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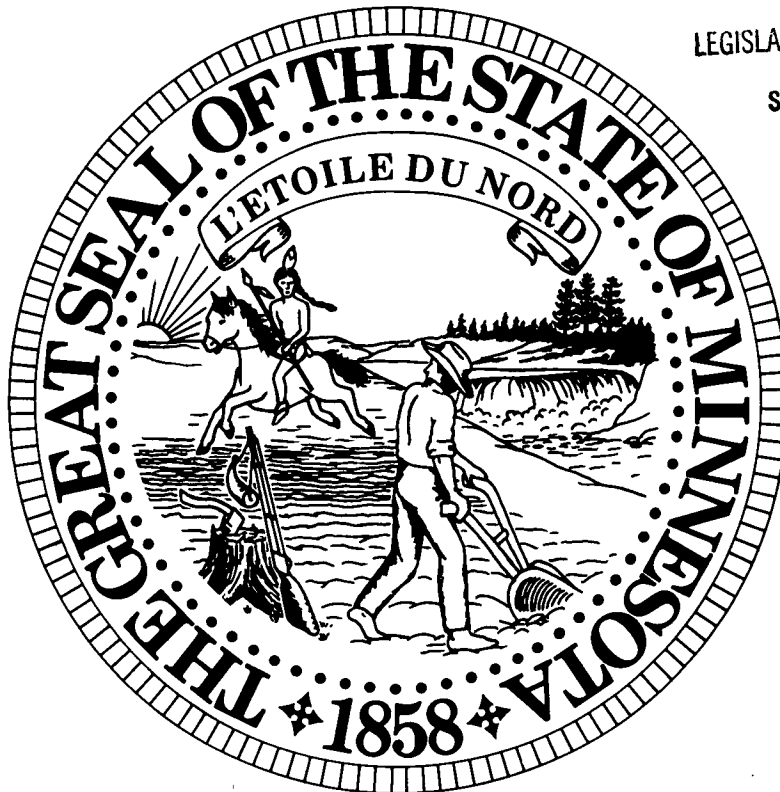
STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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Monday 8 September 1986

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Pages 417-448

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, and supreme court and tax court decisions.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
10	Monday 25 August	Friday 29 August	Monday 8 September
11	Friday 29 August	Monday 8 September	Monday 15 September
12	Monday 8 September	Monday 15 September	Monday 22 September
13	Monday 15 September	Monday 22 September	Monday 29 September

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

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

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

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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.

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(612) 296-0504

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

This Week—weekly interim bulletin of the House.

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

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

CONTENTS

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 1-10 inclusive418

EXECUTIVE ORDERS

86-9: Providing for a Governor's Council on
Minnesota Career Information Service and
Assigning Responsibilities to the Department of
Education; Repealing Executive Order No. 83-20 420

PROPOSED RULES

Commerce Department

Financial Institution Audit Control Policies421

Human Services Department

Nursing Home Payment Rate Determination.....424

Nursing Board

Fees.....427

ADOPTED RULES

Waste Management Board

Solid Waste Processing Facility Capital Assistance
and Demonstration Programs 430

EMERGENCY RULES

Jobs & Training Department

Employment Programs.....431

OFFICIAL NOTICES

Commerce Department

Activation to Insure Specified Classes of Business,
Public Hearing on Permanent Activation and Pre-
Hearing Conference 432

Energy & Economic Development Authority

Public Hearing on Proposed Project and Bond Issue434

Energy & Economic Development Department

Opinion Sought on Rules for Community Energy
Council Grants Governing the Distribution of Oil
Overcharge Funds 434

Health Department

Life Support Transportation Service Licensure
Application for Brainerd Ambulance, Inc..... 435

Human Services Department

Opinion Sought on Rules for the Consolidated
Chemical Dependency Treatment Fund 435

Jobs & Training Department

Opinion Sought on Rules for the Minnesota Youth
Program 436

Metropolitan Council

Hearing on Certificate of Need for Expansion of
the Anoka Sanitary Landfill 438

Transportation Department

Goals for Disadvantaged and Women's Business
Enterprises for Federal Fiscal Year 1987 439

STATE CONTRACTS

Administration Department, Procurement

Contracts & Requisitions Open for Bid439

Corrections Department

Request for Proposals for Professional/Technical
Services Contract at Stillwater Correctional
Facility 440

Energy & Economic Development Department

Request for Proposal for 10th Annual Energy
Saver's Award of Excellence Competition
Summary Writer..... 441

Jobs & Training Department

Request for Proposals for Operation of Job Training
Programs for Older Individuals..... 441

SUPREME COURT DECISIONS

Decisions Filed Friday 29 August 1986.....442

NOTICE

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

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

The **PROPOSED RULES** section contains:

- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless requested by an agency.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The **OFFICIAL NOTICES** section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

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

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

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issues 27-38, inclusive

Issue 39, cumulative for 1-39
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

ACCOUNTANCY BOARD

1100.3600; .2150; .2750; .3250 (proposed) 331

ADMINISTRATION DEPARTMENT

1300.0200-.0700; .1100; .1300-.1500; .1900; 1305.0100;
.0150; .0500; .0800; .0900; .1355; .1400; .1590; .1795; .1800;
.2050; .2100; .2400; .3850; .3900; .4500; .4850; .5000;
.5100; .5300; .5320; .5700; .5750; .5910; .6200; .6260;
.6270; .6425; .6430; .6525; .6900; .6905; .6920; .7100;
1310.0400-.0700; 1315.0200; 1320.0100-.0400;
.0600-.0675; .2001-.2035; 1340.0200-.0400; 1355.0100;
1360.0100-.0300; .0500-.1500; .1800-.2500; .2700-.3600;
4715.0100; .0420; .0510; .0520; .0810; .0820; .1215;
.1420; .1510; .1570; .2560 (proposed) 251
1300.0940; .0942; .0944; .0946; .0948 (proposed) 246
1300.1150; 1305.3500; .3850; .3970; .4300; .5910; .6260;
.6270; 1320.0100, s.2,3; .0300, s.1; .0700; .0710; .0720;
.0800; .1500; .1800; .2500; .2600; .2700; 1360.0200, s.13;
.3700 (proposed repealer) 251
1305.2050; .2100; .6200 (proposed) 295

1320.0900; .1000; .1100; .1200; .1300; .1400; .1650;
.1700; .1850; .1900; .2000 (proposed renumbering) 251

ADMINISTRATIVE HEARINGS OFFICE

1400.8401 (adopted) 334

AGRICULTURE DEPARTMENT

1555.6840; .6850; .6870 (adopted) 335

CHIROPRACTIC EXAMINERS BOARD

2500.1000; .1100 (adopted) 134

COMMERCE DEPARTMENT

2640.0100; .1100; .1300; .1400; .1500; .1700; .2000;
.3100; .3200; .3300; .3600; .3700; .3900; .4000; .4100;
.5100; .5200; .5300; .5500; .5800; .5900; .6000; .6100;
.6300; .6800; .6900; .7000; .7100; .7700; .7800; .7900;
.8200; .8400; .8500; .8600; .8700; .8800; .8900; .9100;
.9200; .9400 (adopted) 389
2640.5100, s.2,4,5,7,9 (repealed) 389
2640.5100, s.6,8 (repealed effective 1/1/88) 389
2675.2600; .2610; .2620; .2630 (proposed) 102

