

87, February 9

STATE OF MINNESOTA

# STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

RECEIVED

FEB 09 1987

LEGISLATIVE REFERENCE LIBRARY  
STATE CAPITOL  
ST. PAUL, MN. 55155



Monday 9 February 1987

VOLUME 11, NUMBER 32

Pages 1397-1428

# STATE REGISTER

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

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

## Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
32	Monday 26 January	Monday 2 February	Monday 9 February
33	Monday 2 February	Monday 9 February	Monday 16 February
34	Monday 9 February	Monday 16 February	Monday 23 February
35	Monday 16 February	Monday 23 February	Monday 2 March

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

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

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55155, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

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

**Governor:** Rudy Perpich

**Director, Minnesota Documents  
Division:** Stephen A. Ordahl

**Editorial Staff:** Paul Hoffman,  
Bonnie Karels

**Commissioner, Department of  
Administration:** Sandra J. Hale

**Editor:** Robin PanLener

**Circulation Manager:** Debbie Kobold

## FOR LEGISLATIVE NEWS

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

### SENATE

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

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

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

### HOUSE

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

**This Week**—weekly interim bulletin of the House.

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

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

# CONTENTS

## MINNESOTA RULES AMENDMENTS & ADDITIONS

Issues 27-32 inclusive ..... 1400

## PROPOSED RULES

### Agriculture Department

Self-Service Beverage Dispensing into Multi-Use  
Bottles ..... 1401

### Vocational Technical Education Board

License to Teach Courses and Programs in  
Automated Systems Technology ..... 1404

## ADOPTED RULES

### Administration Department

Minnesota State Building Code ..... 1405

### Agriculture Department

Seed Potato Certification ..... 1407

### Education Department

Education; Pupil-Teacher Ratios ..... 1407

### Podiatry Board

Registration Renewal and Fees ..... 1408

### Water Resources Board

Comprehensive Local Water Management Act ..... 1408

**ANNOUNCEMENTS** ..... 1408

## OFFICIAL NOTICES

### Beltrami County

Filing Fees for County Law Library ..... 1409

### Ethical Practices Board

Request for Advisory Opinion Re: Lobbyist  
Disbursement Report ..... 1410

### Health Department

Life Support Transportation Service Licensure  
Application ..... 1411

### Human Services Department

Changes in Hospital Medical Assistance  
Reimbursement ..... 1411  
Opinion Sought on Rule Amendments for  
Administration and Funding of Home and  
Community-Based Services ..... 1413

### Labor & Industry Department

Notice of Certified Prevailing Wage Rates ..... 1414

### Revisor of Statutes

Publication of *Rulemaking in Minnesota: A Guide* ..... 1414

### Transportation Department

Petition of Becker County for Variance from State  
Aid Standards for Roadway Width ..... 1414  
Petition of Jackson County for Variance from State  
Aid Standards for Structural Design Strength ..... 1415  
Petition of St. Louis County for Variance from State  
Aid Standards for Recovery Area and Vertical  
Bridge Clearance ..... 1415

### Waste Management Board

Request for Qualifications from Firms Interested in  
Developing and Operating a Hazardous Waste  
Stabilization and Containment Facility ..... 1415

## STATE CONTRACTS & ADVERTISED BIDS

### Administration Department: Procurement

Contracts & Requisitions Open for Bid ..... 1416

### Iron Range Resources & Rehabilitation Board

Request for Proposals for a Food/Beverage Operator  
at IRONWORLD ..... 1417

## NON-STATE PUBLIC CONTRACTS

### City of Plymouth

Advertisement for Bids for Computer  
Hardware and Software ..... 1419

### Ramsey County

Advertisement for Architectural Services ..... 1419

## SUPREME COURT DECISIONS

Decisions Filed Friday 30 January 1987 ..... 1420

## 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	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issues 27-38, inclusive	

# 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.

### Cumulative Index to Issues 1-26 of Volume 11

#### ADMINISTRATION DEPARTMENT

1230.0300 (proposed) ..... 1330  
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 (adopted) ..... 1405  
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 (repealed) ..... 1405  
1320.0900; .1000; .1100; .1200; .1300; .1400; .1650;  
.1700; .1850; .1900; .2000 (renumbered) .....1405

#### ADMINISTRATIVE HEARINGS OFFICE

1400.1500; .5600; .8401 (adopted) ..... 1385  
1400.8401 s.5 (repealed) ..... 1385

#### AGRICULTURE DEPARTMENT

1550.3100; .3110; .3120; .3130; .3140; .3150; .3160;  
.3170 (proposed) ..... 1401  
1555.6950 (adopted) ..... 1407

