

State of Minnesota

STATE REGISTER

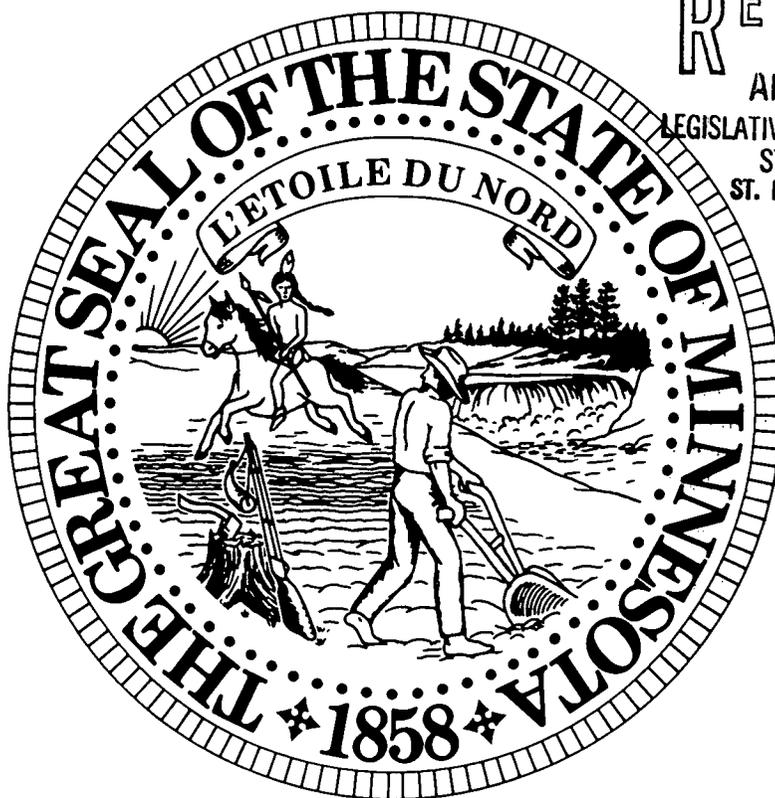
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State Register

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
41	Monday 28 March	Monday 4 April	Monday 11 April
42	Monday 4 April	Monday 11 April	Monday 18 April
43	Monday 11 April	Monday 18 April	Monday 25 April
44	Monday 18 April	Monday 25 April	Monday 2 May

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

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

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

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

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Department of Administration**

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For Legislative News

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

Proposed Permanent Rules Relating to Developmental Lending and Investment Performance Ratings of Financial Institutions Owned by Interstate Holding Companies

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 48.97.

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

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

James Miller
Deputy Commissioner
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-2715

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 rules has been prepared and is available upon request from James Miller.

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

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.

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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 James Miller.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

2655.0010 APPLICABILITY AND SCOPE.

Parts 2655.0010 to 2655.0070 govern the data to be reported and the annual rating of interstate financial institutions operating in Minnesota. A financial institution is rated on its lending and investment performance using a five-point scale as prescribed under *Minnesota Statutes*, section 48.97.

2655.0020 PURPOSE.

The purpose of this rating is to set criteria by which an interstate-owned financial institution is evaluated and ranked based on its proven ability to meet the needs of the community where it conducts business in terms of its performance in reaching its targeted level of developmental loan and investment activity.

2655.0030 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 2655.0010 to 2655.0070, the following terms have the meanings given them.

Subp. 2. **Alternate energy loans and alternate conservation loans.** "Alternate energy loans" and "alternate conservation loans" means all loans for any purpose under *Minnesota Statutes*, section 116M.03, subdivision 26.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 4. **Community.** "Community" means the area the financial institution has designated for purposes of compliance with the Community Reinvestment Act of 1977, United States Code, title 12, sections 2901 to 2905, and Code of Federal Regulations, title 12, (CFR sub. ctr. D, FSLIC, 563E) as being the areas that it serves.

Subp. 5. **Community development corporation.** "Community development corporation" is as defined in *Minnesota Statutes*, section 116M.04.

Subp. 6. **Developmental loans.** "Developmental loans" means loans made in the following categories:

- A. low and moderate income housing;
- B. operating loans to family farmers;
- C. commercial non-real estate, home, and home improvement loans within distressed areas;
- D. minority- and women-owned businesses;
- E. alternative energy and energy conservation practices;
- F. community development corporations;
- G. commercial non-real estate, home, and home improvement loans within Indian reservations;
- H. student education loans; and

I. any other specifically defined class of people, business, or projects which meet the standards under *Minnesota Statutes*, section 645.45, subdivision 5, for socially or economically disadvantaged persons, projects, or businesses.

Subp. 7. **Developmental investments.** "Developmental investments" means investments for the following purposes:

- A. low and moderate income housing;
- B. operating loans to family farmers;
- C. commercial non-real estate, home, and home improvement loans within distressed areas;
- D. minority- and women-owned businesses;
- E. alternative energy and energy conservation practices;
- F. community development corporations;
- G. commercial non-real estate, home, and home improvement loans within Indian reservations;
- H. student education loans; and

I. any other specifically defined class of people, business, or projects which meet the standards under *Minnesota Statutes*, section 645.45, subdivision 5, for socially or economically disadvantaged persons, projects, or businesses.

Subp. 8. **Distressed area.** "Distressed area" is defined to include an area designated as a distressed area under Code of Federal Regulations, title 24, section 24570.452 (1986), as amended by the United States Department of Housing and Urban Development.

Subp. 9. **Family farmers.** "Family farmers" means family farms and family farm corporations as defined in *Minnesota Statutes*, section 500.24.

Subp. 10. **Financial institution.** "Financial institution" means a bank, savings bank, or savings and loan association doing business at a location in Minnesota that is owned by an interstate bank holding company or savings and loan holding company and approved to do business in Minnesota under the Reciprocal Interstate Banking Act of 1986, including *Minnesota Statutes*, section 51A.58.

Subp. 11. **Investments.** "Investments" means funds or capital extended, contributed, or otherwise invested, but not loaned.

Subp. 12. **Low and moderate income housing.** "Low and moderate income housing" means housing defined as such by any of the following:

A. regulations adopted by the Farmers Home Administration; or

B. section 8 of the United States Housing Act of 1937, and the regulation adopted under the act.

Subp. 13. **Minnesota loan.** "Minnesota loan" means loans made to Minnesota residents to be used in Minnesota or loans where the financial institution has been advised by the borrower that the loan proceeds will be used in Minnesota.

Subp. 14. **Minnesota residents.** "Minnesota residents" are:

A. individuals located within a Minnesota zip code;

B. private profit or nonprofit corporations or subsidiaries, or divisions of these corporations, located and doing business within Minnesota;

C. profit or nonprofit partnerships, trusts, or any form of other business enterprise located and doing business within Minnesota; or

D. any municipality, agency, or other public authority established and operating under the laws of Minnesota.

Subp. 15. **Minority-owned business and woman-owned business.** "Minority-owned business" and "woman-owned business" means a socially or economically disadvantaged person under *Minnesota Statutes*, section 645.445, subdivision 5. A minority-owned business or woman-owned business must have at least 50 percent of the ownership interest controlled by such disadvantaged class of person.

2655.0040 FILING REQUIREMENTS.

A financial institution on or before March 31 each year shall file with the commissioner: (1) a copy of each report and document which it is required to prepare and/or file with one or more federal agencies by the Community Reinvestment Act of 1977 and the rules and regulations under that act; and (2) a report, in a form to be prescribed by the commissioner, which shall be the basis for, along with other information regarding the financial institution obtained by the commissioner, the annual community reinvestment rating assigned to the financial institution by the commissioner. The report must:

A. list the level of developmental loans in the community, outside of the community, and in the state, in terms of number and amount held by the financial institution in the preceding calendar year;

B. project the level of developmental loans in the community, outside of the community, and in the state, in terms of number and amount, to be held at the end of the current calendar year;

C. list any developmental investments for the classifications and time periods described in items A and B;

D. list any developmental loans or developmental investments originated by the financial institution which has or will be participated in or sold to other institutions during the time periods described in items A and B;

E. describe the economic condition of the community during the time periods described in items A and B, using among other criteria, those listed in part 2655.0050, which relate to economic and social conditions in the community and establish the basis for the financial institution's obligation to place developmental loans to residents within the community or outside of the community or in distressed areas;

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F. include a copy of the financial institution's Federal Financial Institution Examination Council Call Report or similar report required by the Federal Home Loan Bank Board that had been filed for the preceding December 31;

G. determine the extent of loans and investments made by the financial institution in its Community Investment Act communities during the time periods described in items A and B;

H. determine the extent of regular loans and investments made in Minnesota and outside of Minnesota;

I. describe in detail the methods used by the financial institution in determining the credit needs of its local community;

J. describe in detail the methods used and the media employed to make the members of the organization's community aware of the credit services it offers;

K. describe the extent of participation by the organization's board of directors or trustees in formulating the financial institution's policies and reviewing its performance with respect to the purpose of the Community Reinvestment Act and *Minnesota Statutes*, section 48.97;

L. describe the financial institution's participation, leadership, and creativeness in:

(1) local development, redevelopment, and rehabilitation projects or programs;

(2) programs or organizations which promote and assist in the development and growth of small business in Minnesota;

and

(3) programs or organizations that address the financial needs of minorities; and

M. describe any other community activities that bear upon the extent to which the financial institution is helping to meet local credit needs. Information and data required under subparts A to M may be incorporated by reference if the information and data are already included in the report and document filed in connection with the Community Reinvestment Act as required by this part.

2655.0050 RATING CRITERIA.

On the basis of the reports required under part 2655.0040, the commissioner shall classify each financial institution in relation to the estimated need for developmental loans and rate each financial institution using the following criteria:

A. the economic condition of the community or communities to be served including, but not limited to, population trends and area use for residential, commercial, industrial, and agricultural purposes;

B. the social composition of the community or communities to be served including the level of socially and economically disadvantaged persons, families of low and moderate income and low and moderate income housing, the number of women 18 to 60 years of age, and location of distressed areas;

C. the actual fiscal capacity of the financial institution to provide loans and credit; and

D. the amount of developmental loan and developmental investment transactions and programs in relation to the actual local demand for credit and loans without economic reinvestment leadership intervention, including the number of loans and amount of investments that are not classified as developmental and are out of the financial institution's service area in relation to the measured activity of developmental loans and developmental investments within the financial institution's service area.

2655.0060 REVIEW REPORTS.

When rating a financial institution against the criteria in part 2655.0050, the commissioner shall take into account, among other factors, a recent assessment, in writing, of the record of performance of the financial institution in helping to meet the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of the financial institution. The commissioner will review all reports and documents filed with the department under part 2655.0040 and any signed, written comments received by the commissioner which specifically relate to the financial institution's performance in helping to meet the credit needs of its community. In addition, the commissioner will consider the following factors in assessing a financial institution's record of performance:

A. activities conducted by the financial institution to ascertain credit needs of its community, including the extent of the financial institution's efforts to communicate with members of its community regarding the credit services being provided the financial institution;

B. the extent of the financial institution's marketing and special credit-related programs that make members of the community, including members of targeted groups and populations, aware of the credit services provided;

C. the extent of participation of the financial institution's board of directors or board of trustees in formulating the financial institution's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act of 1977;

D. the geographic distribution of the financial institution's credit extensions, credit applications, and credit denials;

E. any practices intended to discourage applications for types of credit in the financial institution's annual community reinvestment plan;

F. evidence of prohibited discriminatory or other illegal credit practices;

G. the financial institution's participation, including investments in local community development and redevelopment projects;

H. the financial institution's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community or the purchase of such loans originating in its community;

I. the participation in governmentally insured, guaranteed or subsidized loan programs for housing, small businesses, or small farms;

J. the financial institution's plan and demonstrated experience in assisting in:

(1) the development of economically disadvantaged and underserved neighborhoods, including Indian reservations;

(2) meeting the credit and deposit service needs of low-income, moderate-income, and minority residents; and

(3) helping small, minority-owned and women-owned businesses;

K. the financial institution's ability to meet various community credit needs based on its financial condition, size, legal impediments, local economic conditions, and other factors; and

L. other factors that, in the judgment of the commissioner reasonably bear upon the extent to which a financial institution is helping to meet the credit needs of its entire community.