MINNESOTA RULES AMENDMENTS AND ADDITIONS

2675.2600; .2610; .2620 (proposed)	421	7045.0135 (adopted)	335
2700.2400; .2410; .2420; .2430 (adopted)	389	PUBLIC SAFETY DEPARTMENT	
2742.0400 (proposed)	173	7500.0100-.3600 (adopted)	6
2791.0100 (proposed)	29	7500.0100, s.12,15,20,21; .0900; .1000; .1100; .1700; .1800, s.5; .1900; .2300; .2800; .3200; s.1; .3300 (repealed)	6
2800.0100; .1300; .1600; .1700; .1750; .1751; .1900; .2100; .2150; .4200; .5100; .5200; .5300; .5400; .5600; .5900; .6500; .6800; .7150; .7175; .7200; .7250; .7400; .7450; .7500; .7550; .7575; .7900; .8100; .8300; .8400; .8500; .8700; .8750; .9905; 2805.0100-.0400 (adopted)	394	PUBLIC UTILITIES COMMISSION	
2800.1600, s.1,3,4,5; .5500; .6800, s.2,3; .7200, s.3,5; .9910; .9915; .9920; .9925; .9930; .9935; .9940; .9945; .9950; .9955 (repealed)	394	7845.0100-.1000 (proposed emergency)	105
JOBS AND TRAINING DEPARTMENT		RACING COMMISSION	
3300.1950; .2050; .2150; .2250; .2350; .2450; .2550; .2650; .2750; .2850; .2950; .3050 (adopted)	394	7884.0120; .0130; .0160; .0200 (proposed)	128
3300.2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .3000; .3100; .3200 (repealed)	394	7884.0130, s.2 and 3 (proposed repealer)	128
3301.0100-.0230; .0260-.0650 (Emer. extended)	431	PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	
3325.0100-.0500 (proposed)	178	7950.0100; .0200; .0300; .0400; .0500 (proposed)	73
EDUCATION DEPARTMENT		REVENUE DEPARTMENT	
3500.1400; .3700 (proposed)	174	8105.0100; .0200; .0300; .0400; .0500; .0600; .0700; .9900 (repealed)	335
ENVIRONMENTAL QUALITY BOARD		8106.0100-.9900 (adopted)	335
4360.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200 (proposed)	375	SECRETARY OF STATE	
4410.0200; .0500; .3100; .3600; .4300; .4400; .4600; .7500 (proposed)	31	8200.5100 (adopted)	218
HEALTH DEPARTMENT		ENERGY AND ECONOMIC DEVELOPMENT DEPARTMENT	
4625.5101; .5110; .5111; .5115; .5120; .5121; .5130; .5140; .5150; .5160; .5170 (proposed withdrawn)	128	8300.5000-.5006 (proposed)	125
4705.0100; .0300; .0400; .0500; .0600; .0900; .1400 (adopted)	104	SUPREME COURT	
4705.0600, s.3, i.D; .1600 (repealed)	104	8550.0001-.0027 (emergency)	302
HOUSING FINANCE AGENCY		TEACHING BOARD	
4900.0010 (proposed)	177	8700.0310; .3810; .5503-.5512; .6410; .7500 (adopted)	48
4900.0381 (adopted)	6	8700.3800 (repealed effective 7/1/89)	48
4900.1360-4900.1362 (adopted)	6	8700.5400-.5406; .6400 (repealed effective 7/1/90)	48
MEDIATION SERVICES BUREAU		TRANSPORTATION DEPARTMENT	
5510.1210 (adopted)	141	8860.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800 (proposed)	130
MEDICAL EXAMINERS BOARD		WASTE MANAGEMENT BOARD	
5600.2500 (proposed)	210	9200.6000-.6800 (adopted)	430
NURSING BOARD		HUMAN SERVICES DEPARTMENT	
6310.2800; .3400; .3500; .7600; .7700; .8000; .8100; .0400; .0500 (proposed)	427	9549.0030; .0036; .0041; .0060 (proposed)	424
OPTOMETRY BOARD		9500.1200; .1206; .1209; .1216; .1222; .1258; .1260; .1262; .1264; .1266; .1268; .1270; .1300; .1302; .1304; .1306; .1308; .1310; .1312; .1314; .1316; .1318 (adopted)	134
6500.0100; .0150; .2700 (proposed)	332	9500.1450-.1464 (proposed)	35
PHARMACY BOARD		9500.1450-.1464 (proposed repealer effective 12/31/88)	35
6800.0400; .1250 (adopted)	335	9500.1650-.1663 (proposed)	69
POLLUTION CONTROL AGENCY		9500.2000-.2880 (adopted)	212
7005.4010-.4050 (adopted)	401	9500.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0361; .0370 (repealed)	212
7010.0010-.0080 (adopted)	43	9525.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100 (repealed)	77
7010.0100; .0200; .0300; .0400; .0500; .0600; .0700 (repealed)	43	9525.0015-.0165 (adopted)	77
7035.8000; .8010; .8020; .8030; .8040; .8050; .8060; .8070; .8080 (proposed)	383	9525.1290 (proposed)	300

EXECUTIVE ORDERS

Executive Order No. 86-9

Providing for a Governor's Council on Minnesota Career Information Service and Assigning Responsibilities to the Department of Education; Repealing Executive Order No. 83-20

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

WHEREAS, certain monies have been allocated by various grants, contracts, and appropriations to support a statewide career information service in Minnesota; and

WHEREAS, a service has been established and it is necessary and advisable to make certain changes and to provide for continuation of services;

NOW, THEREFORE, I hereby order that:

1. Pursuant to Minnesota Statutes, Section 15.0593, the Governor shall appoint an advisory council of fifteen members, who shall be selected to represent the users and producers of occupational and career information services. The advisory council shall be named the "Governor's Council on Minnesota Career Information Service" and shall establish its own governing procedures, including election of appropriate officers. Staff assistance for the Council shall be provided by the Commissioner of Education. The Commissioner of Education shall consult with the advisory board concerning the operation of the Minnesota Career Information Service and shall be the Governor's designee to the Council.

2. The Commissioner of Education shall have such authority and responsibility as has heretofore existed in the Minnesota Occupation Information System Board and shall, pursuant to Minnesota Statutes, Section 4.07, apply for, receive, and accept funds available through Title I, Part B of the Job Training and Partnership Act of 1982, appropriations, fees, and other federal monies as available to perform duties of a Career Information Service.

This Order repeals Executive Order No. 83-20.

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

IN TESTIMONY WHEREOF I have set my hand this twentieth day of August, 1986.



Rudy Perpich
Governor

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 Financial Institution Audit Control Policies

Notice of Withdrawal of Rules

On Monday July 28, 1986, at 11. S.R. 101 The Commissioner of Commerce published his Notice of Intent to Adopt Rules without a Public Hearing in the above-captioned matter along with a copy of the proposed rules. Based upon those comments the Commissioner determined that certain changes should be made in the rules. As these changes appeared to be substantial in nature, the Commissioner has ordered that the rules published at 11 S.R. 101 be withdrawn and that notice be published accordingly. The Commissioner furthered ordered that a new Notice of Intent to Adopt Rules without a Public Hearing be published incorporating the changes. That Notice and rules appear elsewhere in this *State Register*.

Michael A. Hatch
Commissioner of Commerce

Notice of Intent to Adopt Rules without a Public Hearing

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

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. 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 does not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30 day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101 telephone (612) 296-5689. Any person requesting a public hearing should state her or his name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, Sections 45.023 and 46.01. Additionally a Statement of Need and Reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

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

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

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

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

2675.2600 INTERNAL AUDIT CONTROL POLICY.

The board of directors of a bank, trust company, or savings bank shall establish a written internal audit control system. Documentation of audit procedures performed and the reports shall be maintained by the bank for inspection by the supervisory examiners and by the external auditors. The scope of coverage and effectiveness of the internal audit control system shall be reviewed for adequacy and approved by the board annually. The board shall consider inclusion of recommendations made by supervisory examiners and external auditors in the internal audit control system.

