Engineer  
Room 610C  
Transportation Building  
St. Paul, MN 55155  
(612) 296-3187

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

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

Response deadline 12:00 P.M., February 3, 1988.

## Department of Transportation

### Technical Services Division

#### Availability of Contract for Bridge Design

The Minnesota Department of Transportation intends to engage a consultant to prepare reconstruction plans for Bridge Nos. 69808, 69808A, 69809, and 69810 carrying T.H. 535 over Garfield Avenue and the BN Railroad in Duluth, Minnesota.

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

Technical inquiries should be directed to:

Mr. D. L. Dorgan  
Bridge Analysis and Liaison Engineer  
Room 610C  
Transportation Building  
St. Paul, MN 55155  
(612) 296-3187

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

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

Response deadline 12:00 P.M., February 3, 1988.

## Minnesota Public Utilities Commission

### Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Automatic Adjustment of Charges, Docket No. G-999/R-85-789

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing automatic adjustment of charges, *Minnesota Rules*, parts 7825.2390 to 7825.3000. Specifically, comment is requested on the purchased gas adjustment portion of these rules to address natural gas transportation and the resulting changes in the structure of gas costs.

The amendment of these rules is authorized by *Minnesota Statutes* Sections 216B.03, 216B.05, 216B.08 (1986), which require public utilities to charge just and reasonableness rates and to file rate schedules, and allows the Commission to make rules.

The Commission requests information and opinions concerning the subject matter of the purchased gas adjustment portion of the rules. Interested persons or groups may submit data or views in writing or orally. Written statements or comments should be directed to:

Caroline Robinson  
Minnesota Public Utilities Commission  
780 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101  
(612) 296-9617

Oral statements or comments will be received during regular business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until March 1, 1988. Any written materials received by the Commission shall become part of the rulemaking record. The Commission anticipates proposing amended rules by May of 1988.

Mary Ellen Hennen  
Executive Secretary

## **Non-State Public Contracts**

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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.

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### **Kandiyohi County Engineering Department and Willmar City Engineering Department**

#### **Notice of Availability of Contract for Road Design Engineering**

The County of Kandiyohi and the City of Willmar, Minnesota, in cooperation with the Office of State Aid, Minnesota Department of Transportation, require the service of a qualified consultant to provide design engineering for the upgrading of Business 71 (old T.H. No. 71) and CSAH 15 (old T.H. 23) in the City of Willmar, Minnesota.

The services shall consist of providing study/recommendation report, preliminary design plans, estimates, final design plans, hearings (if necessary) and State approval.

Firms desiring consideration should submit a "Statement of Qualifications" by February 5, 1988. This *is not* a request for a proposal.

Please send your response to:

City Engineer  
City Hall, P.O. Box 755  
Willmar, MN 56201  
(612) 235-4202

### **Metropolitan Mosquito Control District**

#### **Request for Research Proposals to Census Wetland Dependent Birds**

The Metropolitan Mosquito Control District wishes to obtain research proposals to census wetland dependant birds as part of its ongoing research on impacts of mosquito control. Work is planned for 1988. A copy of the RFP can be obtained from the District by writing or calling the District care of

Daniel Bennek  
Metropolitan Mosquito Control District  
2380 Wycliff Street  
St. Paul, MN 55114  
Telephone: (612) 645-9149

Due Date for proposals will be February 9, 1988.

R. D. Sjogren, Ph.D.  
Director

### **Northeast Suburban Transit Commission (NEST)**

#### **Request for Proposals for Paratransit Services**

NOTICE IS HEREBY GIVEN that the Northeast Suburban Transit (NEST) Commission is requesting proposals for a paratransit service for the Cities of North St. Paul, Maplewood and Oakdale.

The paratransit service will consist of a two-vehicle dial-a-ride service within the Cities of North St. Paul, Maplewood and Oakdale, with service to begin May 2, 1988. The service contract will be an eight (8) month 1988 contract with one-year renewal options for 1989 and 1990.

All proposals must be received no later than Friday, February 5, 1988, to the attention of Ron Rogstad, Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, MN 55119. Copies of the Request for Proposal (RFP) may be obtained from Ron Rogstad at the above address. Inquiries should be directed to Ron Rogstad, Oakdale City Hall, (612) 739-5086.