Assessment of a financial institution's record of performance, under this part, will be the basis for the financial institution's rating under *Minnesota Statutes*, section 48.97, subdivision 3.

2655.0070 ANNUAL RATING.

Annually on or before June 30, the department shall make a community reinvestment assessment of each financial institution. The assessment will be based upon information compiled under these rules or obtained from other sources, including information obtained from state or federal banking regulators. The commissioner shall prepare a written report summarizing the results of the assessment and assign to each financial institution a numerical rating based on a one to five scoring system. Specifically, the numerical scores shall represent performance assessments as follows:

(1) excellent performance;

(2) satisfactory performance;

(3) acceptable performance;

(4) inadequate performance; and

(5) unsatisfactory performance.

Rating shall be based on a five-point scale for each item A to D in part 2655.0050. An annual rating of excellent to poor shall then be given based on the percentile and of the total score of the financial institution in question, unless the distribution is unusually skewed, in which event the commissioner shall adopt an appropriate measure of the distribution. In assigning the overall rating, the five performance categories will be weighed and evaluated according to how well the financial institution meets the descriptive characteristics listed below:

(1) "Excellent" means the financial institution has a strong record of meeting community needs and performance in reaching the target level of developmental loans and developmental investments. Both the board of directors and management take an active part in the process and demonstrate an affirmative commitment to the community. Financial institutions receiving this rating rank high in all performance categories.

(2) "Satisfactory" means a financial institution has a satisfactory record of helping to meet community credit needs and performance in reaching the target level of developmental loans and developmental investments. A financial institution receiving this rating is ranked in the satisfactory levels of the performance categories.

(3) "Acceptable" means a financial institution has a less than satisfactory record of helping to meet community credit needs and in meeting the target level of developmental loans and developmental investments. The board of directors and management

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Proposed Rules

have not placed strong emphasis on the credit needs of the community. An institution receiving this rating has mixed rankings surrounding the midrange levels of the performance categories.

(4) "Inadequate" means a financial institution has an unsatisfactory record of helping to meet community credit needs and reaching the target level of developmental loans and developmental investments. The board of directors and management give inadequate consideration to the credit needs of the institution's community. An institution receiving this rating generally ranks below satisfactory in the majority of the performance categories.

(5) "Unsatisfactory" means a financial institution has a substantially inadequate record of helping to meet community credit needs and in reaching the target level of developmental loans and developmental investments. The board of directors and management appear to give little consideration to the credit needs of the institution's community. An institution receiving this rating ranks in the lowest levels of the performance categories.

Department of Public Safety Crime Victims Reparation Board

Proposed Permanent Rules Relating to Claim Procedures

Notice of Intent to Adopt Rules Without a Hearing

Notice is hereby given that the State Department of Public Safety, Crime Victims Reparations Board is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in *Minnesota Statutes*, Sections 14.22 through 14.28.

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

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes*, Sections 14.131 through 14.20.

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

Fern Sepler-King
Executive Director
Minnesota Crime Victims Reparations Board
Suite N465 Griggs-Midway Bldg.
1821 University Avenue
St. Paul, MN 55104

The Department's authority to adopt the proposed rules is contained in *Minnesota Statutes*, Section 611A.56, subdivision 1(b). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Minnesota Crime Victims Reparations Board upon request to the above address.

You are hereby advised, pursuant to *Minnesota Statutes* Section 14.115, "Small business consideration in rulemaking," that the proposed amendments do not directly affect small business in Minnesota. In so far as there is an indirect effect on small business it is not disproportionate to the effect on all business and any adverse impact is outweighed by the necessity for these amendments.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* Section 10A.01, Subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of *Minnesota Statutes* Section 14.11, Subd. 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Rules as Proposed

7505.0100 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Party.** "~~Party~~" means any ~~person, including a claimant, whose legal rights, duties, or privileges may be determined in a contested case.~~

~~Subp. 4. **Person:** "Person" means any individual, partnership, corporation, joint stock company, unincorporated association or society, municipal corporation, joint stock company, unincorporated association or society, municipal corporation, or any government or governmental subdivision, unit, or agency, other than a court of law.~~

7505.0200 PURPOSE.

This chapter is intended to assure that no person before this board shall have his or her rights, privileges, or duties determined without regard to fundamental fairness.

7505.0400 COMMENCEMENT OF CLAIM.

A claim shall be deemed to have been commenced upon receipt by the board of a preliminary claim form completed and signed by a claimant or his the claimant's representative under oath.

7505.0600 SCOPE OF DISCOVERY.

Subpart 1. **Information obtainable.** Pursuant to the investigation of a claim, ~~the member to whom the claim has been assigned or some agent of the board shall~~ may obtain from the claimant and other persons all information reasonably related to the validity of the claim, including but not limited to information relating to the following subjects:

A. to E. [Unchanged.]

Subp. 2. **Subpoena.** In the course of an investigation ~~or a hearing pursuant to part 7505.0900, the member of the board to whom a claim has been assigned may, upon his own motion or the motion of a claimant or the attorney general,~~ issue subpoenas for the appearance of witnesses or for the production of books, records, or other documents or initiate such other discovery proceedings as by law are allowed.

7505.0700 SUPPLEMENTARY INFORMATION COOPERATION WITH BOARD, ASSIGNMENT, SUBROGATION.

After the filing of a claim, the claimant or his representative shall complete under oath and file with the board a supplementary form containing such information as the board or its agent deems relevant to the investigation of the claim. Failure by a claimant or his claimant's representative to complete the supplementary form forms, or otherwise to cooperate with the board's investigation, may constitute a ground for denial of a claim.

The claimant shall assign his or her rights to recover benefits or advantages from any source which is, or if readily available to the claimant would be, a collateral source and which is not deducted from the final award; provided that ~~such~~ the assignment shall

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not exceed the amount of the final award. The claimant shall further agree to cooperate fully with the board in any subrogation action brought by the board or the claimant.

7505.1900 DISQUALIFICATION BY PREJUDICE.

A hearing officer or any board member shall withdraw from participation in a contested case at any time prior to the final determination if he or she deems himself or herself disqualified for any reason. Upon the filing in good faith of a timely and sufficient petition of prejudice the hearing officer shall determine the matter as a part of the record and decision in the case. A withdrawal must be noted in the minutes of the board's monthly meetings.

7505.2700 TREATMENT PLANS.

Subpart 1. Applicability. The board, in order to evaluate the reasonableness of treatment provided claimants, shall require suppliers of mental health, physical therapy, chiropractic, medical, and home care services to submit treatment plans before consideration of their charges as a part of a reparations claim when the following time and charges standards apply:

A. if mental health treatment is likely to continue longer than six months after the date the claim is filed and the cost of the additional treatment will exceed \$1,500, or if the total cost of treatment in any case will exceed \$4,000;

B. if physical therapy treatment is likely to continue longer than three months after the date the claim is filed and the cost of additional treatment will exceed \$800, or if the total cost of treatment in any case will exceed \$1,500;

C. if chiropractic treatment is likely to continue longer than three months after the date the claim is filed and the cost of additional treatment will exceed \$1,000, or if the total cost of treatment in any case will exceed \$1,800;

D. if medical treatment for a single condition or injuries resulting from a single incident is likely to continue longer than three months after the date of injury and the cost of additional treatment will exceed \$2,500, or if the total cost of treatment in any case will exceed \$4,000; or

E. if licensed home care service, as defined in Minnesota Statutes, section 144A.43, if more than five home visits in total have been or will be delivered, regardless of cost.

The board may request treatment plans for other services provided to the victim if the total cost of the service exceeds \$500.

Subp. 2. Treatment plan contents. Treatment plans must include, but not be limited to, information concerning the date treatment began and the actual or expected date of termination, the diagnosis of record, measurable treatment goals, and the proposed method for treatment including measurable outcomes, information regarding preexisting conditions, and prognosis.

Subp. 3. Submission procedures. Forms for the submission of treatment plans must be provided by the board. Forms will be supplied at the time the board requests certification of charges for treatment provided a claimant. Suppliers shall submit treatment plans, where required by subpart 1, at the time the certificate is returned to the board.

Subp. 4. Treatment plan updates. Treatment plans must be revised to reflect current treatment status after the first six months of treatment for which the board has provided compensation and quarterly after that. The board may withhold or deny benefits for failure to submit revisions as required in this subpart.

Subp. 5. Board action. The board may use treatment plans to aid in the determination of reasonableness of care, and may grant or deny compensation for a specific service based upon information submitted in a treatment plan. The board may also request a provider of services to revise or restate information provided in order to meet the board's requirements for compensation.

Subp. 6. Extension beyond termination dates. If treatment is likely to continue more than 30 days beyond the projected date of termination submitted in the treatment plan, the provider is responsible for submitting a new treatment plan and a revised termination date. A revision must be considered by the board at its regular monthly meeting. No compensation must be authorized for services rendered more than 30 days beyond a projected termination date without board approval of an extension.

7505.2800 BOARD DETERMINATION OF REASONABLENESS.

Subpart 1. Board consideration. The board, in determining reasonableness, shall consider any and all of the following relative to a specific claim, or to a claim for compensation for a specific service:

A. quantity of service proposed or provided;

B. time span and duration of actual or proposed service;

C. adherence of service provider to professional standards, with consideration to ethnic and cultural needs of a claimant;

D. progress of treatment against standards presented to the board in the professional treatment plan, where a plan has been submitted;

E. relationship of provider to claimant; and

F. possible consequences of denial or reparations.

Subp. 2. Utilization review. Where the board is unable, due to multiple caregivers or complex treatment issues, to determine reasonableness, it may use the services of outside experts to assist in a determination. This review shall include, but is not limited to:

A. review of clinical records;

B. submission of a questionnaire to the claimant to elicit specific information; and

C. interview or examination of the claimant.

7505.2900 CONTRIBUTORY MISCONDUCT.

The board shall reduce, by a minimum of 25 percent, any claim submitted by or on behalf of a person who the board finds has engaged in any of the following acts or behavior that contributed to the injury for which the claim is filed:

A. used fighting words, obscene or threatening gestures, or other provocation;

B. knowingly and willingly been in a vehicle operated by a person who is under the influence of alcohol or a controlled substance;

C. consumed alcohol or other mood-altering substances; or

D. failed to retreat or withdraw from a situation where an option to do so was readily available.

Any of these provisions may be waived in cases of domestic abuse or sexual assault.

7505.3000 CLAIMS PRORATING.

Subpart 1. Designation of monthly allotment. Total annual appropriations, grants, and other funds designated for the payment of claims, excluding an annually determined set-aside for emergency funds, must be equally divided among each month of the fiscal year. The resulting amount is designated the "monthly reparations allotment."

Subp. 2. Requests in excess of monthly allotment. If the monthly reparations allotment minus any awards granted on an emergency basis during the 30 days preceding the month in question is less than the total dollar amount of reparations claims eligible for payment in that month, the board shall pay only a portion of each claim approved that month.

Subp. 3. Payment ratio. The payment ratio shall equal the monthly reparations allotment minus any emergency awards granted in the preceding month divided by the total dollar amount of reparations awards eligible for payment in that month.

Subp. 4. Excess allotment. Where the amount of reparations awarded during a specific month equals less than the monthly allotment, any excess will be carried forward to the next month and added to the monthly allotment for that period.

Subp. 5. Claim filing. The payment ratio of the month in which the claim or supplementary claim is approved is the payment ratio which governs the claim or supplementary claim.

REPEALER. Minnesota Rules, parts 7505.0500; 7505.0800; 7505.0900; 7505.1000; 7505.1100; 7505.1200; 7505.1300; 7505.1400; 7505.1500; 7505.1600; 7505.1700; 7505.1800; 7505.2000; 7505.2100; 7505.2200; 7505.2300; 7505.2400; and 7505.2500, are repealed.