2675.2610 ANNUAL AUDIT REPORT.

Subpart 1. **Contents.** The annual audit report made under the direction of the board of directors pursuant to Minnesota Statutes, section 48.10, must include as a minimum:

- A. a review of the adequacy of the internal control system and a test check to determine that control procedures are being followed;
- B. a review of board policies for development and a test check to determine that policies are being followed;
- C. confirmation of assets through a sample positive or negative verification and inspection of assets held at the bank;
- D. confirmation of deposits through a sample positive or negative verification;
- E. a review of all fixed assets, other real estate, and equity accounts since the last audit and recordation of board approval of transactions involving these accounts;
- F. a review of income, expense, and related accrual accounts since the last audit;
- G. a review of all general ledger accounts to determine their balanced condition, prompt reconciliation and appropriateness of reconciling items, and account makeup;
- H. a review of delinquent loans and collection action taking place;
- I. a review of the allowance for loan loss account;
- J. a review of charge off loans, including loan files and notes;
- K. a test check of loan files for documentation and approvals required by loan policy;
- L. review of the electronic data processing systems and procedures if applicable;
- M. review of significant activity in employee and officer accounts for propriety and compliance with bank policies and regulations; and
- N. review of off-balance sheet items including letters of credit.

Subp. 2. **Quarterly progress report.** The board shall include in its meeting agenda, at least quarterly, a review of the progress on the completion of the annual audit report by the individual directing the internal audit.

Subp. 3. **Preparation.** A written report of the annual audit must be prepared and must include the scope of audit including the size of the samplings taken. The report must summarize the findings and make recommendations for improving conditions, where appropriate.

Subp. 4. **Transmittal.** The written report shall be transmitted to the board of directors within 30 days of completion of the audit.

Subp. 5. **Board response.** The board shall prepare a written response on the findings and recommendations contained in the report and submit the response, the report, and its findings and recommendations to the Department of Commerce, Division of Financial Examinations, within 60 days of receipt of the audit report.

The board response shall be filed with the audit report as part of the bank's permanent records.

2675.2620 QUALIFICATIONS OF EXAMINING AUTHORITY.

Subpart 1. **Board to specify examining authority.** The board shall have the discretion to determine the method of examination used to meet the requirements of this part provided the examination is accomplished through one of the methods in subparts 2 to 5.

Subp. 2. **Examining committee.** If the requirements of this part are to be accomplished in whole or in part by an examining committee appointed by the board, the audit must be completed by qualified directors or their appointees who are in fact reasonably independent. A director or appointee serving as a member of the examining committee will not be considered independent if:

- A. the person is closely related to active officers or employees of the bank;
- B. the person has outstanding loans with the bank subject to criticism by state or federal supervisory agencies; or
- C. the person has other unusual relationships or affiliations with the bank that question independence.

Subp. 3. **Internal auditor.** If the requirements of this part are to be accomplished in whole or in part by an internal auditor, the examination must be completed by a qualified internal auditor who is in fact reasonably independent. An internal auditor will not be considered independent if:

- A. the person is employed or accountable to anyone other than the board of directors, and salary and annual bonus are not set by the board;
- B. duties within the bank are not confined entirely to bank auditing;
- C. the person has any proprietary interest in any partnership, firm, or corporation which controls the bank, directly or indirectly;
- D. the person has outstanding loans subject to criticism by state or federal supervisory agencies;
- E. the person is a member of the immediate family of an officer, director, attorney, or employee for the bank; or
- F. the person has other unusual relationships or affiliations with the bank that question independence.

In banks of less than \$40,000,000 in total assets as of the immediately preceding calendar year end, where duties of the internal auditor cannot be confined entirely to bank auditing, the internal auditor will be considered reasonably independent only if someone else audits the areas for which the internal auditor has operational responsibilities. The board is responsible for determining that this degree of internal audit dependence is maintained.

Subp. 4. **Certified public accountants or licensed public accountants.** If the requirements of this part are to be accomplished in whole or in part by a certified public accountant or licensed public accountant, the audit must be completed by a qualified certified public accountant or a qualified licensed public accountant who is in fact independent. A certified public accountant or licensed public accountant will not be considered independent if:

- A. The certified public accountant, licensed public accountant, or any member of a firm performing the audit is connected with the bank as an officer, director, attorney, or employee or is a member of the immediate family of an officer, director, bank attorney, or employee.
- B. Is the beneficial owner, directly or indirectly, of any of the shares of stock of the bank.
- C. Has any proprietary interest in any partnership, firm, or corporation which controls the banks, directly or indirectly.
- D. The bank under examination has outstanding loans to the certified public accountant, licensed public accountant, partners, principals of the firm, or employees of such a firm who are directly involved in the examination, unless the loans are adequately disclosed in the audit report to the board of directors of the bank. Adequate disclosure includes the name of the borrower, the amount of the loan, the security pledged, and the appraisal or market value of the security at the time of the engagement.
- E. Makes entries or postings on the books of account or performs any other operating functions for the bank, except functions for which prior approval was requested and obtained in writing from the commissioner of commerce.

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PROPOSED RULES

F. Has other unusual relationships or affiliations with the bank that question independence.

In circumstances where directors, appointees, or the internal auditor are considered not independent or qualified to perform the annual audit, the board should engage a certified public accountant or licensed public accountant.

Subp. 5. **Board of directors.** If the requirements of this part are to be accomplished by the board of directors as provided in Minnesota Statutes, section 48.10, the board must number at least five and include at a minimum one outside director.

Subp. 6. **Audit by outside parties.** At least one examination every four years must be completed by outside parties as set forth in subpart 3.

Department of Human Services

Proposed Permanent Rules Relating to Nursing Home Payment Rate Determination

Notice of Proposed Adoption of Amendments to Permanent Rules without a Public Hearing

Notice is hereby given that the State Department of Human Services proposes to amend the above-entitled rule without a public hearing following the procedures set forth in the Administration Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority for the rules is found in Minnesota Statutes, section 256B.502.

All persons have 30 days or until 4:30 p.m. on October 8, 1986 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 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. 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:

Jane Delage
Rules Unit
4th Floor, Centennial Building
St. Paul, Minnesota 55155
Telephone: 612/297-4302

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

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

A free copy of the rule amendments is available upon request from Jane Delage. The rule is also available for viewing at each county welfare department in the state of Minnesota.

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

The adoption of these rule amendments will not result in additional spending by local public bodies in either of the first two years following implementation of the rule.

If no hearing is required, upon adoption of the amendments, 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 Jane Delage.

Leonard W. Levine, Commissioner
Department of Human Services

Rules as Proposed**9549.0030 COST ALLOCATION PROCEDURES.**

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Central, affiliated, or corporate office costs.** Cost allocation for central, affiliated, or corporate offices shall be governed by items A to F.

A. [Unchanged.]

B. Except as provided in item A, central, affiliated, or corporate office costs must be allocated to the general and administrative cost category of each nursing home within the group served by the central, affiliated, or corporate office according to subitems (1) to ~~(4)~~ (5).

(1) to (5) [Unchanged.]

C. to F. [Unchanged.]

Subp. 5. [Unchanged.]