## **Stearns County Purchasing Department Request for Quotes for Air Handling & Filtration Units**

Stearns County is requesting quotes for one (1) air handling unit and one (1) air filtration unit for the Stearns County Law Enforcement Center pistol range located in St. Cloud, MN. The total cost for the air handling and air filtration equipment including installation should not exceed Twenty-five Thousand Dollars (\$25,000).

Quotation packets are available for prospective bidders after December 30, 1987. Quotations will be opened January 22, 1988 at 10:00 a.m. in Room 103 of the Stearns County Courthouse. For more information please contact:

Mr. Pete Reuter  
Stearns County Maintenance Department  
PO Box 615  
Room 103, Courthouse  
St. Cloud, MN 56301  
(612) 259-3611

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## **Supreme Court Decisions**

### **C8-87-769 State of Minnesota v. Terry A. Hockensmith, petitioner, Appellant. Court of Appeals.**

Under Minnesota Rules of Criminal Procedure 27.03, subd. 9, trial court may correct an unlawful sentence at any time and may in its discretion modify a lawful sentence at any time during either a stay of imposition or stay of execution of sentence.

Affirmed as modified. Amdahl, C.J.

### **C2-87-1562 Janelle S. Lende, Relator v. Lende Construction Company and Minnesota Workers' Compensation Assigned Risk Plan, c/o EBA, DaVerne Corporation and General Accident Fire and Life Insurance Co., State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.**

The child of the sole owner of a small business who did not elect coverage pursuant to *Minnesota Statutes* § 176.012 (1984) was excluded from coverage of the Workers' Compensation Act.

Affirmed. Amdahl, C.J.

### **C2-86-1633 Homer Jarvis, individually and on behalf of all others similarly situated, petitioner, Appellant v. Leonard W. Levine, in his official capacity as Commissioner of Human Services, et al. Court of Appeals.**

Because of the potentially serious physical side effects which can result from neuroleptic drugs, involuntary treatment of a committed mental patient with those drugs constitutes intrusive treatment under *Price v. Sheppard*, 307 Minn. 250, 239 N.W. 2d 905 (1976).

Forcible administration of neuroleptics without prior judicial approval violates a mental patient's right of privacy under the Minnesota Constitution.

Because respondents followed existing state procedures for involuntary medication, they are immune from liability in these circumstances. However, in all future cases, prior judicial approval is required.

Reversed in part, affirmed in part and remanded, Yetka, J.

Concurring specially, Kelley, J.

Took no part, Popovich, J.

### **C3-86-1172 Richard J. Goodkind, D.M.D., M.D., v. The University of Minnesota and the Board of Regents, et al., petitioners, Appellants. Court of Appeals.**

Article VI, Section G of the University of Minnesota School of Dentistry Constitution and provisions of Administrative Policy No. 15, relating to the hiring of department chairpersons, did not become a part of the employment contract of a current Dental School faculty member because they are general statements of policy and are insufficiently related to the terms and conditions of employee's current employment to form the basis for an offer for a unilateral contract under *Pine River State Bank v. Mettelle*, 333 N.W. 2d 622 (Minn. 1983).

Reversed and remanded. Wahl, J.

Took no part, Popovich, J.

## Supreme Court Decisions

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**C9-87-2028** Natalie Grosfield, individually, Natalie Grosfield, Trustee for the next of kin of Brett Grosfield, et al., Petitioners v. Clearwater Clinic, d.b.a. Clearwater Clinic, P.A., et al. Court of Appeals.

The reversal by the court of appeals of the trial court's order for separate trials of the issues of liability and damages is affirmed.

Affirmed. Simonett, J.

Concurring Specially, Yetka, J.

Took no part, Popovich, J.

**CX-87-871** State of Minnesota v. Ramon Flores, Appellant. Anoka County.

The trial court did not err in its instructions to the jury on premeditation and the intoxication defense.

There is sufficient evidence to support a conviction of murder in the first degree.

The trial court acted within its sound discretion by sustaining an objection to the relevance of defense expert's speculation regarding defendant's blood alcohol concentration twelve hours after the shooting.

The trial court acted within its sound discretion in admitting evidence that defendant threatened the victim's friends four and one-half hours before the shooting.

The trial court acted within its sound discretion in admitting an alleged replica of the murder weapon for demonstrative purposes.

Affirmed. Popovich, J.

### Orders

**C4-87-2504** In Re Petition for Disciplinary Action against William F. Kolbinger, an Attorney at Law of the State of Minnesota. Supreme Court.

Supervised probation. Kelley, J.