#### COMMERCE DEPARTMENT

2655.0100; .0200; .0300; .0400; .0500; .0600  
(adopted) ..... 1311

#### EDUCATION DEPARTMENT

3500.1400; .3700 (adopted) ..... 1407

#### VOCATIONAL TECHNICAL EDUCATION BOARD

3515.5067 (proposed) ..... 1404

#### ENERGY AND ECONOMIC DEVELOPMENT DEPARTMENT

4160.5100; .5200; .5300; .5400; .5500; .5600;

.5700; .5800; .5900 (adopted) ..... 1311

**HEALTH DEPARTMENT**

4700.1900; .2000; .2210; .2300; .2400; .2500;  
.2600 (proposed) ..... 1305

4700.2200; .2400 s.3 (proposed repealer) ..... 1305

**HIGHER EDUCATION COORDINATING BOARD**

4850.0017 (adopted) ..... 1276

**NURSING BOARD**

6310.2800; .3400; .3500; .7600; .7700; .8000;  
.8100; 6315.0400; .0500 (adopted) ..... 1331

**PODIATRY BOARD**

6900.0200; .0250 (adopted) ..... 1408

**POLLUTION CONTROL AGENCY**

7046.0031; .0040; .0050; .0070 (proposed) ..... 1273

7046.0030; .0050 s.2 (proposed repealer) ..... 1273

**CHARITABLE GAMBLING CONTROL BOARD**

7860.0010; .0030; .0040; .0100; .0120; .0160;  
.0190; .0200; .0220; .0230; .0240; .0250; .0260; .0270;  
.0280; .0400 (adopted) ..... 1310

7860.0070 s.1; .0220 s.2 (repealed) ..... 1310

**WATER RESOURCES BOARD**

9300.0010; .0020; .0030; .0040; .0050; .0060;  
.0070; .0080; .0090; .0100; .0110; .0120;  
.0130; .0140; .0150; .0160; .0170; .0180;  
.0190; .0200; .0210 (adopted) ..... 1408

**HUMAN SERVICES DEPARTMENT**

9525.2700; .2710; .2720; .2730; .2740; .2750;  
.2760; .2770; .2780; .2790; .2800; .2810 (proposed) ..... 1355

**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 Agriculture**

**Proposed Permanent Rules Relating to Self-Service Beverage Dispensing into Multi-Use Bottles**

**Notice of Intent to Adopt Rules without a Public Hearing**

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22-14.28. The statutory authority to adopt these rules is Minnesota Statutes, Section 34.09.

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

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

**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

---

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

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

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

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

The proposed rules will not have a negative impact upon small business as defined in Minnesota Statutes, Section 14.115, because they apply only to retail food markets that choose to install self-service beverage dispensing units. In addition, the sanitation requirements of the rule are minimum requirements, and any alternatives that would lessen their impact could jeopardize public health.

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

Dated: 19 January 1987

Jim Nichols, Commissioner  
Department of Agriculture

### Rules as Proposed (all new material)

#### 1550.3100 APPLICABILITY.

For the purposes of inspection or licensing by the commissioner of agriculture, parts 1550.3100 to 1550.3170 apply to the mixing, self-service dispensing, labeling, and sale of new multi-use beverage bottles and the cleaning of used beverage bottles.

#### 1550.3110 BUILDINGS AND PREMISES.

Self-service beverage dispensing equipment must be located within an establishment licensed and inspected for the sale of food for human consumption.

#### 1550.3120 BOTTLES AND BOTTLE CLOSURES.

Subpart 1. **New bottles.** New bottles must be dispensed in a sanitary manner with the closures attached and in a manner that will prohibit replacement of returned bottles into the bottle dispenser, or provided with tamper-evident seals.

Subp. 2. **Multi-use bottle standards.** Multi-use bottles must be made of food grade material, be brand and product use specific, and approved as refillable for beverages.

Subp. 3. **Potentially hazardous foods.** Multi-use bottles must not be used in dispensing potentially hazardous foods.

Subp. 4. **Refilling.** Multi-use bottles being refilled must have the name, address, and zip code of the responsible firm owning the beverage equipment. The filling of bottles other than those specifically provided by that firm is prohibited.

Subp. 5. **Labeling.** Bottles must be labeled to include:

- A. net contents;
- B. name, address, and zip code of the responsible firm;
- C. cleaning instructions for bottle and closure on refillable containers; and
- D. warning statement against misuse of the container.

Subp. 6. **Separate adhesive label.** The responsible firm must provide for the convenience of the consumer a separate adhesive label for each beverage dispensed that provides the following information:

- A. product identity; and
- B. list of ingredients in descending order of predominance.

Subp. 7. **Bottle closure.** A bottle closure must be made of food grade material and attached to the bottle before sale to a customer.

#### 1550.3130 BEVERAGE DISPENSING EQUIPMENT.

Subpart 1. **General requirements.** All equipment, containers, and utensils used in the handling, storage, mixing, and transfer of syrup and beverage must be smooth, impervious, corrosion resistant, nontoxic, and in good repair.