9549.0036 NONALLOWABLE COSTS.

The costs listed in items A to EE are not allowable for purposes of setting payment rates but must be identified on the nursing home's cost report.

A. to H. [Unchanged.]

I. Costs of activities not related to resident care such as flowers or gifts for employees or owners, employee parties, and business meals except as in part 9549.0040, subpart 7, item ~~W~~ X.

J. to P. [Unchanged.]

Q. Bad debts and related bad debt collection fees except as provided in part 9549.0040, subpart 7, item ~~W~~ V.

R. to U. [Unchanged.]

V. Telephone, television, and radio service provided in a resident's room except as in part 9549.0040, subpart 7 6, item ~~Q~~ D.

W. to EE. [Unchanged.]

9549.0041 GENERAL REPORTING REQUIREMENTS.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Deadlines and extensions.** The deadline for submission of reports and the extension of the deadline is governed by items A to C.

A. [Unchanged.]

B. The commissioner may reject any annual cost report filed by a nursing home that is incomplete or inaccurate or may require additional information necessary to support the payment rate request. The corrected report or the additional information requested must be returned to the commissioner within 20 days of the request or the report must be rejected. The commissioner may extend this time if the nursing home makes a showing of good cause in writing and if the commissioner determines that the delay in receipt of the information will not prevent the commissioner from establishing rates in a timely manner as required by law. Failure to file the required cost report and other required information or to correct the form of an incomplete or inaccurate report shall result in its rejection and in a reduction of the payment rate in subpart 12. The failure to provide additional information shall also result in a reduction of the payment rate in subpart 12 unless the total payment rate can be calculated by the disallowance of the cost for which ~~no~~ additional information was requested, in which case no rate reduction as specified in subpart 12 shall occur.

C. [Unchanged.]

Subp. 11. and 12. [Unchanged.]

Subp. 13. **Audits.** Nursing home audits are subject to items A to D:

A. [Unchanged.]

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PROPOSED RULES

B. Field audits may cover the four most recent annual cost reports for which desk audits have been completed and payment rates have been established. The field audit must be an independent review of the nursing home's cost report. All transactions, invoices, or other documentation that support or relate to the costs claimed on the annual cost reports are subject to review by the field auditor. If the provider fails to provide the field auditor access to supporting documentation related to the information reported on the cost report within the time period specified by the commissioner, the commissioner may calculate the total payment rate by disallowing the cost of the items for which access to the supporting documentation is not provided or apply the penalty in subpart 12, item A, whichever would result in the least amount of change in the total payment rate.

C. and D. [Unchanged.]

Subp. 14. and 15. [Unchanged.]

9549.0060 DETERMINATION OF THE PROPERTY-RELATED PAYMENT RATE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Special reappraisals.** Special reappraisals are subject to the requirements of items A to F.

A. A nursing home which makes an addition to or replacement of buildings, attached fixtures, or land improvements may request the commissioner to conduct a reappraisal upon project completion.

Upon receipt of a written request, the commissioner shall conduct a reappraisal within 60 days provided that all conditions of this subpart are met. The total historical cost of the addition or replacement, exclusive of the proceeds from disposals of capital assets or applicable credits such as public grants and insurance proceeds, must ~~be exceed~~ the lesser of \$200,000 or ten percent of the most recent appraised value determined under subparts 1 to 4. The addition or replacement must be complete and a certificate of occupancy issued, or if a certificate of occupancy is not required, the addition or replacement must be available for use. Special reappraisals under this item are limited to one per 12-month period.

B. to F. [Unchanged.]

Subp. 4. to 9. [Unchanged.]

Subp. 10. **Equipment allowance.** For rate years beginning after June 30, 1985, the equipment allowance must be computed according to items A to E.

A. to D. [Unchanged.]

E. The median historical cost per bed for each group in item C as determined in item D must be increased by ten percent. For rate years beginning after June 30, 1986, this amount shall be adjusted annually by the percentage change indicated by the urban consumer price index for Minneapolis-Saint Paul, as published by the Bureau of Labor Statistics, new series index (1967 00) for the two previous ~~Octobers~~ Decembers. This index is incorporated by reference and available at the James J. Hill Reference Library, Saint Paul, Minnesota.

F. [Unchanged.]

Subp. 11. and 12. [Unchanged.]

Subp. 13. **Determination of the property-related payment rate.** The commissioner shall determine the property-related payment rate according to items A to H.

A. [Unchanged.]

B. The allowable historical property-related per diem shall be established according to subitems (1) and (2).

(1) For the rate year beginning July 1, 1985, the nursing home's historical property-related per diem shall be determined by adding the allowable historical property-related costs used to compute the property-related payment rate effective on June 30, 1985, and dividing the sum by 96 percent capacity days. A nursing home with an average length of stay of 180 days or less as defined in subpart 8, item E, shall use the divisor determined in subpart 8, item E, instead of 96 percent of capacity days.

(2) [Unchanged.]

C. to H. [Unchanged.]

Subp. 14. [Unchanged.]

Board of Nursing

Proposed Permanent Rules Relating to Fees

Notice of Intent to Amend a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Nursing (hereinafter "Board") proposes to amend Minn. Rules parts 6310.2800, 6310.3400, 6310.3500, 6310.7600, 6310.7700, 6310.8000, 6310.8100, 6315.0400 and 6315.0500 without a public hearing. A copy of the proposed amendments is attached to this Notice. If adopted, the proposed rule amendment would set the fees for licensure, endorsement, renewal of license, verification of license and late fees. The Board has determined that the proposed change will be noncontroversial in nature pursuant to Minn. Stat. § 16A.128 and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28.

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

PLEASE NOTE THAT NO PUBLIC HEARING WILL BE HELD ON THIS RULE AMENDMENT UNLESS 20 PERCENT OF THE PERSONS REQUIRED TO PAY THESE FEES SUBMIT TO THE BOARD DURING THE 30 DAY COMMENT PERIOD, A WRITTEN REQUEST FOR A PUBLIC HEARING ON THE PROPOSED RULE.

Persons who wish to should submit comments or requests to:

Joyce M. Schowalter
Executive Director
Minnesota Board of Nursing
2700 University Avenue West, #108
St. Paul, Minnesota 55114
Telephone: (612) 642-0567

The statutory authority of the Board to make the proposed rule amendment is contained in Minn. Stat. §§ 16A.128 and 148.191.

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

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

Upon adoption of the final rule amendment without a public hearing, the proposed changes, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rule amendment as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the final rule amendment as proposed for adoption, should submit a written statement of such request to Ms. Schowalter at the above address.

Dated: 4 August 1986

STATE OF MINNESOTA
BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Director

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PROPOSED RULES

Rules as Proposed

6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be ~~\$16~~ \$20 per renewal period, effective ~~August~~ November 1, 1982 1986.

Subp. 4. [Unchanged.]

Subp. 5. **Penalty fee.** An applicant for registration renewal shall pay a penalty fee of ~~\$5~~ \$15, effective ~~June~~ November 1, 1982 1986, as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31 of the year in which it was due.

Subp. 6. to 8. [Unchanged.]

6310.3400 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued. A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is ~~\$5~~ \$10, effective November 1, 1986.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued. If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation. Upon written request of the licensee, a verification of current registration shall be issued for a fee of ~~\$5~~ \$10, effective ~~January~~ November 1, 1982 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.3500 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A registered nurse wishing to be licensed in another United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~\$10~~ \$15 effective ~~July~~ November 1, 1982 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$5~~ \$10 effective ~~January~~ November 1, 1982 1986, may be charged.