## Announcements

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**Environmental Quality Board (EQB):** Environmental Assessment Worksheet (EAW) comment period for the North Mine Expansion-Oglebay-Norton Company has been extended until January 29, 1988. Comment period for the Meadowlands of White Bear, a 70-acre mixed-use project, ends February 10, 1988. Contact William J. Malinen, clerk, White Bear Township, (612) 455-7100. A variance application has been received by the EQB for the Hennepin County Solid Waste Transfer Station: Minneapolis South Site at East 29th Street and 20th Avenue South in Minneapolis. The variance application seeks permission to demolish and remove homes in a 10-acre area which have already been purchased and which are no longer lived in or rented. Comment deadline is February 1, 1988. Contact Gregg Downing (612) 296-8253.

**Sentencing Guidelines Commission:** A meeting will be held Thursday 21 January 1988 at 6:30 pm in Sibley Room A & B, Holiday Inn-Capitol, 161 St. Anthony, St. Paul, MN. A criminal history subcommittee report and data presentation are on the agenda. The Criminal History Score Subcommittee will meet at 4 pm before the evening meeting in the meeting rooms listed above.

**Early Childhood Education and Care:** Minnesota, together with the entire nation, is facing a growing crisis in the care and education of young children. Major shifts in labor force participation and role expectations for family members, growing numbers of single-parent families, and inadequate reimbursement of child care providers are some of the factors combining to create conflicts and hardship for many Minnesota families. In addition, the accelerating interest in the development needs of very young children is focusing attention on the need for early educational opportunities, especially for those who are poor or otherwise disadvantaged. These are some of the comments from a State Planning Agency "Trend Report." For more information contact Lis Christenson, 297-3279 or Dorothy Petsch 296-6550. "Trend Reports" feature in-depth studies of issues of concern and are issued periodically by the agency and subscriptions are free.

**Vacancy Filled on State Council for the Blind:** Rosanne Kazee, Faribault, has been appointed to the seven-member Minnesota Council for the Blind, effective Jan. 15. Kazee replaces a recently retired council member and will fill the remainder of a term which expires Dec. 31, 1988. State Services for the Blind is a program administered by the Minnesota Department of Jobs and Training. The council advises the state on development of policies and programs affecting blind and visually handicapped people.

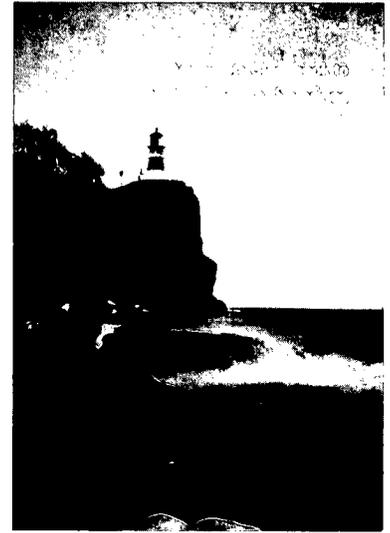
## A Beacon to Guide You—Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.



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## Minnesota: national leader in education

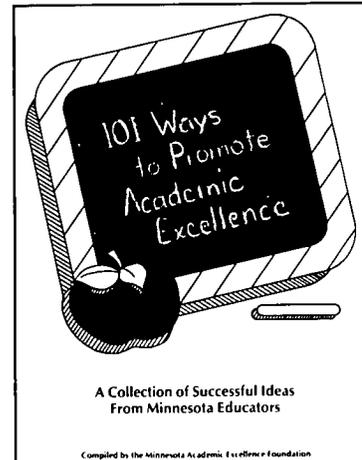
### 101 Ways to Promote Academic Excellence

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, 1987-88

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$6.00.

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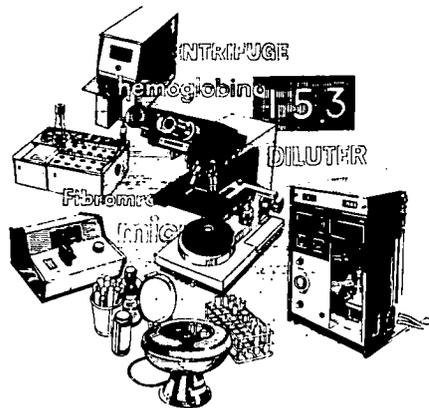
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## Buying Or Selling?