Department of Health

Proposed Permanent Rules Relating to Cancer Surveillance System

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Health (hereinafter "Department") intends to adopt 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*, §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rules is *Minnesota Statutes*, §§ 144.05 (1986) and 144.671 to 144.69 (Supp. 1987).

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

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Mr. John Washburn
Disease Prevention and Control Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5636

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

A copy of the proposed 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 rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from John Washburn upon request. The Statement of Need and Reasonableness addresses, among other matters, the methods within the proposed rules to reduce their impact on small businesses pursuant to *Minnesota Statutes* § 14.115 (1986).

Implementation of the proposed rules will not result in expenditures by local governments falling within the provisions of *Minnesota Statutes* § 14.11 (1986).

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules must submit the written request to John Washburn.

Dated: 28 March 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new material)

4606.3300 PURPOSE.

The purpose of parts 4606.3300 to 4606.3309 is to establish a process and assign responsibility for:

- A. collecting data from pathology laboratory reports and other demographic data on the occurrence of cancer in the state; and
- B. investigating the occurrence of cancer.

4606.3301 SCOPE.

Parts 4606.3300 to 4606.3309 apply generally to the diagnosis of, reporting of, and epidemiologic studies of cancer; and scientific research on the treatment and prevention of cancer.

4606.3302 DEFINITIONS.

Subpart 1. **Abstract.** "Abstract" means a form specified by the commissioner on which the information required in part 4606.3304 has been copied.

Subp. 2. **Attending physician.** "Attending physician" means the physician who provides primary clinical care for the cancer case.

Subp. 3. **Cancer.** "Cancer" means:

- A. malignant and in situ neoplasms of all sites, except basal and squamous cell carcinomas of the skin;
- B. basal and squamous cell carcinomas of the lip, eyelid, or genitalia; and
- C. all brain and central nervous system neoplasms regardless of malignancy.

Subp. 4. **Case.** "Case" means any Minnesota resident, living or deceased, having a cancer diagnosed by a physician or dentist.

Subp. 5. **Case report.** "Case report" means a complete report of a diagnosis of cancer, which has been generated as a result of examination of demographic information and a pathology, cytology, hematology, biopsy, surgical, or autopsy specimen. At a minimum, this shall consist of source documents that contain all or as much as is known of the information required in part 4606.3304.

Subp. 6. **Commissioner.** "Commissioner" means the state commissioner of health, or the commissioner's authorized officers, or employees.

Subp. 7. **Demographic form.** "Demographic form" means the front page of a hospital medical record, the hospital business office form, or the pathology specimen submission slip that contains the demographic information required in part 4606.3304 for cases.

Subp. 8. **Dentist.** "Dentist" means any person who is licensed by the Minnesota Board of Dentistry to practice dentistry.

Subp. 9. **Electronic data submission.** "Electronic data submission" means transferring data from a computer used by a reporting entity to a computer specified by the commissioner through the use of a modem, magnetic tape, or magnetic disk.

Subp. 10. **Epidemiologic studies.** "Epidemiologic studies" means the compilation of data on health and disease, its scientific analysis to determine the distribution and causes of health problems in populations, and the application of this study to the control of health problems.

Subp. 11. **Hospital.** "Hospital" means any institution licensed as such by the commissioner under *Minnesota Statutes*, section 144.50.

Subp. 12. **Medical clinic.** "Medical clinic" means any institution staffed by one or more physicians where diseases of human beings are diagnosed.

Subp. 13. **Medical laboratory or pathology laboratory.** "Medical laboratory" or "pathology laboratory" means any facility that reports the results of examinations of organ tissue, cells, or blood specimens from the human body for cancer to physicians who use the reports for purposes of diagnosis or patient care.

Subp. 14. **Minnesota resident.** "Minnesota resident" means a person who provides a permanent address within the borders of the state at the time of cancer diagnosis. In the case of minors, residency shall be determined as that of the parent or legal guardian. This does not mean that Minnesota is the person's legal residence or voting residence.

Subp. 15. **Physician.** "Physician" means a person who is licensed by the Minnesota Board of Medical Examiners to practice medicine.

Subp. 16. **Reporting entity.** "Reporting entity" means the individual or operational unit within an institution such as a medical laboratory, hospital, clinic, or tumor registry, designated by the institution to submit case reports required by parts 4606.3300 to 4606.3309.

Subp. 17. **Source documents.** "Source documents" means copies of the demographic forms and the pathology laboratory reports that contain the information required in part 4606.3304 for cases.

Subp. 18. **Tumor registry.** "Tumor registry" means a collection of cancer data on patients that is maintained as an identified repository of such data for, or within any hospital, medical clinic, or centralized institution.

4606.3303 COMPREHENSIVE REPORTS OF CANCER.

Subpart 1. **Tumor registries.** Tumor registries shall forward by first class mail, by messenger, or via electronic data submission, case reports to the commissioner within 15 working days of the date the patient's tumor registry was completed.

Subp. 2. **Medical laboratories.** Medical laboratories shall forward by first class mail, by messenger, or via electronic data submission, case reports to the commissioner for all cases of cancer within 15 working days of the date of diagnosis.

Subp. 3. **Hospitals and medical clinics.** Hospitals and medical clinics shall forward by first class mail, by messenger, or via electronic data submission, case reports to the commissioner for all cases of cancer diagnosed in the institution within 15 working days of the date of diagnosis.

Subp. 4. **Physicians and dentists.** Physicians and dentists not working within a hospital, medical clinic, or medical laboratory required to report by this part, who examine specimens of human organ tissue, cells, or blood with findings indicative of the presence

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of cancer. shall forward by first class mail, by messenger, or via electronic data submission, case reports to the commissioner within 15 working days of the date of diagnosis.

Subp. 5. **Designating a reporting entity.** Alternatively, tumor registries, medical laboratories, hospitals, medical clinics, or any combination of these within or as part of an institution, may notify the commissioner of the identity of a reporting entity to report on behalf of the institution and as such shall meet the requirements of cancer reporting under subparts 1 to 4.

4606.3304 REPORTS.

Subpart 1. **Case information.** Reports of case information that are required in part 4606.3303 must consist of source documents and contain as much of the following information as is known:

- A. last name;
- B. first name;
- C. middle name or initial;
- D. address, including house number, street, rural route number, city, state, and zip code;
- E. county of residence;
- F. date of birth;
- G. sex;
- H. social security number;
- I. attending physician;
- J. other attending physician;
- K. diagnostic or treatment facility;
- L. case's hospital or clinic medical record number; and
- M. cancer diagnostic information:
 - (1) primary site;
 - (2) histologic type;
 - (3) date of diagnosis or date specimen was obtained; and
 - (4) pathologist's designation of whether the case is newly or previously diagnosed or not known.

Subp. 2. **Abstracts or electronic data submission.** Alternatively, reports of case information that are required in part 4606.3303 may consist of completed abstracts or electronic data submission and must contain the information required in subpart 1.

Subp. 3. **Race, ethnicity, and occupational data.** Hospitals, medical clinics, and physicians shall, upon request of the commissioner, report as much information as is known concerning the race, ethnicity, and occupational history of cancer cases. The commissioner shall by publication in the *State Register* request reports of such information when the following conditions exist:

A. epidemiologic surveillance and studies based on this information will assist in identifying cancer risks in certain racial, ethnic, or occupational groups; and

B. there is a specific, planned mechanism for the surveillance and epidemiologic study of the cancer related to the racial, ethnic, or occupational group.

4606.3305 DATA SUBMISSION.

Subpart 1. **Completeness.** Every case report shall include, at a minimum, legible source documents, or completed abstracts, or electronic data submission that must contain the data required in part 4606.3304. Abstracts must be legible and submitted on forms provided by the commissioner. Electronic data must be submitted in a manner and format that conforms to the state cancer surveillance system computer system.

Subp. 2. **Missing information.** The reporting entity or individual shall, within five working days of notification by the commissioner, supply all missing information, if known, or clarify information submitted in any report required in parts 4606.3303 and 4606.3304.

Subp. 3. **Inspection.** For the purpose of assuring the quality and completeness of individual cancer case reports, each reporting entity or individual shall allow the commissioner to inspect the demographic portions of a patient's medical record or medical records related to the diagnosis of cancer as are necessary to verify the accuracy and completeness of the cancer diagnostic information and demographic data.

4606.3306 PHYSICIAN CONSENT.

Subpart 1. **Attempt to obtain consent.** When undertaking epidemiologic studies, the commissioner shall attempt to locate and obtain the consent of the attending physician as identified in the case report before approaching any case named in a report or a personal representative of a deceased case as defined in *Minnesota Statutes*, section 13.10, subdivision 1, paragraph (c).

Subp. 2. **Approach without consent.** The commissioner may approach a case named in a report or a personal representative of a deceased case as defined in *Minnesota Statutes*, section 13.10, subdivision 1, paragraph (c), without the consent of the attending physician as identified in the case report in order to conduct epidemiologic investigations if the attending physician is deceased, is no longer licensed in the state, is no longer practicing, or cannot otherwise be located.

4606.3307 AUTHORIZED RESEARCH.

Subpart 1. **Criteria.** The commissioner of health may enter into contracts to conduct research, using data collected pursuant to parts 4606.3300 to 4606.3309, with public and private research agencies or with individuals who satisfy all of the following criteria:

A. the research proposed to be conducted will assist in improving the diagnosis, treatment, or prevention of cancer and the public health;

B. there is documented evidence that the principal investigator for the research proposed is qualified:

(1) by having attained the degree of medical doctor, doctor of science, doctor of philosophy, or equivalent degree from an accredited college or university; and

(2) by specific academic graduate level training in epidemiology, biomedical research or biometry, or documented evidence of biomedical or related medical research experience; and

C. there is a written protocol which includes but is not limited to a complete description of:

(1) the proposed scientific research hypotheses;

(2) the purpose of the proposed research;

(3) the specific methodologies, including data required from the commissioner, to be used in conducting the research and testing of scientific hypotheses;

(4) the projected or anticipated result of the research;

(5) the period of time during which the proposed research will be conducted and when a final report will be completed;

(6) the physical facilities to be employed in conducting the research; and

(7) the methods to be used to assure that privacy of data is maintained in accordance with state law, and that access to private, nonpublic data is limited to those authorized by the commissioner to have access.

Subp. 2. **Release of information.** Under no circumstances will researchers be provided access to personal identifiers that would allow contact of a patient without attempting to obtain physician consent as described in part 4606.3306. The following personal identifiers will not be released:

A. last name;

B. first name;

C. middle name or initial;

D. address;

E. county of residence; or

F. social security number.

No researcher operating under contractual agreement with the commissioner as described in subpart 1 shall release any personal identifier, mark, or description obtained during an investigation that could be used for identification of an institution, a physician, or an individual who is or was the subject of a case report required in part 4606.3303.

Subp. 3. **Evaluation of proposals.** The commissioner shall evaluate proposals based upon the criteria in items A to E.

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A. The proposed research has social and scientific merit that is directed primarily toward improving the diagnosis, treatment, defining of risks, or prevention of cancer.

B. All co-investigators are qualified to undertake the proposed research by means of specific academic training or demonstrable, related experience in epidemiology, medical, biomedical, or statistical research.

C. The hypotheses to be tested are explicit, and are determined to be researchable and feasible by the scientific peer review committee described in subpart 4.

D. The methods proposed for testing the hypothesis clearly define:

- (1) the population or cancers to be studied;
- (2) the type and amount of data to be collected;
- (3) the source of the data;
- (4) the procedures for collecting and maintaining the data; and

(5) the specific measurement techniques to be employed in analysis of data, including discussion of: major variables, statistical methods, methods of testing data reliability and validity, and required levels of accuracy, precision, or completeness of the data to be collected.

E. The results of this study will be interpreted so that the findings can be used or generalized to other populations and provide a timely, substantive, and important contribution to the understanding of cancer diagnosis, treatment, or prevention in Minnesota.