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Renewal fee.** The renewal fee shall be ~~\$15~~ \$20 per ~~24-month~~ renewal period, effective January 1, ~~1982~~ 1987. ~~The fee shall be \$16 effective January 1, 1983. Licensees whose registrations expire December 31, 1982, shall pay \$7.50.~~

Subp. 4. and 5. [Unchanged.]

6310.7700 PENALTY FEE.

An applicant for renewal of registration shall pay a late penalty fee of ~~\$5~~ \$15 effective April 1, ~~1982~~ 1987, as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

6310.8000 DUPLICATE AND REPLACEMENT DOCUMENTS.

Subpart 1. **License.** A duplicate license shall not be issued.

A replacement license may be issued when the licensee notifies the board, by certified statement, that the original license was lost, stolen, or destroyed. The replacement license shall be marked "Replacement" and the date of issuance indicated. The fee for a replacement license is ~~\$5~~ \$10, effective November 1, 1986.

Subp. 2. **Renewal certificate.** A duplicate renewal certificate shall not be issued.

If a renewal certificate is lost, stolen, or destroyed, the licensee shall submit written evidence of the situation.

Upon written request of the licensee, a verification of current registration shall be issued for a fee of ~~\$5~~ \$10, effective ~~January~~ November 1, 1982 1986.

If a licensee does not receive a renewal certificate which has been issued and notifies the board office within 90 days of date of issuance, a verification of current registration may be issued without a fee.

6310.8100 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification.** A licensed practical nurse wishing to be licensed in another United States jurisdiction or foreign

country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country.

The fee for verification of a license shall be ~~\$10~~ \$15 effective ~~July~~ November 1, 1982 1986, for each verification.

Subp. 2. **Transcript.** If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$5~~ \$10 effective ~~January~~ November 1, 1982 1986, may be charged.

6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is ~~\$50~~ \$75 for an applicant for registered nurse licensure and ~~\$35~~ \$50 for an applicant for licensed practical nurse licensure, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

B. [Unchanged.]

C. The reexamination fee is ~~\$25~~ \$50 for an applicant for registered nurse licensure and ~~\$40~~ \$40 for an applicant for licensed practical nurse licensure, effective November 1, 1986. The fee must be paid to the board.

D. Effective November 1, 1986, a late filing fee of ~~\$20~~ \$50 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

- (1) licensure application and fee;
- (2) examination application and fee;
- (3) reexamination application and fee.

E. and F. [Unchanged.]

Subp. 11. and 12. [Unchanged.]

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Fee.** The fee for licensure is ~~\$40~~ \$55 for registered nurse applicants and ~~\$30~~ \$55 for licensed practical nurse applicants, effective November 1, 1986. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. to 13. [Unchanged.]

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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.

Waste Management Board

Adopted Rules Relating to Solid Waste Processing Facility Capital Assistance and Demonstration Programs

The rules proposed and published at *State Register*, Volume 10, Number 49, pages 2405-2417, June 2, 1986 (10 S.R. 2405) are adopted with the following modifications:

Rules as Adopted

DEMONSTRATION PROGRAM

9200.9000 AWARD OF GRANTS AND LOANS.

Subp 4. **Maximum awards.** The maximum loan award shall be 50 percent of the eligible costs specified in the application or ~~\$200,000~~ \$400,000, whichever is less. The maximum grant award shall be 50 percent of the eligible costs specified in the application or ~~\$200,000~~ \$400,000, whichever is less. The maximum combined grant and loan award is \$400,000.

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.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

(Emergency rules published in this issue)

Department of Jobs and Training

Continuation of Emergency Rules Relating to Employment Programs

Notice is hereby given that the Department is continuing the effect of the above-entitled rules pursuant to its general rulemaking authority, Minnesota Statutes, section 268.021.

The text of the rules was published in the *State Register* on March 17, 1986. The rules had the force and effect of law on March 12, 1986, five working days after approval of the Administration Division of the Office of the Attorney General.

Pursuant to Minnesota Statutes, section 14.35, emergency rules are in effect for no longer than 180 days, and may be continued in effect for an additional period of up to 180 days. The emergency rules are in effect until September 8, 1986, and will be continued in effect for 180 days until March 8, 1987.

Joseph Samargia, Commissioner
Department of Jobs and Training

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OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Department of Commerce Minnesota Joint Underwriting Association

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

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

Grain Elevators
Private, nonprofit crime prevention agency
Waterproofing contractor
Abstractors
Truck body conversion, alteration
Marina (municipally owned)
Horse stable
Petroleum handling equipment
Apartment, retail building
Paid guardianship program
Trucking
Nonprofit agencies
Restaurant
Millwright
Electronic repair service
Carnival rental
Campground

Amusement Park
Insulation contractor
Attorneys
Ladder equipment testing service

Counselors For:

Group Homes for Delinquent Youth and/or,
Family Assessment Programs, and/or,
Independent Living Skills Programs for Teenagers
Painting & metal prefabrication
Crane Operator
Adult foster care
Engineers
Babysitting service
Air patrols
Resorts
Snow tubing operators

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, in Room 5, State Office Building, 435 Park Street, St. Paul, MN 55155, on October 28, 1986 at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by Minnesota Statute Section 14.57-14.69 and by Minnesota Rules Parts 1400.5100-1400.8400, as amended (Amended Rules published at 9.SR.2276). Questions regarding procedure may be directed to Administrative Law Judge George Beck, 4th Floor Summit Bank Building, 310 4th Avenue South, Minneapolis, MN 55415, telephone (612) 341-7601. The authority for this proceeding is found in Chapter 455 Laws of Minnesota 1986 codified as Chapter 621 of Minnesota Statutes specifically sections 40 and 41 of Chapter 455 codified as Minnesota Statutes 621.21 and 621.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held on October 14, 1986 at the Office of Administrative Hearings, 4th Floor Summit Bank Building, 310 4th Avenue South, Minneapolis, MN 55415.

Chapter 455 Laws of Minnesota 1986 which created the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at the hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business, and serves a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements

or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end 180 days from the date that notice of activation was published in the *State Register*.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 455 and the contested case procedures prior to the hearing and that they take such other steps as are appropriate to protect their interests. Any questions they may have as to how to proceed or how to participate at the hearing should be directed to the Administrative Law Judge prior to the hearing or to the pre-hearing conference.

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

Procedures and other requirements pertaining to the conduct of the hearing may be determined at the pre-hearing conference. Participation at the pre-hearing conference is strongly suggested.

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

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155 telephone (612) 296-5615.

Dated: 26 August 1986

Michael A. Hatch
Commissioner of Commerce

Sec. 40 [62I.21] [ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.]

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 41. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

Sec. 41. [62I.22] [HEARING.]

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

Subd. 2. [NOTICE.] The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required.

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

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

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

OFFICIAL NOTICES

Department of Energy and Economic Development Energy Division

Announcement of Public Meetings to Solicit Outside Opinion Regarding Proposed Amendments to Rules Governing Community Energy Council Grants to Govern the Distribution of Oil Overcharge Funds for Community Energy Initiatives Grants

Notice is hereby given that the Department of Energy and Economic Development, Energy Division (DEED) is holding a series of public meetings to obtain information or opinions from sources outside the agency in preparing to promulgate amendments to rules governing Community Energy Council Grants (Minn. Rules, parts 4160.5100-4160.5900) to govern the distribution of oil overcharge funds for community energy initiatives grants.

Minnesota received \$36 million as a result of a federal court action against the Exxon Corporation. Exxon was assessed a \$2.1 billion penalty for pricing violations during the period from 1973 to 1981 when federal price controls were in effect.