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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## 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 1987-88

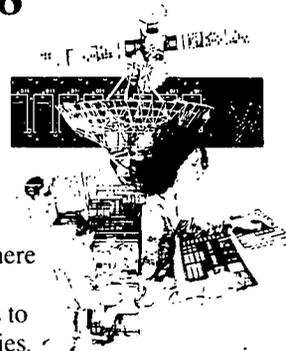
NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



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, \$73.00.



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.

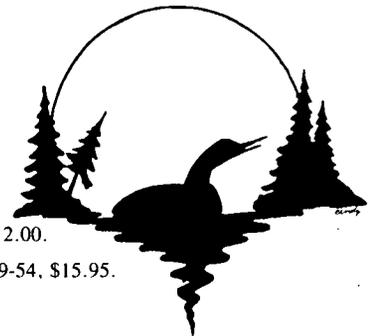
*The Loon: Voice of the Wilderness*, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

*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" x 22", Code #15-18, \$3.00.



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# Minnesota's future environment

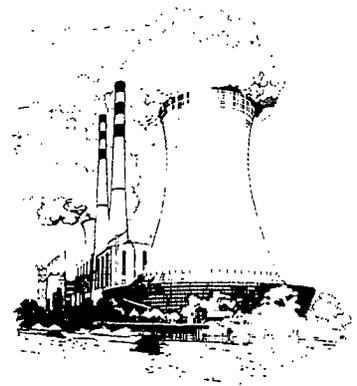
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

## 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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The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

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

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$210.00	90-11
Human Services Bulletin List	\$ 30.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards	\$285.00	90-9	Workers Compensation Decisions	\$ 89.50	
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Vol. 38 (limited quantity)	\$ 95.00	90-13
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	[ Out of Stock ]	18-8	Vol. 39	\$105.00	90-14
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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

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

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

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

**Motor Vehicle Traffic Laws 1987**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$13.00.

**Criminal Code & Selected Statutes 1987**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$15.00.

**Blue Binder**—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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## Murder: Minnesota style

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

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

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

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## Human Services Laws and Rules

### Human Services Laws 1986

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

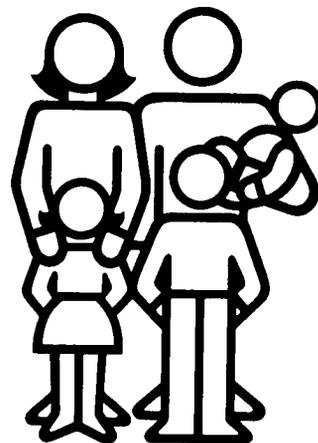
### Human Services Rules as in effect July 7, 1986

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$24.95.

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

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

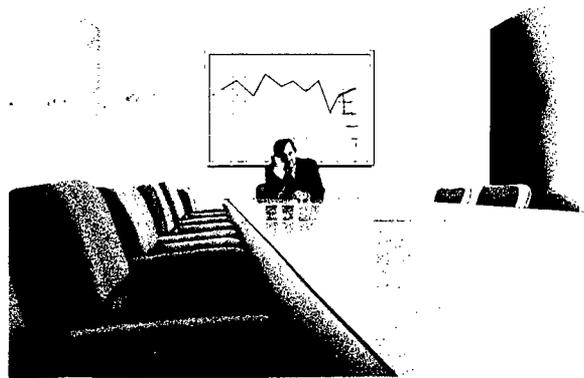
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Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters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



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## Woodworking for Wildlife



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

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

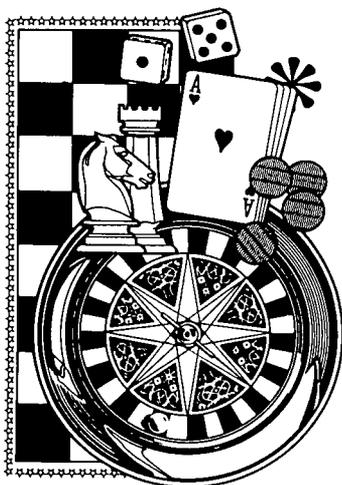
*Fifty Birds of Town and City*, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, \$7.50.

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

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

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## Charitable Gambling Directory

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

**CHARITABLE GAMBLING RULES**, governing the conduct of charitable gambling events like bingo. Code #3-3, \$5.00.

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# Documents Division

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**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.

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**Education Rules.** Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, \$19.00 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.

**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.

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**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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**1987 Lake Map Index.** Listing over 4,000 lake maps. Free.

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

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