Subp. 4. **Scientific peer review committee.** To assist in evaluating the scientific merits of proposals for research, the commissioner may appoint up to seven scientists to conduct scientific peer review who are qualified by having:

A. attained the degree of medical doctor, doctor of science, doctor of philosophy, or equivalent degree from an accredited college or university;

B. specific training in medicine, epidemiology, cancer research, or biometry from an accredited college or university; and

C. two or more years of applied experience in epidemiology, medical research, biomedical research, or biometry.

4606.3308 CONTRACTS FOR DEVELOPMENT, EXTENSION OF SERVICES, AND QUALITY ASSURANCE.

Subpart 1. **Contracts.** The commissioner may, upon receipt of an application described in this section, contract with any institution or reporting entity in compliance with part 4606.3304 for the following purposes:

A. providing more efficient, expedient, and complete cancer registry and reporting systems for those required to report under part 4606.3303;

B. extending the capability and efficiency of the commissioner to meet the mandate established under *Minnesota Statutes*, sections 144.671 to 144.69; and

C. maintaining and validating the quality, accuracy, and completeness of cancer case data.

Subp. 2. **Notice of availability of funds.** The commissioner shall publish and distribute a notice of availability of funds and request for contract proposals to all hospitals, medical laboratories, tumor registries, and medical clinics required to report under part 4606.3303.

Subp. 3. **Content of application.** Applications made under this section shall address all of the following information requirements, including:

A. Full corporate or company name, address, and tax identification number of applicant institution, or in the case of multiple institutions, the full corporate or company name, address, and tax identification number of the principal applicant institution, and the full corporate or company names and addresses of other institutions participating in the application.

B. A description of the individual components of the reporting systems to be provided by the applicant. The quality assurance standards in part 4606.3305 shall be incorporated into all applications. For each component to be provided, the application must describe, but not be limited to:

- (1) the specific objectives to be achieved during the funding period;
- (2) the methods by which each objective will be achieved;
- (3) the institutions to be involved in the registry or reporting system;
- (4) criteria to be used to evaluate achievement of objectives;
- (5) budget and budget justification; and
- (6) a summary of the training and experience relevant to the components to be provided by the key personnel.

- C. Assurance that services will be provided in accordance with state and federal laws and rules.
- D. Assurance that the privacy of all data will be maintained in accordance with law and acceptable medical practice.

Subp. 4. **Priority.** Priority will be given to applications proposing to provide cancer reporting systems addressing one or more of the following criteria:

- A. the highest quality and completeness of data;
- B. services to the greatest number of persons;
- C. services to the largest geographic area; and
- D. demonstrated capacity to perform on the proposal.

4606.3309 CHARGES FOR DATA.

The commissioner may charge fees for out-of-pocket expenses including hourly employee wages, employee expenses, electronic data processing costs, duplicating, and clerical charges incurred as a result of requests by agencies for summary data compilation or analyses under the following conditions:

- A. the agency requesting the summary data is not a community health services agency as defined in *Minnesota Statutes*, chapter 145;
- B. the request requires more than one person hour of time to complete for an employee of the commissioner who is classified as either a programmer/analyst or higher, or an epidemiologist I or higher; and
- C. the estimated total out-of-pocket expenses, regardless of person hours needed to satisfy the request, are greater than \$50.

Secretary of State

Proposed Permanent Rules Relating to Absentee Ballots; Optical Scan Voting Systems

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 rules is *Minnesota Statutes*, sections 203B.09 and 206.57.

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 views 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.

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

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, that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to *Minnesota Statutes*, section 14.11, 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: 28 March 1988

Joan A. Growe
Secretary of State

Rules as Proposed

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. [Unchanged.]

Subp. 2. **Absentee ballot instruction.** The following instructions shall be printed on the absentee ballot application:

INSTRUCTIONS

1. In order to vote by absentee ballot you must be an eligible voter, you must be a resident of the election precinct indicated by your legal residence address on this application, and you must not intend to abandon this residence prior to election day. Please note that Minnesota law provides that it is a felony to make a false or untrue statement in an application for an absentee ballot, to apply for an absentee ballot more than once in an election with the intent to cast an illegal ballot, to exhibit a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote in a precinct or to assist anyone to cast an illegal vote.

2. Be sure to check the appropriate box indicating why you are unable to go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.

3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.

4. Be sure to sign the application.

5. Return the completed application as soon as possible to the county auditor or municipal clerk from whom you received it.

Remember:

1. ~~This application form will obtain ballots for only the NEXT~~ You must indicate whether you are requesting ballots for the primary or general election, or both.

2. Do not submit more than one application for each election.

3. Your absentee ballots will be mailed or delivered to you as soon as they are available.

Subp. 3. **Postcard application.** The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the auditor or municipal clerk. If the application is printed as a postcard application, it shall be printed in the following manner.

The postcard shall be white with black ink. The postcard shall weigh not more than one ounce. The size shall be no smaller than 3-1/2 inches by five inches and no larger than 6-1/8 inches by 11-1/2 inches. The postcard shall be at least .007 inches thick.

8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

Absentee Ballot Application for
(print or type your name)

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots to be voted upon in my precinct at the next election for the following reason for:

Proposed Rules

ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance as provided in *Minnesota Statutes*, section 204C.15.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initiated by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election jurisdiction.

Subp. 6. and 7. [Unchanged.]

Board of Psychology

Proposed Permanent Rule Relating to Fees

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

Notice is hereby given that the Minnesota Board of Psychology (hereinafter "Board") intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rule amendments is *Minnesota Statutes* §§ 214.06 and 148.90, subd. 2(4) and subd. 3.

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

Any person may make a written request for a public hearing on the rule 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 and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Lois E. Mizuno, Executive Director
Minnesota Board of Psychology
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0587

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

Adopted Rules

A copy of the proposed rule amendments 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 amendments and identifies the data and information relied upon to support the proposed rule amendments has been prepared and is available from Lois E. Mizuno upon request.

If no hearing is required, upon adoption of the rule amendments, the rule 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 rule amendments must submit the written request to Lois E. Mizuno.

Dated: 1 April 1988

Lois E. Mizuno
Executive Director

Rule as Proposed

7200.6100 FEES.

Fees for licensure of psychologists are as follows:

- A. The fee for application for admission to examination is ~~\$145~~ \$150.
- B. The fee for application for licensure is ~~\$125~~ \$170.
- C. The fee for renewal of license is ~~\$150~~ \$170.
- D. The fee for late renewal of license is ~~\$75~~ \$150.

EFFECTIVE DATE. This rule is effective July 1, 1988.

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 Administration

Adopted Permanent Rules Relating to Manufactured Home Park Storm Shelter Design

The rules proposed and published at *State Register*, Volume 12, Number 20, pages 1030-1034, November 16, 1987 (12 S.R. 1030) are adopted as proposed.

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Adopted Rules

Department of Human Services

Adopted Permanent Rules Relating to Administration of the State Facilities Cost of Care Programs

The rules proposed and published at *State Register*, Volume 12, Number 28, pages 1389-1396, January 11, 1988 (12 S.R. 1389) are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Licensing of Day Care Facilities

The rule proposed and published at *State Register*, Volume 12, Number 31, pages 1607-1609, February 1, 1988 (12 S.R. 1607) is adopted as proposed.

Department of Jobs and Training

Adopted Permanent Rules Relating to Unemployment Compensation; Hearings

The rules proposed and published at *State Register*, Volume 12, Number 16, pages 795-802, October 19, 1987 (12 S.R. 795) are adopted with the following modifications:

Rules as Adopted

3310.2901 SCOPE AND PURPOSE.

Parts 3310.2901 to ~~3310.2929~~ 3310.2928 establish procedures for hearings conducted by department referees on the appeal of department determinations about the validity of claims for unemployment benefits referred to in part 3310.2700, subpart 5, determinations pertaining to eligibility or disqualification from unemployment benefits referred to in part 3310.2800, charges to employers' accounts and contribution rate assignments under *Minnesota Statutes*, section 268.06, subdivision 20, determinations on an employing unit's liability to pay unemployment contributions under *Minnesota Statutes*, section 268.12, subdivision 13, determinations on the erroneous or fraudulent payment of unemployment benefits under *Minnesota Statutes*, section 268.18, and all other appeals which are decided by referees of the appellate office either by law or rule.

3310.2902 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 3310.2901 to ~~3310.2929~~ 3310.2928, the terms defined in this part have the meanings given them.

Subp. 5. **Party.** "Party" means any unemployment insurance claimant, or employer, or ~~authorized representative of the claimant or employer~~ whose legal rights, duties, or privileges will be directly determined in a hearing and any authorized representative of the claimant or employer.

3310.2903 METHODS OF FILING APPEALS.

Appeals may be ~~filed in person delivered to or filed at the appellate office~~ or any unemployment insurance office of the department or through the United States mail. Appeals ~~shall be filed as prescribed in Minnesota Statutes, section 268.04, subdivision 15~~ filed by mail must be properly addressed to the department with postage prepaid, and the date of filing is the postmark date.

3310.2904 CONTENTS OF APPEAL DOCUMENTS.

An appeal must be in writing, be signed by the appealing party or an authorized representative, ~~and contain the following~~ must identify the person appealing, and must describe the determination or order appealed from with sufficient clarity to allow the department to ascertain the determination or order. If the term "appeal" is not used but the person's written statement indicates by its meaning that a review of the determination or order is desired, the statement shall constitute an appeal. The appeal should contain the following nonjurisdictional information:

C. the fact that an appeal from that determination is being made.

~~If the term "appeal" is not used, but the party's written statement indicates by its meaning that a review of the determination is desired, the statement shall constitute an appeal.~~

3310.2905 NOTICE OF APPEAL.

Subpart 1. Notice. When a party files an appeal, the department must promptly send notice of the appeal and a copy of the appeal to all interested parties involved in the issue under consideration. The notice of appeal shall identify the determination from which the appeal is taken.

Subp. 2. Information. The notice of appeal shall also include the following information:

A. A statement that a hearing will be scheduled promptly, and that the parties should begin to prepare for the hearing.

B. A statement of the parties' right to represent themselves or to be represented by an attorney or other duly authorized representative.

C. A brief description of the procedure to be followed at the hearing.

D. A statement that the parties should bring to the hearing all documents, records, and witnesses they need to support their position.

E. A statement that a party may request the witnesses and documents that another party intends to bring to the hearing, and an explanation of the process for making the request.

F. A statement that subpoenas may be available to compel the attendance of witnesses or the production of documents, and an explanation of the process for requesting a subpoena.

G. A statement that documents to be introduced at the hearing as department exhibits are available upon request, and an explanation of the process for making the request.

H. If a decision issued pursuant to part 3310.2926 could result in a determination that a party has been overpaid benefits, the notice shall contain the following statement: "You have already received benefits on your claim. It is important for you to attend this hearing even if you are back to work and not receiving benefits now, because if you lose the appeal, you will not be able to receive further benefits and you will have to pay back all the benefits you have already received. These benefits are called overpaid benefits and they could be deducted from your state income tax refund, rent credit refund, or from a future unemployment compensation claim."

3310.2906 HEARING OF APPEALS.

Subpart 1. In person hearings. Except as provided in subpart 2, hearings may shall be conducted as follows:

~~A. in person with the referee and all parties present at the same location;~~

~~B. as split hearings with the parties present at different times and locations before a referee;~~

~~C. through the means of written interrogatories to the parties by the referee; or~~

~~D. by a telephone conference.~~

Hearings Subp. 2. Telephone conference hearings; split hearings; and hearings based on written interrogatories.

A. Subject to part 3310.2907, a hearing by telephone conference may be scheduled under the following circumstances:

(1) the parties are at such locations as to make a prompt in-person hearing impractical; or

(2) the appeal involves a single party hearing; or

(3) department budgetary constraints preclude the conduct of an in-person hearing.

Split hearings are ordinarily available only if an in-person or telephone hearing with all parties participating at the same time is not possible.

Interrogatories are available only when one of the parties is found in a foreign jurisdiction where practical means of reasonable voice communication are not available.