Three million dollars has been allocated by the Governor to community energy initiatives to support locally planned energy conservation programs. DEED's current Community Energy Program has provided grants to communities to help local leaders plan and conduct locally-designed programs. Projects have included neighborhood energy workshops and home energy inspections, as well as small business energy management, rental energy conservation, and carpooling programs.

In order to provide opportunities throughout the state for interested parties to provide input to the department, DEED is scheduling a series of public meetings. The meetings will begin at 7:00 p.m. and adjourn when all speakers have been heard. All comments received will be considered in the event that amendments to the rules are promulgated. Any written material received by DEED shall become part of the rulemaking record in the event that amendments to the rules are promulgated.

The schedule of meetings is as follows:

Tuesday, September 23	Benson	Council Chambers City Hall 1411 Pacific Ave.
Wednesday, September 24	New Ulm	Public Library 19 N. Broadway
Monday, September 29	Thief River Falls	Northwest Regional Development Commission Office 525 Brooks Ave. S.
Thursday, October 2	Grand Rapids	City Council Chambers 420 N. Pokegama Ave.
Monday, October 6	St. Paul	Basement Hearing Room State Office Building 435 Park St.

For further information contact Susan Moore at (612) 296-1848.

Mark B. Dayton, Commissioner

Minnesota Energy and Economic Development Authority

Notice of Public Hearing on the Proposed Project and the Issuance of Bonds under *Minnesota Statutes, Chapter 116M*

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on September 24, 1986, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes, Chapter 116M*, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Jonaco Machines, Inc. (the "Company"), a Minnesota corporation and Vernon and Gail Buller (the "Principals"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the construction of a new building to be located on land at Jonathan Industrial Center to be located in the City of Chaska, Carver County, Minnesota (the "Project"). The initial owner of the Project will be the Principals

who will lease the Project to the Company. The Company will be the initial operator and manager of the Project. The estimated maximum amount of the proposed bond issue is an amount equal to \$1,000,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest to be created by the Principals and/or Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Economic Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Authority, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 28 August 1986

Mark B. Dayton, Commissioner
Department of Energy and Economic Development
and Chairman
Minnesota Energy and Economic Development Authority

Department of Health

Life Support Transportation Service Licensure Application

As of September 8, 1986 a complete application for a change from Basic Life Support to Advanced Life Support Transportation Service was received from Brainerd Ambulance, Inc., P.O. Box 266, Brainerd, Minnesota.

Minnesota Statutes, Section 144.802, requires in part that the Commissioner of Health publish the notice at the applicant's expense in the *State Register*.

Each municipality, county, community health service agency, or interested person has the opportunity to comment on this application by submitting written comments to the Health Systems Agency in the area of service, (Central Minnesota Health Systems Agency), 113 Division St., Sauk Rapids, Minnesota 56379. The comments must reach the Health Systems Agency on or before October 8, 1986 or be submitted at the public hearing.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to the applicant.

Department of Human Services

Chemical Dependency Program Division

Notice of Intent to Solicit Outside Opinion Concerning Rules Governing Implementation of the Consolidated Chemical Dependency Treatment Fund

Notice is hereby given that the Minnesota Department of Human Services is developing permanent rules to govern the implementation of the Consolidated Chemical Dependency Treatment Fund.

This rule is authorized by Minnesota Statutes, section 254B.03, subdivision 5 and contains a client appeal process; a sliding fee scale to determine the amount of contribution required from persons whose income and nonexempt property are greater than the standard of assistance under sections 256B.06 and 256D.01 to 256D.21; clarification of relative responsibility; criteria to be used to approve an information system comparable to the Drug and Alcohol Abuse Normative Evaluation System (DAANES); a needs determination process applicable to outpatient treatment; and county boards' responsibility to provide recommendations as part of the needs determination process for both residential and outpatient treatment.

OFFICIAL NOTICES

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

Rae Bly
DHS Rules Unit
3rd Floor-Space Center
444 Lafayette Road
St. Paul, Minnesota 55155
612/297-1489

Oral statements of information and comment will be received during regular business hours over the telephone by Phil Brekken at 612/296-4611.

All statements of information and comment will be accepted until further notice is given. Any written material received by the Department shall become part of the hearing record.

Department of Jobs and Training State Job Training Office

Outside Opinion Sought on Proposed Amendment of Rules of the State of Minnesota Relating to the Minnesota Youth Program

Pursuant to Minnesota Statutes, section 14.10, notice is hereby given that the State Job Training Office of the Department is seeking information or opinions from sources outside the Department in its consideration of possible amendments to Minnesota Rules, parts 3300.0100 to 3300.0700, governing the Minnesota Youth Program.

The amendment of the rules is authorized by Minnesota Statutes, section 268.33 which permit the Department to promulgate rules regarding eligibility for employment and placement under this program. The State Job Training Office will assume administrative responsibility for this program effective September 30, 1986.

The Department requests information and comments both concerning the subject matter of the law (Minn. Stat. §§ 268.31 to 268.33 and amendments) and the rule. Interested or affected persons or groups may submit statements of information or comment in writing.

Statements should be submitted to:

Kay Tracy
Youth Programs Coordinator
State Job Training Office
690 American Center Building
150 East Kellogg Blvd.
St. Paul, MN 55101
(612) 296-6064

Any written material received by the Department shall become part of the official rulemaking record in the event the rule is adopted. A copy of the current rules follows this notice. Written comments will be accepted through October 10, 1986.

3300.0100 DEFINITION OF TERMS.

Subpart 1. **Scope.** The following terms used in parts 3300.0100 to 3300.0700 shall have the meanings given them.

Subp. 2. **Act.** "Act" means the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Jobs and Training.

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment program under the act.

Subp. 5. **Department.** "Department" means the Minnesota Department of Jobs and Training.

Subp. 6. [Repealed, 9 SR 2526]

Subp. 7. **Contractor.** "Contractor" means an organization which employs a person under the program established by the act.

Subp. 8. [Repealed, 9 SR 2526]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment funded under the act.

MS s 268.021; 268.33

9 SR 2526; 10 SR 2512

3300.0200 PURPOSE.

Parts 3300.0100 to 3300.0700, adopted pursuant to Minnesota Statutes, section 268.33 are designed to establish a procedure for the allocation of funds under the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36, and to establish contracting, operating, and invoicing procedures to be utilized in the expenditure of the funds.

MS s 268.33

3300.0300 ALLOCATION OF FUNDS.

Subpart 1. Allocations to counties. The commissioner shall allocate funds available under the act as follows:

A. Fifty percent of the funds available under the act shall be allocated to counties on the basis of each county's share of the estimated youth population of the state which is from the ages of 14 years up to but not including 22 years.

B. Fifty percent of the funds available under the act shall be allocated to counties according to each county's share of the estimated youth population of the state which is from the ages of 14 years up to but not including 22 years, adjusted for:

(1) historic summer unemployment rates in the county as evidenced by official labor force estimates for the months of June, July, and August for the most recent three-year period for which such data is available; and

(2) the county's poverty ratio based upon the percent of children from five to 17 years of age living in families below the poverty line as evidenced by the most recent United States Census figures as adjusted by reference to more recent population surveys, provided that reference to more recent population surveys shall be made only if such data is available for all counties in the state.

Subp. 2. Allocation to cities and Indian reservations. After the commissioner has made an allocation to each county, each county's allocation shall be divided as follows:

A. Each city within the county which has a total population of 2,500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county as evidenced by the most recent United States Bureau of Census estimates. Allocations to Indian reservations will be based on the same procedure as that of cities. Reservation population and counties of location will be based on the most recent United States Bureau of Indian Affairs and/or United States Bureau of Census Information.