B. A split hearing with the parties present at different times and locations before a referee may be scheduled only if an in-person or telephone conference hearing is not possible.

C. A hearing through means of written interrogatories to the parties by the referee may be conducted only when one of the parties is found in a foreign jurisdiction and an in-person, telephone conference, or split hearing is not possible.

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.

Adopted Rules

3310.2908 RESCHEDULING.

Requests to reschedule a hearing must be addressed to the appellate office in advance of the regularly scheduled hearing date. A hearing may be rescheduled based on a party's need for additional time to obtain necessary evidence, inability to be present at the regularly scheduled time due to illness, other judicial or quasi-judicial proceedings which have previously been scheduled, or other compelling reasons beyond the control of the party which prevent attendance at the originally scheduled time. A letter confirming the reasons for requesting that the case be rescheduled shall be provided to the appellate office by the requesting party.

A referee who has been assigned a case for hearing may reschedule a hearing at the request of a party provided grounds for rescheduling as set forth above have been established. The request may be made in person, by telephone, or in writing. Unless a determination is made by the appellate office that a request to reschedule a hearing is made for the purposes of delay, a hearing shall be rescheduled by the appellate office based on a party's need for additional time to obtain necessary evidence or to obtain representation or adequately prepare, inability to be present at the regularly scheduled time due to illness, other judicial or quasi-judicial proceedings which have previously been scheduled, or other compelling reasons beyond the control of the party which prevent attendance at the originally scheduled time. A hearing may be rescheduled only once except in the case of an emergency. If requested by the appellate office, a letter confirming the reasons for requesting that the case be rescheduled shall be provided to the appellate office by the requesting party.

Unless a determination is made by the referee that a request to reschedule a hearing is made for the purpose of delay, a referee who has been assigned a case for hearing shall reschedule a hearing at the request of a party provided grounds for rescheduling as set forth above have been established. The failure of subpoenaed witnesses to appear at the hearing or the failure to produce subpoenaed documents may constitute grounds for rescheduling.

3310.2909 REQUESTS FOR IN-PERSON HEARINGS.

Upon the filing of an appeal or, upon the receipt of a notice of appeal, any party may request an in-person or after receiving notice of a telephone conference hearing, any party may request an in-person hearing. When a telephone conference hearing is scheduled, all parties shall be notified in writing on the notice of hearing of their right to request, and the procedure for requesting, an in-person hearing. The request shall be granted unless it is impractical to hold an in-person hearing due to the location of the parties or if granting the request would unreasonably delay the time period in which the hearing could be held.

3310.2910 NOTICE OF HEARING; CONSOLIDATION OF ISSUES.

The notice of hearing shall be mailed to each party at the last known address at least ten days before the scheduled date of hearing unless otherwise provided by law, or when notice is waived by the parties. The notice shall state the time, date, and place of the hearing, the name of the referee who will hear the case, and the issues to be considered at the hearing, and shall contain the information required by part 3310.2905, subpart 2, items B to H. If the issue to be considered at the hearing involves a disqualification from unemployment benefits, the notice shall explain that either the issue of misconduct or voluntary termination without good cause attributable to the employer may be heard if the facts brought out at the hearing so warrant, and the parties should be prepared to discuss all incidents which arose during the course of the employment which led to the separation. The parties shall also be advised of their right to represent themselves or to be represented by an attorney or other duly authorized representative. Upon the motion of a party to a hearing or on the referee's motion, the referee may consolidate for hearing issues involving the same parties and may take testimony and render a decision on issues not listed on the notice of hearing if each party is so notified on the record at the hearing and does not object on the record.

3310.2911 INTERPRETERS.

The department shall provide an interpreter, when necessary, upon the request of a party. The requesting party shall notify the appellate office at least seven calendar days before the date of the hearing that an interpreter is required. If no request is made, the referee shall continue any hearing where a witness or principal party in interest is a handicapped person so that an interpreter can be appointed. All notices and other documents distributed to parties and witnesses by the appellate office shall be prepared in easily understood English.

A written statement in English, Spanish, Laotian, Vietnamese, Cambodian, and Hmong which states that the accompanying documents are important, and that if the reader does not understand the documents, the reader should seek immediate assistance, shall accompany all notices and written documents distributed by the appellate office to the party whenever the office has reason to believe the primary language of the party is one of those previously listed other than English.

3310.2912 EXHIBITS IN TELEPHONE CONFERENCE HEARINGS.

Upon receipt of notice of a telephone conference hearing, and no later than five calendar days before the scheduled time of hearing, parties may submit to the department any documents they wish to offer as exhibits at the hearing. Copies of the documents as well as all documents which are to be introduced as department exhibits shall be mailed to all parties by the appellate office in advance of the hearing. If a party moves to introduce additional documents during the course of the hearing, and the referee rules that the

documents should be admitted into evidence, the moving party shall send copies of the documents to the referee and the opposing party. The record shall be left open for sufficient time for the submission of a written objection and for response to the documents. The response may be in writing or the referee may, when appropriate, reconvene the telephone conference hearing to obtain a response or permit cross-examination regarding the late filed exhibits.

3310.2913 ACCESS TO DATA.

The parties to a hearing shall be allowed reasonable access to department data necessary to represent themselves properly in proceedings under parts 3310.2901 to ~~3310.2929~~ 3310.2928. Access to data under parts 3310.2901 to ~~3310.2929~~ 3310.2928 shall be consistent with *Minnesota Statutes*, section 268.12, subdivision 12, *Minnesota Statutes*, chapter 13, and other laws relating to data practices. Upon oral or written request by a party or the party's authorized representative, the appellate office shall provide copies of documents that are to be introduced as department exhibits. The copies shall be provided at no cost and, upon request, shall be mailed to the party or the party's authorized representative.

3310.2914 SUBPOENAS AND DISCOVERY.

Subpart 1. Subpoenas. Subpoenas are available to a party to compel the attendance of witnesses, the production of documents or other exhibits upon a showing of necessity by the party applying for subpoenas. Subpoenas may be obtained by calling or writing the appellate office sufficiently in advance of the scheduled hearing to allow for the service of the subpoenas. The requesting party must identify the person or documents to be subpoenaed, the subject matter of the evidence requested, and their necessity. ~~Subpoenas shall only be issued when necessary to ensure the fair adjudication of the issue or issues that are the subject of the hearing.~~ A request for a subpoena may be denied if the testimony or documents sought would be irrelevant, immaterial, or unduly cumulative or repetitious. A request for a subpoena may be renewed when a party finds an additional basis or need for evidence.

A party whose request for a subpoena has been denied may request at the time of the hearing that the referee who conducts the hearing issue the subpoena. If the referee grants the request for a subpoena, the referee may adjourn the hearing to allow a sufficient time for service of and compliance with the subpoena.

Subp. 2. Discovery. Each party, within three working days following demand by another party, shall disclose the name of the party's attorney or other representative and the names of all witnesses the party intends to call at the hearing and identify any written documents that the party intends to introduce at the hearing. The demand and the response may be made by mail or by telephone. The demanding party shall be permitted to inspect any identified documents at a mutually agreeable time and location prior to the hearing if a demand to inspect is made at least three working days before the hearing. Unless otherwise agreed, the demanding party shall be permitted to reproduce copies of any identified documents only when reproduction is possible without removing them from a party's possession. Any witnesses unknown at the time of the disclosure shall be disclosed as soon as they become known. If a party fails to comply with the disclosure requirements of this subpart, the referee shall, upon request by the demanding party, consider rescheduling the hearing pursuant to part 3310.2908.

3310.2918 APPEARANCES AT TELEPHONE CONFERENCE HEARINGS.

Appearances before a referee at telephone conference hearings shall be by telephone. The parties must notify the appellate office of the telephone number where they can be reached at the scheduled hearing time. The parties must also notify the appellate office of the telephone numbers of their attorney, representative, or witnesses. The notifications shall be made as far in advance of the hearing as possible.

Whenever a party does not have a telephone or access to one, they may appear by telephone from an area office of the department.

Telephone conference hearings may also be held at area offices of the department with the parties present in the area office and the referee at a different location communicating by telephone.

3310.2921 CONDUCT OF HEARING.

The order of presentation of evidence shall be determined by the referee. The referee shall inform the parties of their burdens of proof before the taking of testimony.

Each party may present and examine witnesses and offer their own documents or other exhibits. To the extent permitted by Minnesota Statutes, section 268.12, subdivision 12, and other laws pertaining to the protection of data, a party shall be provided with a copy of any document or exhibit accepted into evidence upon the request of the party. Opposing parties shall have the right

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Adopted Rules

to examine witnesses, object to exhibits and testimony, and cross-examine the other party's witnesses. The referee should assist unrepresented parties in the presentation of evidence. The referee shall rule upon evidentiary objections on the record. The referee shall permit rebuttal testimony. Parties shall have the right to make closing statements. Closing statements may include comments based upon the evidence and arguments of law. The referee may limit repetitious testimony and arguments.

The referee shall exercise control over the hearing procedure in a manner that protects the parties' rights to a fair hearing. The referee shall ensure that relevant facts are clearly and fully developed.

3310.2922 RECEIPT OF EVIDENCE.

Only evidence ~~offered~~ received into the record of any hearing may be considered by the referee. The parties may stipulate to the existence of any fact or the authenticity of any exhibit.

All competent, relevant, and material evidence, including records and documents in the possession of the parties which are offered into evidence, shall be part of the hearing record. A referee may receive any evidence which possesses probative value, including hearsay, if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in the conduct of their serious affairs. A referee may exclude any evidence which is irrelevant, immaterial, unreliable, or unduly repetitious. A referee shall not be bound by statutory and common law rules of evidence. The rules of evidence may be used as a guide in a determination of the quality and priority of evidence offered. A referee may draw adverse inferences from the refusal of a party or witness to testify on the basis of any privilege. A referee shall only use reliable, probative, and substantial evidence as a basis for decision.

3310.2923 OFFICIAL NOTICE.

A referee may take official notice of adjudicative facts and matters of common knowledge and may take notice of facts within the referee's specialized knowledge in the field of unemployment insurance. Any fact officially noticed shall be noticed on the record in the decision. Parties shall be notified of any facts officially noticed by the referee and shall be given an opportunity to contest the noticed facts.

A referee may officially note any facts which are subject to judicial notice in the courts of Minnesota.

3310.2926 DECISIONS.

Following the conclusion of the hearing of an appeal, a referee shall, within a reasonable time, issue a decision. No factual information or evidence which is not part of the record shall be considered by the referee in reaching a decision. Decisions of a referee shall contain a statement of the date and place of hearing, the parties in attendance, and the procedural history of the claim from which the appeal is taken.

Decisions shall contain a statement of the issue involved, findings of fact, reasons for the decision which apply the law to the facts, and a decision. Decisions may contain additional material at the discretion of a referee.

Decisions made by a referee shall be filed in the state office of the Department of Jobs and Training at Saint Paul, Minnesota. Notice of the filing of a referee's decision together with a copy of the decision shall be mailed to all parties to the appeal. Every decision shall contain a prominent statement indicating in clear language the method of appealing the decision, the time within which the appeal must be made, and the consequences of not appealing the decision.

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

Extension of Emergency Rules Governing the Reinvest in Minnesota Conservation Reserve Program

Notice is hereby given that *Minnesota Rules* 8400.3000-8400.5600 (emergency) which govern the Reinvest in Minnesota Conservation Reserve Program, effective October 15, 1987, and published in the *State Register* as adopted on November 2, 1987, in Volume 12, Number 18, pages 949-952, (12 S.R. 949), are being continued in effect for an additional 180 days. This continuation is in accordance with *Minnesota Statutes*, section 14.35. The new expiration date for these rules will be October 8, 1988 or the date they are replaced by a permanent rules, whichever is earlier.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Notice of Regular Meeting

The Minnesota Petroleum Tank Release Compensation Board will hold its next regular meeting at 10:00 a.m. on April 26, 1988, at the Department of Commerce, 500 Metro Square Building, St. Paul.

If you have any questions, please call Heidi Almquist, Executive Director, at 297-3238.

Minnesota Comprehensive Health Association

Board of Directors Meeting Notice

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 10 a.m. on Tuesday April 19, 1988 at Northwestern National Life Insurance Company, 20 Washington Avenue South, Minneapolis, Minnesota. For additional information please call (612) 456-8466.

Department of Finance

Maximum Interest Rate for Municipal Obligations in April

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of April, 1988 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: 28 March 1988

Peter Sausen
Assistant Commissioner
Cash and Debt Management

Metropolitan Council of the Twin Cities Area

Notice of Review Schedule for Revision of the Transportation Chapter of the Metropolitan Development Guide

The Transportation Chapter of the *Metropolitan Development Guide* is the Metropolitan Council's plan and program for transportation. It presents the Council's philosophy, assumptions, goals and policies concerning the metropolitan highway and transit systems.

This transportation policy plan revises the chapter adopted in 1984. It will propose greater support for management, adaptation and reconstruction of the existing highway and transit facilities and services, greater use of traffic-demand management techniques and a strengthened role for transit, both conventional and ridesharing.

The following is the review schedule for this transportation policy plan revision.

May 10 and 16, 1988	Council holds public meetings to present and discuss the draft plan.
May 12, 1988	Council sets public hearing date.
June 23, 1988	Public hearing on draft plan.
July 8, 1988	Public record closes.
August 1988 (date to be determined)	Council adopts the transportation policy plan.

A notice of public hearing will be published. If you have questions regarding the schedule or the draft transportation policy plan, call Carl Ohrn of the Council's staff at 291-6507.

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, subdivision 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 May 3, 1988.

MEDICAL SERVICES REVIEW BOARD

1 alternate—physician familiar with workers' compensation.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL

1 member from a school district outside the metro area.

HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD

1 public member.

CHARITABLE GAMBLING CONTROL BOARD

3 members—must be Minnesota resident for at least five years.

IN-HOME SERVICE ADVISORY TASK FORCE

10 members—see description of new agency.

ADVISORY COUNCIL ON UNIFORM FINANCIAL ACCOUNTING

1 member public school employee in school financing and accounting.

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

1 public member.

ADVISORY TASK FORCE ON UNIFORM CONVEYANCING BLANKS

10 members—no membership restrictions.

MN JOINT UNDERWRITING ASSOCIATION—LIABILITY INSURANCE

3 public members and 3 members representing coverage groups.

MARKET ASSISTANCE PROGRAM COMMITTEE

12 members—see agency description for member requirements.

MEDICAL SERVICES REVIEW BOARD

Dept. of Labor and Industry, Office of Public Affairs.

444 Lafayette Rd., St. Paul 55101. 612-296-8946.

Minnesota Statutes 176.103, Subdivision

APPOINTING AUTHORITY: Commissioner of Labor and Industry.

COMPENSATION: \$35 per diem plus expenses.

The board advises on medical matters relating to workers compensation and hears appeals under chapter 14.

Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer member, and one public member plus eight alternates. The commissioner or his designee serves as an ex-officio member.

Members must file with the Ethical Practices Board.

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.

HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD

2700 University Ave. W., Suite 115.

St. Paul 55114. 612-642-0455. *Minnesota Statutes* 115B.27, Subdivision 1.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$35 per diem plus expenses.

The board investigates claims of property damages or injury caused by releases of hazardous substances into the environment and publicizes availability of compensation and application procedures.

Five members include one physician knowledgeable in toxicology, one member of the bar in Minnesota, one health professional knowledgeable in the area of hazardous substance injuries, and two public members.

Members must file with the Ethical Practices Board.

CHARITABLE GAMBLING CONTROL BOARD

1821 University Ave., Room N-475.

St. Paul 55104-3383. 612-642-0555. *Minnesota Statutes* 349.151.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$35 per diem plus expenses.

Official Notices

The board regulates legal forms of gambling to prevent their commercialization, to ensure integrity of operations, and to provide for the use of net profits only for lawful purposes.

Eleven members must have been Minnesota residents for at least five years, and not more than six members may belong to the same political party. At least four members must reside outside of the seven county metro area.

Members must file with the Ethical Practices Board.

IN-HOME SERVICE ADVISORY TASK FORCE

204 Metro Square.

St. Paul 55101. 296-7465. *Minnesota Statutes* 256.9745.

APPOINTING AUTHORITY: Minnesota Board on Aging.

COMPENSATION: Travel compensation.

The task force makes recommendation to the Minnesota board on aging on expanding the office of ombudsman for older Minnesotans to serve recipients of in-home services.

Ten members, at least one from each of the following: dept. of health, dept. of human services, counties, area agencies on aging, providers of in-home services, consumer or consumer representatives of in-home services, public.

Two or three meetings; task force will issue report by February 1989.

ADVISORY COUNCIL ON UNIFORM FINANCIAL ACCOUNTING

Room 975, Capitol Square Bldg.

St. Paul 55101. 612-296-3384. *Minnesota Statutes* 121.901.

APPOINTING AUTHORITY: Bd. of Education/Comm. of Education/Dir. of Voc Tech.

COMPENSATION: None.

The council provides uniform accounting and reporting standards for school districts and recommends rules, statute changes, modifications of financial accounting codes, manuals, procedures and reporting forms.

Thirteen members, include two employees of the dept. of education, one licensed certified public accountant, and nine school district employees whose responsibilities include school financing and accounting.

Approximately nine meetings per year.

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

Dept. of Health, 717 Delaware St. S.E.

Mpls. 55440. 612-623-5615. *Minnesota Statutes* 148B.01, Subdivision 5.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$35 per diem plus expenses.

The board adopts and enforces rules relating to the conduct of unlicensed mental health service providers.

Seventeen members include two chemical dependency counselors, two professional counselors, two pastoral counselors, five members representing other identifiable specialties and subgroups of providers subject to filing requirements, and six public members.

ADVISORY TASK FORCE ON UNIFORM CONVEYANCING BLANKS

500 Metro Square Bldg.

St. Paul 55101. 612-296-9431. *Minnesota Statutes* 507.09.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: None.

The task force reviews uniform conveyancing blanks and recommends new or revised forms to the commissioner.

No membership restrictions; number of members varies from eight to twelve. Meetings every third Wednesday September through May at various locations.

MN JOINT UNDERWRITING ASSOCIATION—LIABILITY INSURANCE

Pioneer Post Office Box 1760.

St. Paul 55101. 612-222-0484. *Minnesota Statutes* 621.02, Subdivision 1

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: \$150 per diem plus mileage.

The association provides liability insurance coverage for persons unable to obtain it through ordinary means where coverage is required by law or is necessary for the conduct of business and serves a public purpose.

State Contracts and Advertised Bids

Three public members and three members of groups to whom coverage is currently extended; five additional members are elected from industry.

Quarterly meetings, may meet more frequently when necessary.

MARKET ASSISTANCE PROGRAM COMMITTEE

Pioneer Post Office Box 1760.

St. Paul 55101. 612-222-0484. *Minnesota Statutes* 621.09.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: None.

The committee reviews applicants of the Minnesota joint underwriting association to ascertain if coverage is available in private insurance.

Twelve members include six representatives of insurers, two insurance agents, two public members, and two representatives of groups insured by the Minnesota joint underwriting association.

Meeting schedule varies, usually monthly or bimonthly.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

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

Commodity: Computers & monitors

Contact: M.J.B.

Bid due date at 2pm: April 12

Agency: Transportation

Deliver to: Golden Valley

Requisition #: 79000 84037

Commodity: Lease automobile

Contact: B.V.

Bid due date at 2pm: April 12

Agency: Governor's Office

Deliver to: St. Paul

Requisition #: 39000 88119

Commodity: Pressboard & wallet paper

Contact: A.W.

Bid due date at 2pm: April 2

Agency: Correctional Facility

Deliver to: Oak Park Heights

Requisition #: Price Contract

Commodity: Aluminum geodetic control monuments

Contact: J.D.

Bid due date at 2pm: April 12

Agency: Transportation

Deliver to: Maplewood

Requisition #: 79000 84139

Commodity: AT compatible computers

Contact: M.J.B.

Bid due date at 2pm: April 12

Agency: Finance

Deliver to: St. Paul

Requisition #: 10000 03202

Commodity: Purchase of Xerox 1090

Contact: T.R.

Bid due date at 2pm: April 13

Agency: Trade & Economic Development

Deliver to: St. Paul

Requisition #: 22600 02908

State Contracts and Advertised Bids

Commodity: Laboratory oven
Contact: J.G.
Bid due date at 2pm: April 13
Agency: Transportation, Central Shop
Deliver to: St. Paul
Requisition #: 79000 84153

Commodity: Closed circuit reading systems
Contact: D.O.
Bid due date at 2pm: April 13
Agency: Services F/T Blind
Deliver to: Various
Requisition #: Price Contract

Commodity: Auto glass—replacement
Contact: E.S.
Bid due date at 2pm: April 13
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Drilling & casing of bedrock
Contact: D.O.
Bid due date at 2pm: April 14
Agency: Natural Resources
Deliver to: Hibbing
Requisition #: Price Contract

Commodity: Video system
Contact: P.A.
Bid due date at 2pm: April 15
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 07300 48122

Commodity: Compaq Portable II
Contact: M.J.B.
Bid due date at 2pm: April 15
Agency: Commerce Dept.
Deliver to: St. Paul
Requisition #: 13225 00888

Commodity: Quarry & road rock
Contact: P.A.
Bid due date at 2pm: April 15
Agency: Natural Resources Fishery
Deliver to: Lanesboro Area
Requisition #: 290005 11048

Commodity: Collections of waste pesticides directed by MPCA
Contact: J.J.
Bid due date at 2pm: April 15
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Brakeshoes, drums & other supplies
Contact: D.M.
Bid due date at 2pm: April 15
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Plant mix bituminous
Contact: P.A.
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Rochester
Requisition #: 79600B

Commodity: ReadyMix concrete
Contact: P.A.
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Morris
Requisition #: 79450RM

Commodity: Special mix bituminous
Contact: P.A.
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Morris
Requisition #: 79450 B(UPM)

Commodity: Plant mix bituminous
Contact: P.A.
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Morris
Requisition #: 79450B

Commodity: Aggregates
Contact: P.A.
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Oakdale
Requisition #: 79900A

Commodity: ReadyMix
Contact: P.A.
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Oakdale
Requisition #: 79900 RM

Commodity: Bituminous
Contact: P.A.
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Oakdale
Requisition #: 79900B

Commodity: Heavy duty 10-12 ton trailer
Contact: B.T.
Bid due date at 2pm: April 19
Agency: Dept. Natural Resources
Deliver to: Grand Rapids
Requisition #: 29000 49577

Commodity: Computer software
Contact: P.A.
Bid due date at 2pm: April 19
Agency: Community College Board
Deliver to: St. Paul
Requisition #: 27138 50220

Commodity: Trailer mounted early warning arrow boards
Contact: B.T.
Bid due date at 2pm: April 19
Agency: Dept. Transportation
Deliver to: Golden Valley
Requisition #: 79382 01347

Commodity: Silica sand
Contact: P.A.
Bid due date at 2pm: April 20
Agency: Dept. Transportation
Deliver to: Rochester
Requisition #: 79600 SS

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: 150M programs, 8½" × 11", 2-folds, two-sided, type to set

Contact: Printing Buyer's Office

Informal bid opening 4:30pm: April 12

Agency: IRONWORLD, USA

Deliver to: Chisholm

Requisition #: 6222

Commodity: 800 3-part carbonless forms, camera ready, one-sided, 8½" × 11¾" overall

Contact: Printing Buyer's Office

Informal bid opening 4:30pm: April 13

Agency: MN State Patrol

Deliver to: St. Paul

Requisition #: 6262

Commodity: 15M brochures, 2-sided, 2-colors, 70# offset white, 23" × 29" folded to 7¼" × 3⅞"

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 14

Agency: Dept. Natural Resources

Deliver to: St. Paul

Requisition #: 6308

Commodity: 5,000 bond letterhead, one sided, camera ready, 8½" × 11"

Contact: Printing Buyer's Office

Informal bid opening 4:30pm: April 12

Agency: Employee Relations Dept.