B. The remainder of the county allocation, that part which is not allocated to cities and Indian reservations under item A, shall be allocated to the county as a whole.

MS s 268.021; 268.33

9 SR 2526; 10 SR 2512

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors with experience in administering summer youth employment programs will be determined by the commissioner taking into consideration recommendations made by local service units. The commissioner may also consider recommendations by other organizations with experience in operating summer youth programs.

MS s 268.021; 268.33

9 SR 2526; 10 SR 2512

3300.0500 OPERATION PROCEDURES.

Subpart 1. Regular program. Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act are eligible for program employment. Approximately 50 percent of the youths hired should be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

Subp. 2. Postsecondary program. Notwithstanding subpart 1, at least 33⅓ percent of the funds allocated to the area served by the contractor are to be used to hire youths who are at least 18 years of age, or a high school graduate, but less than 22 years of age who are certified by the department as intending to enroll or are enrolled in a postsecondary educational institution. Approximately 50 percent of the youths hired should be from families which meet the definition for economically disadvantaged

OFFICIAL NOTICES

as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "postsecondary program." A partial waiver from this part may be obtained in accordance with part 3300.0700.

Subp. 3. **Eligible youth.** To obtain eligible youths, contractors must place job orders with the department and may employ only those youths referred by the department.

Subp. 4. **Minimum wage.** Eligible youths not designated as supervisors shall be paid the federal minimum wage for a period not to exceed 40 hours per calendar week and for not more than 12 weeks.

Subp. 5. **Supervisors.** A contractor may designate one eligible youth as supervisor for every ten youths in its employ under the act. Contractors who employ at least five but less than ten youths may designate one youth as a supervisor. Youths designated as supervisors shall be paid the federal minimum wage plus 25 cents per hour for up to 40 hours per week for a period not exceeding 12 weeks.

Subp. 6. **Employment of eligible youth.** Upon signing a contract contractors may begin employing eligible youths referred by the department; however, no youth may be employed while attending school as a full-time student. No youth may be employed beyond September 30 of each calendar year.

MS s 268.33

9 SR 2526

3300.0600 [Repealed, 9 SR 2526]

3300.0601 SUPPORT SERVICES.

Using funds allocated under the act, contractors shall provide or arrange for support services for eligible youths. The cost of the support services must not exceed ten percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, and other normal expenses associated with employment funded under the act.

MS s 268.021; 268.33

10 SR 2512

3300.0700 REALLOCATION PROCEDURES.

Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

- A. the city or county originally allocated the funds according to the formula in part 3300.0300 refuses the funds; or
- B. the city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed \$1,500 between any subdivision above for the purpose of simplified administration of the program.

Contractors may shift funds from the postsecondary portion of their program to the regular portion of their program provided that they certify in writing to the department that they are unable to obtain sufficient youth who meet the criteria in part 3300.0500, subpart 2, and the department concurs.

During the period of the contract, the department may shift funds from one contractor to another with the mutual consent of both contractors.

MS s 268.33

9 SR 2526

Metropolitan Council

Public Hearing on Certificate of Need for Expansion of the Anoka Sanitary Landfill

The Metropolitan Council will hold a public hearing on a request for a "certificate of need" required to proceed with plans to expand the Anoka Sanitary Landfill in Ramsey, Minnesota. The hearing on the request by Waste Management of Minnesota, Inc. is scheduled on Wednesday, October 8, 1986 at 7:00 p.m. at the Ramsey Elementary School, 15000 Nowthen Blvd., Ramsey, Minnesota. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Jane Larson at 291-6500. Copies of a Metropolitan Council staff analysis of the need for the proposed expansion will be available for public inspection beginning Monday, September 8 at designated libraries throughout the region. For information on the location of these libraries or a free copy of the staff report, call 291-6464.

Minnesota Department of Transportation

Goals for Disadvantaged and Women's Business Enterprises for Federal Fiscal Year 1987

The Minnesota Department of Transportation (Mn/DOT) has established a goal of 10% for disadvantaged business enterprises (DBE) and a goal of 2% for women business enterprises (WBE) for all modes of transportation for federal fiscal year 1987 (October 1, through September 30, 1987).

The Surface Transportation Assistance Act of 1982 (STAA) required a 10% DBE goal. WBE goals were not required by the STAA; however, Mn/DOT has established a WBE goal of 2% and is committed to provide opportunities for both disadvantaged business enterprises and women business enterprises.

The department's DBE/WBE Plan is available for public inspection during normal business hours (8:00 A.M. to 4:00 P.M.) at Mn/DOT Central Office, Room G-18, Transportation Building, John Ireland Boulevard, St. Paul, Minnesota 55155, for 30 days following the date of this notice. Mn/DOT is open for public comment regarding the DBE and WBE goals for 45 days from the date of this notice. The comments are for informational purposes only.

Please respond to:

The Minnesota Department of Transportation
EEO Contract Management Office
Room G-18
St. Paul, Minnesota 55155

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant 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 \$5,000 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 by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration—Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Three Stage Forklift	September 9, 1986	Transportation	Morris	79-382-01102
Distributed Processing System	September 9, 1986	Various	Various	Price-Contract
Baseball Style Caps	September 9, 1986	Natural Resources	Grand Rapids	29-007-40949
Lab Equip.	September 9, 1986	State University	Bemidji	26-070-12075
Boiler	September 9, 1986	Community College	White Bear Lake	27-000-46597

STATE CONTRACTS

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Mimeograph Supplies—Rebid	September 9, 1986	Administration—Central Stores	St. Paul	Price-Contract
Gates	September 9, 1986	Governor's Residency Council	St. Paul	02-303-48840
Green Hardwood Chips	September 9, 1986	Natural Resources	Grand Rapids	29-007-40968
Air Pump	September 9, 1986	Correctional Facility	St. Cloud	78-830-08339
Purchase of Soft Serve Freezer	September 10, 1986	Community College	Bloomington	27-156-00000
One-Ton Wagon—Rebid	September 10, 1986	Community College	Inver Grove Heights	27-157-47642
One-Ton Pickup Truck	September 11, 1986	Correctional Facility	Oak Park Heights	78-630-06498
Campus Signage	September 11, 1986	Community College	Minneapolis	27-153-10030
Riding Mower—Rebid	September 11, 1986	Community College	Fergus Falls	27-000-48959
Refrigeration System	September 12, 1986	Correctional Facility	St. Cloud	78-830-08237
Furnish & Install Automatic Van Lift	September 12, 1986	Jobs & Training	St. Paul	21-607-41431
Addendum #1—Color Coded Folder	September 12, 1986	Labor & Industry	St. Paul	42-203-10018
Maint. on CMC Systems	September 15, 1986	Jobs & Training	St. Paul	21-200-13982
Microfilm, 16mm, 35mm, 105mm & Processing & Diazo Work Clothing	September 15, 1986	Various	Various	Price-Contract
	September 15, 1986	Correctional Facility	St. Cloud	78-830-08316
Zenith Computer Equip. Rebid	September 15, 1986	State University	Moorhead	26-072-09930
Rental of AV Equip.	September 15, 1986	Various	Various	Price-Contract

Department of Corrections Minnesota Correctional Facility—Stillwater

Notice of Request for Proposals for Professional/Technical Services Contract

Notice is hereby given that the Minnesota Correctional Facility—Stillwater, is seeking the following services for the period of October 1, 1986 through June 30, 1987.