Deliver to: St. Paul

Requisition #: 6229

Commodity: 10M envelopes, type to set, 2-sided, 24#-brown-craft, 11½" × 6" w/flap

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 14

Agency: Dept. Human Services

Deliver to: St. Paul

Requisition #: 6274

Commodity: 75M pressure sensitive labels, 5" × 3" corners rounded, type to set, 50 per roll

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 14

Agency: Dept. Natural Resources

Deliver to: St. Paul

Requisition #: 6295

Commodity: 10M 3-part forms, carbonless, camera ready, one-sided, 5¾" × 8" overall size

Contact: Printing Buyer's Office

Informal bid opening 4:30pm: April 12

Agency: Jobs & Training Dept.

Deliver to: St. Paul

Requisition #: 6152

Commodity: 1000 4-part sets, type to set, 4" × 7¼" detached

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 14

Agency: Dept. Natural Resources

Deliver to: St. Paul

Requisition #: 6308

Commodity: 300M brochure, 5-folds 14½" × 18" to 3⅞" × 6"; both brochures on 50# white offset, black ink, type to set, 2-sided

Contact: Printing buyer's office

Bid opening 2pm: April 19

Agency: Dept. Natural Resources

Deliver to: St. Paul

Requisition #: 6306&7

Department of Administration

Request for Proposals for Review of the Financial Management System of the University of Minnesota

The State of Minnesota is seeking proposals from qualified firms to review the current financial management system of the University of Minnesota and to make recommendations for improvements.

The review will include: the appropriateness of the University's administrative and financial management structure; the efficiency, productivity, accountability and security of the University's fiscal control systems; and an assessment of the University's financial procedures and long-range financial and physical plant planning.

The selected firm will report to the Governor's Blue Ribbon Commission on the University of Minnesota's Management and Fiscal Control Systems.

The selected firm will begin the review by late May. Interim reports are expected in July and August. A final report is due by September 1.

Estimated cost of the review will not exceed \$200,000. As part of their proposals, firms must submit detailed work plans with time estimates and hourly billing rates.

Qualified firms should have and be able to demonstrate significant accounting and management consulting experience with other major universities. They should have substantial staff resources both in the Twin Cities and nationwide upon which to draw.

State Contracts and Advertised Bids

Qualified firms should not have been employed by the University of Minnesota or Board of Regents to conduct university-wide, campus-wide, or other major financial management studies or audits during the previous three years.

The request for proposals containing detailed information may be requested from the Management Analysis Division, Department of Administration.

The deadline for submitting proposals is 4:30 p.m. Friday, April 29, 1988. Please direct proposals and inquiries to:

Terry L. Bock, Director
Management Analysis Division
Department of Administration
203 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
(612) 296-8034

Dated: 5 April 1988

Minnesota State Arts Board

Request for Professional Technical Services Contract

The Minnesota State Arts Board is seeking the services of a qualified folk arts professional to assist Arts Board staff in conducting a two-week summer residency workshop for teachers. The instructor will be required to help plan sessions, conduct pre-workshop, fieldwork, make high-quality presentations, and lead effective fieldwork activities. The course will cover the methods used by folklorists to identify the folk arts, and will illustrate ways to use the folk arts to illuminate culture and history.

The workshop, entitled Folk Arts in Folk Culture, is scheduled for July 19 to August 5, 1988 at Mankato State University in Mankato, MN. Additional hours of service will be required for class preparation and evaluation. (Estimated time commitment: 20 hours teaching; 40-60 hours class preparation; 5 hours evaluation.)

Qualifications: Significant experience with folk arts traditions is required; may include advanced academic training, public sector work, or participation in folk arts projects. Experience with audio and visual documentation tools is highly recommended.

The total contract amount is \$2,000.

Inquiries should be directed to:

Philip Nusbaum
Folk Arts Program Associate
Minnesota State Arts Board
432 Summit Avenue
Saint Paul, MN 55102
(612) 297-4212 or toll-free within Minnesota
at (800) 652-9747 (ask operator for the Arts Board)

Resumes and letters of interest must be received by May 10, 1988.

Minnesota Historical Society

Request for Proposals for Historic Preservation Design for Restoration of Historic Meighen Store

To Registered Professionals in Minnesota:

Scope of Proposal

The Minnesota Historical Society is seeking proposals from qualified architectural design firms for historic preservation design work for the restoration of the Meighen Store Historic Site, Forestville State Park, near Preston, Minnesota, 1856-57, with additional buildings constructed later in the 19th century.

State Contracts and Advertised Bids

The work will include assessment of the store and barn's exterior and interior features, electrical and mechanical systems, recommendation for necessary work based upon the analysis of existing conditions, damages, structural problems and material deterioration.

Restoration work for this historic preservation project is anticipated to include the store's interior, a limited amount of work on the store's exterior if deemed necessary, humidity and temperature control, and work on the barn, if possible.

The estimated construction budget is approximately \$60,000.00

Submission of Proposals

All proposals must be sent to: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101.

All proposals must be received no later than the close of the business day (5:00 p.m.), April 25, 1988. Late proposals will not be accepted.

Submit two copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name, address and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm.

Firms who have demonstrated successful experience in historic preservation/restoration will be considered for this project. Upon completion of evaluation and selection, results will be sent immediately by mail to all responders.

This Request for Proposals does not obligate the Society to complete this project, and the Society reserves the right to cancel solicitation if it is considered in the Society's best interest.

Proposal Contents

Proposals must include the following:

1. The cover of the proposal must list the name of the project, the name, address, telephone number and legal status of the firm, and the name of the staff person who will be directly responsible for the project.
2. A list of historic preservation projects completed by the firm in the last five years. Project lists should include restoration, reconstruction and rehabilitation projects completed in and outside of Minnesota.
3. A section containing graphic materials (photos, plans, elevations, etc.) of projects completed in which the responsible staff person listed on the cover played a significant role in developing.

Society Contracts

Prospective responders who have questions regarding the proposal may call John Ferguson, Restoration and Construction Supervisor, (612) 726-1171.

Department of Human Services

Deaf Services Division

Request for Proposal

The State of Minnesota, Department of Human Services, Deaf Services Division, is soliciting proposals for the provision of independent living skills and related services to deaf-blind individuals.

Service areas include:

- 1) intake assessment and written individual service plan development;
- 2) service planning and service management;
- 3) independent living skill-building in structured, supervised living environments or semi-independent living situations;
- 4) interpreting and/or communication facilitating services when no other agency is legally responsible for payment;
- 5) planning and provision of community integration, recreation and socialization activities;
- 6) instructional services in communication and telecommunication strategies;
- 7) instructional services in orientation and mobility techniques;
- 8) crisis intervention and support;
- 9) technical assistance and consultation to human service providers;

State Contracts and Advertised Bids

- 10) utilization of support service providers when appropriate;
- 11) group activities which empower and inform deaf-blind consumers.

Contract activities also include monitoring of service delivery, provision of reports utilizing a specified format, participation in quarterly evaluations of the services provided, and regular meetings to review pertinent financial reports.

The total amount expended for this activity will not exceed \$150,000.00* for fiscal year 1989 (July 1, 1988 through June 30, 1989).

For a copy of the full text of the Request for Proposal, contact:

William H. Lamson, Program Planner
Department of Human Services
Deaf Services Division
444 Lafayette Road
St. Paul, Minnesota 55155-3814
612/297-3639 V/TDD
612/297-3637 TDD

Responses must be received no later than 4:00 p.m. on May 16, 1988. Late proposals will not be accepted. Award date for the contract(s) will be May 31, 1988.

*Pending approval of 1988 Minnesota State Legislature

Department of Human Services

Request for Proposals for Service Alternatives for Chronic Chemically Dependent Persons

The Chemical Dependency Programs Division of the Department of Human Services is requesting proposals for initiation or enhancement of services to chronic chemically dependent persons. Funds may be used for planning, facility and program development costs. These funds are for development only, and proposals should show ability for the project to continue through other funding sources. Requests should not exceed \$30,000. Projects should be started between October 1, 1988, and January 1, 1989, and must end by June 30, 1989. Proposals must be received no later than June 10, 1988, 4:20 p.m. Funding of three to four proposals is contemplated. Copies of the Request for Proposals and the grant application instructions may be obtained by contacting:

Dorrie Hennagir
Chemical Dependency Program Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3823

Department of Natural Resources

Minerals Division

Notice of Intent to Hold State Metallic Minerals Lease Sale and State Lands to be Offered for Metallic Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's eleventh sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for September or October of 1988. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules is to promote and regulate the prospecting for, mining and removal of metallic minerals on state owned and state-administered lands. These rules (as amended effective May 1988), and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for lease sale covers portions of Aitkin, Beltrami, Carlton, Itasca, Koochiching, Lake, Lake of the Woods, Marshall, Norman, Roseau and St. Louis Counties. Some of the lands being considered have been offered in previous metallic

Non-State Public Contracts

minerals lease sales, but in light of present interest shown and geologic data and exploration techniques developed during the past few years, it is felt that within these lands there is significant potential for the discovery of mineral resources. Certain new lands of interest are also being considered for the lease sale.

The exact time of the lease sale will be announced by legal notice at least thirty days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Minerals, Box 45, 500 Lafayette Road, St. Paul, MN 55155-4045, telephone (612) 296-4807.

Dated: 31 March 1988

Joseph N. Alexander
Commissioner of Natural Resources

Department of Public Safety

Office of Public Information

Request for Proposals for Motorcycle Safety Public Information and Education Campaign

The Department of Public Safety is seeking proposals to plan and conduct a statewide public information and education campaign to educate the driving public, motorists as well as motorcyclists, about motorcycle safety in order to decrease the number of motorcyclist fatalities, injuries and accidents in Minnesota. Details of the plan are contained in a Request for Proposals which may be obtained by writing or calling:

Telephone: (612) 297-1765

Address : Minnesota Department of Public Safety
Office of Public Information
318 Transportation Bldg.
St. Paul, MN 55155

Contact : Debra W. Olson

Estimated cost of the contract is \$90,000.00. Final date for submitting proposals is May 2, 1988 by 4:00 p.m.

Non-State Public Contracts

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

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

Metropolitan Council of the Twin Cities Area

Request for Proposals for a Metropolitan Area Solid Waste Generation and Composition Study

The Metropolitan Council desires proposals for the design and implementation of research on Metropolitan Area solid waste generation and composition characteristics. A women and minority business enterprise participation goal of 15 percent has been set for this project. Responses must be received on or before 4 p.m. May 9, 1988. Questions and requests for copies of the RFP should be directed to:

John McGough
Metropolitan Council
300 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101
(612) 291-6388

Non-State Public Contracts

Metropolitan Waste Control Commission

Request for Proposals for Professional Services for an Employee Assistance Program

The Metropolitan Waste Control Commission (MWCC) is requesting proposals for an Employee Assistance Program (EAP) provider for the year July 1, 1988-June 30, 1989. This Request provides background information on the MWCC, and describes items which should be specifically addressed in proposals responding to this RFP.

Additional copies of this request can be obtained by contacting Bruce Miller.

Requests for proposal are available at 350 Metro Square Building.

Proposals will be accepted by the Metropolitan Waste Control Commission until 4:30 p.m. on April 15, 1988.

Ten (10) copies of your proposal shall be addressed to:

Metropolitan Waste Control Commission
350 Metro Square Building
St. Paul, Minnesota 55101
Attn: Bruce T. Miller
(612) 222-8423

The Metropolitan Waste Control Commission reserves the right to reject all or any proposals, and to waive any minor irregularities and deviations from the requirements outlined in the RFP.

Louis J. Breimhurst, Chief Administrator
Metropolitan Waste Control Commission

Supreme Court Decisions

Decisions Filed April 8, 1988

C9-87-361 County of Nicollet, for itself and on behalf of the Nicollet County Social Services, Appellant v. James Irvin Larson. Court of Appeals.

In an action pursuant to *Minnesota Statutes* § 256.87, subd. 1, for reimbursement of past public assistance provided, a parent's obligation to reimburse the county is conditioned on ability to pay as found after a full and complete evidentiary hearing; the child support guidelines of *Minnesota Statutes* § 518.551, subd. 5, do not apply to determine the obligation.

In an action for ongoing reimbursement of current public assistance pursuant to *Minnesota Statutes* § 256.87, subd. 1a, a parent's obligation is affected by the child support guidelines and other provisions of Chapter 518; however, an evidentiary hearing must be held and the parties given the opportunity, if desired, to urge that deviation, whether upward or downward, from the guidelines should be ordered.

Awards of attorneys fees are not authorized in actions for reimbursement under Section 256.87, subd. 1 or 1a.

Affirmed in part, reversed in part, and remanded to the trial court for further proceedings in accordance with this opinion. Amdahl, C.J.

C4-87-655 In Re the Marriage of: Louise Ann Oldewurtel, a.k.a. Louise Ann Redding v. James Alan Redding, G. A. Redding, et al., petitioners, Appellants. Court of Appeals.

Security interests in former husband's nonmarital land and stock take priority over former wife's judicial lien where security interests were granted and perfected prior to the judicial lien.

Reversed. Amdahl, C.J.

Dissenting. Wahl, J.

CX-87-1759 Bruce Redgate v. Sroga's Standard Service and American Mutual Insurance Company, Relators (C1-87-1763), New Hope Foods/Hardee's and Garlington Group, Relators (CX-87-1759). Workers' Compensation Court of Appeals.

Under post-1983 law, an injured employee who has not reached maximum medical improvement must make a diligent job search to receive temporary total disability benefits.

The WCCA erred in setting aside the compensation judge's findings that the employee had not made a diligent job search.

The compensation judge's calculation of the weekly wage rate is affirmed.

Affirmed in part and reversed in part. Simonett, J.

Dissenting, Yetka & Wahl, JJ.

Announcements

Environmental Quality Board (EQB): Environmental Assessment Worksheets (EAWs) comments for the following projects, and the regional governing unit receiving them, are due May 4: Ferrell Gravel Pit, Wright County Planning and Zoning; T.H. 14 in Walnut Grove, MnDOT (MN Dept. of Transportation); Hill City Wastewater Treatment Facility, MPCA (MN Pollution Control Agency); Highview Heights, City of Lakeville; Reuter Composting Facility—Chaska and for Dahlgren Township, Metropolitan Council. Final determination on the environmental impact statement (EIS) for the Hedberg Site Development, in Edina will be made April 18. To comment, contact Craig Larsen, planning director, City of Edina, (612) 927-8861. Petitions have been received by Pine County for the Maple Shore First Addition sub-division and possible danger it poses to the Snake River, and by the MPCA for the Zion Christian Center PUD for its possible nonpoint and point source pollution, noise, electromagnetic interference, aesthetic/cultural and safety. MnDOT issued a scoping decision document on March 21 for the proposed Trunk Highway 14 realignment in Blue Earth County. For information contact Lawrence Filter (507) 389-6876. MnDOT has filed with the EQB an EIS for T.H. 10 from Wadena to Motley. For more information on any of the above, contact *EQB Monitor* editor Gregg Downing, (612) 296-8253.

RIM Public Input Meetings Scheduled: The Commissioners of the Minnesota Department of Natural Resources (DNR) and Department of Agriculture have scheduled three evening meetings in April to hear public comments on the Reinvest In Minnesota (RIM) Program. The RIM Coordinators from the two agencies will be available to listen to and answer questions. The meetings will be held: **Monday, April 4:** 7 p.m., Roseville, Fairview Community Center Aud., 1910 W. Co. Rd. B., Roseville; **Tuesday, April 5:** 7 p.m., New Ulm, DNR Regional Headquarters, Box 756, Hwy. 15 So., New Ulm; **Wednesday, April 6:** 7 p.m., Brainerd, Senior High School Cafeteria. For more information, contact: Ray Norrgard, RIM Coordinator (612) 297-1464.

News Shorts: *Volunteer Recognition Week in April.* Governor Rudy Perpich has declared April 17-23, 1988, as Volunteer Recognition Week in Minnesota. The week has been set aside to give special recognition to the valuable and varied activities of volunteers, to thank them for their efforts and to show Minnesotans that "Volunteers Move Minnesota." Steve Markuson has been named the *new regional manager* of the Minnesota Office of Tourism Heartland-Northcentral/West regional office in Brainerd. To reach the Northcentral/West Regional Office, write P.O. Box 443, 411 Laurel, Brainerd, Minnesota, 56401, or call 218/828-2334. The *Congressional Travel and Tourism Caucus*, a bipartisan legislative service organization within the U.S. House of Representatives, named Rep. Jim Oberstar to its steering committee. He will help monitor federal legislation and regulations having an impact on traffic flow and tourism activities in the U.S. Carmichael Lynch has been retained as the MN Office of Tourism's advertising agency for up to an additional three years. "Seasons," the Science Museum of Minnesota's Omnitheater film about Minnesota, produced with support of the Legislative Commission on Minnesota Resources and the MN Office of Tourism is being viewed outside of St. Paul in San Diego, Detroit, and Richmond, Virginia. In 1988 it will be shown in Chicago and Boston, and in 1989 it is scheduled for Denver and Taichung, Taiwan. By the end of 1991, the film will have shown in most of the 30 museums around the world who now have Omnitheaters. Minnesota's *1988 Conservation Officer of the Year* is Don Kasper of Litchfield, a conservation officer since 1962. Last August, Kasper was recognized in Meeker County for his 25 years of service and also received the Boat and Water Safety Officer of the Year award in 1987.

Twin Cities Jobless Rate: The Minneapolis-St. Paul metropolitan area's unemployment rate dropped to 4.3% in February, down from 4.7% in January, and well below the 5.0% registered for the same month a year ago. The comparable national unemployment rate for February was 6.2% and the statewide rate for the month was 5.5%. Employment over the month increased 0.9%, a higher gain than usual. Compared with February a year ago, the size of the Twin Cities metropolitan area

Announcements

civilian labor force increased by 1.6%; the number of employed persons increased by 2.3%; and the number of unemployed workers decreased by 13.3%. The metropolitan area labor force in February was 1,343,100, up 6,200 from January and up 20,600 from February of last year. The number of people employed in February was 1,285,600, up 11,100 from January and up 29,300 from February a year ago. The number of unemployed workers in the Twin Cities area in February was 57,500, down 4,900 from January and down 8,800 from February a year ago.

Bear Hunt Application Deadline Reminder: The Department of Natural Resources (DNR) Section of Wildlife reminds bear hunters that the deadline to submit applications for next fall's bear hunt is only a few weeks away. Bear hunt applications, available from licensing agents, DNR regional offices, must be postmarked no later than April 15 or hand-delivered to the DNR's License Bureau, 500 Lafayette Road, St. Paul, MN 55155-4020, by 4:30 p.m. on April 15. A computer drawing will select successful applicants. For more information, contact: LeRoy Rutske, Big Game (612) 296-3344.

Landscaping for Wildlife: A new 144-page 4-color book designed to help midwestern residents attract wildlife to their yard, farm or woodlot is available. Produced by the Dept. of Natural Resources with donations to Minnesota's Nongame Wildlife Fund under the direction of Carrol Henderson, nongame wildlife supervisor, and published by the Dept. of Administration—Documents Division, the book includes information on attracting butterflies, hummingbirds, songbirds, pheasants, deer and other wildlife. Copies sell for \$6.95 plus 42¢ sales tax. Mail orders add \$1.50 for postage and handling. Send orders with checks payable to the "State of Minnesota" to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. For additional information on quantity purchases and special rates for resale or fundraising purposes, or to charge an order to VISA or MasterCard, call (612) 297-3000 or 1-800-652-9747 toll-free in Minnesota and ask for "Documents."

Minnesota Manufacturer's Directory 1987-88

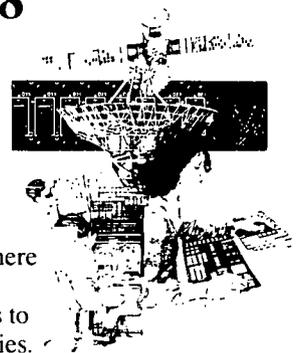


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00.

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



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



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

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

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.

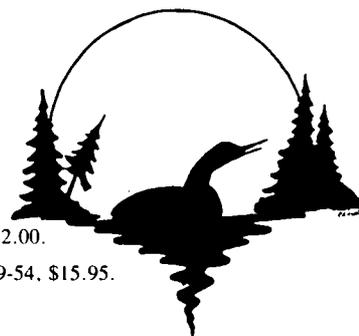
The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

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

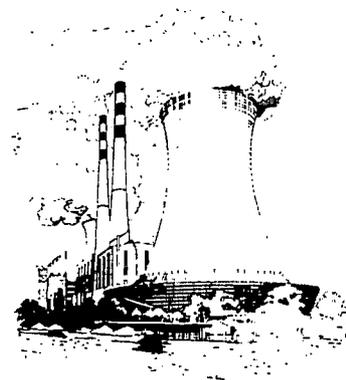
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1987 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.

1987 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$15.00.



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

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Subscription Services

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		
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Vol. 38 (limited quantity)	\$ 89.50	
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement		18-8	Vol. 40	\$105.00	

TO ORDER: Prepayment required to start your subscription. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000 VISA/MasterCard orders accepted. Please include daytime phone.

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Selling business and financial services to physicians?

Physicians Directory 1985

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

Medical Alley Directory 1986

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

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For Real Estate Professionals:

REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99, \$8.00

REAL ESTATE LAWS 1987

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92, \$6.00.

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



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Morel: Minnesota's mushroom

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

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

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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.

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

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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 1987

An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$21.00

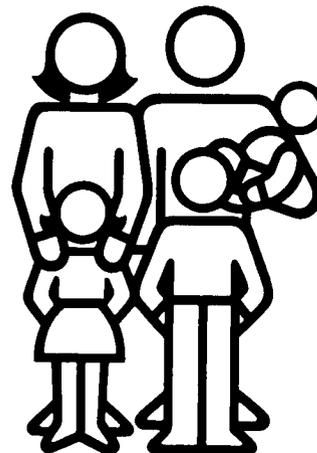
Human Services Rules as in effect July 7, 1986

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$24.95.

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

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

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



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Business and NonProfit Corporation Act

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



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Woodworking for Wildlife

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

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

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

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

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

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

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Documents Division

Publications, Services, Subscriptions

Order Form on Back—For Information, Call 297-3000

NEW PUBLICATIONS:

Building Code 1987. Regulates design, construction, quality of materials, use and occupancy of all buildings and structures. Includes adoption by reference of Uniform Building Code, National Electrical Code and others. Code #3-65s3, \$10.00.

Plumbing Code 1987. Rules concerning public safety and health in regard to: materials, joints, traps, fixtures, water supply, drainage, inspection and water conditioning. Code #3-6, \$11.00.

Health Care Facilities Directory 1987. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Code #1-89, \$15.00.

Human Services Rules Supplement 1987. The 1987 Supplement to the Department's rule book includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, \$14.00.

Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, \$24.95.

OTHER PUBLICATIONS

1987 Laws of Minnesota: Laws of the 1987 legislative session, Code #18-5. \$42.50 per set.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. \$160 plus \$9.60 sales tax per 11-volume set.

Minnesota Rules 1988 Supplement Number 1. Updates *Minnesota Rules 1987* and is part of the subscription service for that 11-volume set of administrative rules. A second supplement will be available in December 1988.

Motor Vehicle Traffic Laws 1987. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, \$13.00 plus tax.

Criminal Code and Selected Statutes 1987. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, \$15.00 plus tax.

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.

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

Fishes of the Minnesota Region: An authoritative guide to the 148 kinds of fish found in Minnesota's waters, the book is a resource for identification and distribution of fish, and features color photographs. Code #19-44, \$12.95, plus tax.

American Flag. Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

SUBSCRIPTIONS:

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

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