1. Services of a Registered X-Ray Technician on a part-time basis of approximately 30 hours per month, to provide emergency vacation and sick time coverage for X-Ray services. The estimated amount of the contract shall not exceed \$3,600.00.

2. Services of a Registered Medical Laboratory Technician on a part-time basis of approximately 80 hours per month, to provide laboratory and TB coverage during vacation and sick leave, and laboratory coverage during periods of communicable disease monitoring, as needed. The estimated amount of the contract shall not exceed \$9,600.00.

Direct inquiries to Evren Olson, Registered Nurse, Minnesota Correctional Facility, P.O. Box 55, Stillwater, Minnesota 55082, or telephone at 779-2700, extension 2638.

Proposals for the above listed contracts must be submitted no later than September 24, 1986.

Minnesota Department of Energy and Economic Development Energy Division

Request for Proposal for 10th Annual Energy Saver's Award of Excellence Competition Summary Writer

The Energy Division of DEED is seeking a qualified individual(s) and/or organization with experience in writing and preparing a booklet for publication. The contractor chosen should be able to organize and deliver a summary booklet of project applications submitted to DEED for the 10th Annual Energy Saver's Award of Excellence Competition.

The booklet is designed to stimulate the exchange of energy conservation opportunity ideas by presenting highlights of the many energy saving projects this year's competition entrants have implemented.

The contractor would be expected to coordinate and arrange the entrants' information from their applications into a format that has been used in the previous nine competition summaries. It will need to be ready for the printer on or before October 6, 1986.

The attached materials identify the format and technical information that was developed for the 9th Annual Energy Saver's Award of Excellence. Please review the information and develop the 10th Annual Energy Saver's Award of Excellence Competition Summary Proposal based on this example.

Funding from DEED will not exceed \$1,000.00. The Energy Division reserves the option to not select any proposal or to limit the funding to support the project.

Proposals are to be postmarked no later than September 15, 1986. Questions and inquiries should be directed to:

Rich Huelskamp
Commercial & Industrial Program Coordinator
D.E.E.D.—Energy Division
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, Minnesota 55101
Telephone #: (612) 297-1771

Department of Jobs and Training State Job Training Office

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

The Minnesota Department of Jobs and Training, State Job Training Office, is requesting proposals from appropriate organizations and units of government to provide employment and training services to older individuals. The program, authorized by Section 124 of the Job Training Partnership Act, is designed to provide for the training and placement of low income persons 55 years of age and older in employment opportunities with private business concerns.

A total of \$663,818 is available to fund programs to operate between January 1, 1987 and December 31, 1987. Proposals must be received by 4:30 p.m. October 31, 1986.

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

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

SUPREME COURT DECISIONS

Decisions Filed Friday 29 August 1986

Compiled by Wayne O. Tschimperle, Clerk

C9-85-2090 State of Minnesota v. David Stoffel, petitioner, Appellant. Court of Appeals.

Evidence stipulated to by the state and the defendant was insufficient to sustain defendant's conviction of aiding and abetting welfare fraud.

Reversed. Amdahl, C.J.

C2-84-1661 State of Minnesota v. Orville Berndt, Jr., Appellant. Hennepin County.

State failed to meet its burden to establish the guilt of an accused, convicted of eight counts of first-degree murder, when the convictions rested on circumstantial evidence which was consistent with a rational hypothesis other than guilt.

Reversed. Kelley, J.

(Original opinion withdrawn and this opinion substituted therefor.)

C7-85-2105 Earl D. Jacobsen, et al. v. Anheuser-Busch, Incorporated, Appellant. Court of Appeals.

Minn. Stat. § 325.01 applied retroactively to a preexisting agreement between a brewer and a wholesaler, as mandated by Minn. Stat. § 325B.15, unconstitutionally impairs the rights and obligations of the parties set forth in that preexisting agreement.

Reversed. Kelley, J.

Dissenting, Yetka, J.

C9-85-212 Rachel Blank, et al. v. Independent School District No. 16, petitioner, Appellant. Court of Appeals.

Teacher's failure to challenge seniority list under the terms of the master agreement precludes her from challenging school board decision placing her on unrequested leave of absence.

The school board's finding that respondent is not qualified within the meaning of the collective bargaining agreement to teach elementary education is not arbitrary or capricious and is supported by the evidence.

Reversed. Coyne, J.

Dissenting, Yetka, Scott, & Wahl, JJ.

C1-85-821, C4-85-957 J. L. Manta, Inc. v. Richard P. Braun, individually and in his capacity as Commissioner of Transportation for the State of Minnesota, et al., petitioners, Appellants, and Rainbow, Inc. Court of Appeals.

The State must reject any bid containing an alteration or erasure of any price contained in the bid which is used in determining the lowest responsible bid unless the alteration or erasure is corrected as prescribed by Minn. Stat. § 16B.09, subd. 2(1984).

The State is required, pursuant to Minnesota Department of Transportation, *Standard Specifications for Highway Construction*, Specifications 1206 and 1301 (1978) to review bids for mathematical accuracy and to correct mathematical errors.

The State has the right by statute and may reserve it contractually to reject any or all bids for good and sufficient cause, including but not limited to, abandonment of the project or insufficient funds.

Reversed. Coyne, J.

Dissenting, Yetka & Kelley, JJ.

ORDERS

C2-83-659 In the Matter of the Application for the Discipline of Peter M. Mansur, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Amdahl, C.J.

DOCUMENTS DIVISION

Publications, Services, Subscriptions

Order Form on Back

For Information, Call 297-3000

NEW PUBLICATIONS:

Physicians Directory 1985. Names and addresses in alphabetical order of licensed chiropractors, doctors of medicine and osteopaths, optometrists, podiatrists and registered physical therapists. Code #1-1. \$15.00.

Health Care Facilities Directory 1986. Contains a list of hospitals and related institutions licensed and/or certified in Minnesota. Alphabetical listing by county. Includes town and facility name, ownership, capacity, available services, address, phone number, and director's name. Code #1-89. \$15.00.

OTHER PUBLICATIONS:

Legislative District Maps. A six-map set of Minnesota Legislative and U.S. Congressional Districts. Shows boundaries since redistricting. (3 maps 17" x 22", 1 map 25" x 29", 2 maps 28" x 40"). Sent to you in a sturdy mailing tube. Code #7-7. \$4.95.

MN Hazardous Waste Rules (as in effect 2-10-86). MN Rules Chapter 7045 and 7046. The rules governing the permits, storage, production and shipment of Hazardous Waste. Code #3-71. \$13.50.

Occupational Safety and Health Rules (as in effect 1-6-86). Chapters 5205-5206, 5210, 5215. State standards for safe working conditions including: personal protective equipment, walking and working surfaces, illumination and ventilation. 84 pp. Code #3-18. \$9.00.

The Medical Alley Directory. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations. Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. (Code #40-7. \$109.00)

The following two publications are discounted more than 40%.

Education Laws 1984. A complete extract from the 1984 Minnesota Statutes of the empowering legislation relating to public schools. Code #2-83. ~~\$16.00~~ reduced to \$9.00.

Education Laws 1985 Supplement. The 1986 Education Laws (with changes incorporated from the 1986 Legislative Session) will not be available until the Winter of 1986. Code #2-83s1. ~~\$12.50~~ reduced to \$7.00.

* **Minnesota Laws 1986.** All laws passed in the Regular and Special Sessions. Code #18-4. \$23.00, plus \$1.38 tax.

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