Subp. 2. **Cleaning and sanitizing.** Dispensing units must be constructed, installed, and located so as to permit adequate cleaning and sanitizing. Equipment and utensils must be maintained in a clean and sanitary condition.

Subp. 3. **Instructions.** Complete instructions for the beverage dispensing operation must be in full view of the customer.

Subp. 4. **Filling of bottles.** A food-grade single service disposable paper or plastic funnel or similar sanitary device must be supplied from a sanitary dispenser and used for filling of bottles.

Subp. 5. **Contamination-free transfer.** The system must include a contamination-free transfer process which cannot be bypassed by the consumer while dispensing beverages. Beverages may be filled by an establishment employee or by the customer.

Subp. 6. **Labeling.** Each individual dispensing unit at the dispensing head must be conspicuously labeled to at least include the product identity, artificial flavor, yellow #5 artificial color, and name and function of preservative when present. Fruitades or drinks must have a complete list of ingredients.

Subp. 7. **Measurement of net contents.** Net contents may be measured in the filled bottle by any of the following methods:

- A. an accurate metering device located at each dispenser;
- B. a bottle calibrated with a fill line;
- C. a height-fill gauge provided to the customer at the dispensing unit; or
- D. any other method or device which will demonstrate an accurate net contents.

#### **1550.3140 SIGN.**

A sign must be posted conspicuously within the immediate dispenser area directing consumers for health reasons to use a single service funnel or other sanitary device which has been provided when serving themselves, not to contact the beverages directly, and not to consume beverages on the premises. Establishments dispensing for consumer product promotion by store personnel is not prohibited.

#### **1550.3150 BOTTLE WASHING.**

Subpart 1. **New bottles.** New beverage bottles, if suitably protected at the container manufacturing facility and during transportation and storage, need not be washed or rinsed before use.

Subp. 2. **Multi-use bottles.** Multi-use bottles returned for refilling must be washed and sanitized before refilling by means of at least a semiautomatic bottle washer located as part of the beverage dispensing equipment

"Washed" means free from physical, chemical, and microbial substance discernible by ordinary sight, touch, or smell and free from insects, vermin, and debris. "Sanitize" means the effective bactericidal treatment of the cleaned interior surface of the bottle by a process which is effective in destroying microorganisms, including pathogens.

Subp. 3. **Bottle washer.** A bottle washer must contain instructions for its use.

#### **1550.3160 EQUIPMENT SINK.**

A three-compartment, adequate-sized equipment sink for the washing of dispensing equipment must be provided with properly plumbed hot and cold running water. Equipment sinks must be National Sanitation Foundation (NSF) approved or the equivalent.

#### **1550.3170 CUSTOMER HAND-WASH SINK.**

A facility for handwashing must be provided in the establishment with properly plumbed hot and cold running water, soap, and single service towels or a suitable air drying device. Handwashing sinks must be National Sanitation Foundation (NSF) approved or the equivalent.

**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.

## Vocational Technical Education Board

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

#### Notice of Intent to Adopt Emergency Rules without a Public Hearing

Notice is hereby given that the State Board of Vocational Technical Education proposes to adopt the above entitled emergency rules. The statutory authority to adopt emergency rules is contained in Minnesota Statutes 136C.04, Subdivision 9.

Persons interested in these rules have until 4:30 p.m., Wednesday, March 11, 1987 to submit written comments. The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the State Board of Vocational Technical Education. Written comments should be sent to either:

Helen Henrie, Deputy Director  
State Board of Voc. Tech. Ed.  
565 Capital Square  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: (612) 297-4575

Georgia Pomroy, License Revision  
State Board of Voc. Tech. Ed.  
565 Capital Square  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: (612) 296-0680

Upon adoption of these emergency rules, this notice, all written comments received, and the adopted emergency rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

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

##### 3515.5067 [Emergency] AUTOMATED SYSTEMS TECHNOLOGY LICENSE.

Subpart 1. **Requirements.** To get a license to teach automated systems technology courses and programs in the technical occupations area an applicant must comply with parts 3515.0100 to 3515.4400; and 3515.5000. Parts 3515.9920 to 3515.9942 do not apply. The applicant must also comply with subparts 2 and 3 either with or without the substitution allowed by subpart 4.

Subp. 2. **Occupational experience requirement.** The applicant must have 6,000 hours of occupational experience as an engineer or technician in automated systems technology. The experience must be in programmable controllers, numerical controls/computerized numerical controls, automated production lines, or automated manufacturing.

Subp. 3. **Recent occupational experience requirement.** Two thousand of the 6,000 hours required in subpart 2 must be experienced within three years just before applying for the license. Teaching experience at an accredited postsecondary institution may be substituted for the recent occupational experience requirement if the teaching is done during this three-year period. The teaching must be in automated systems technology. Two hours of teaching equals one hour of occupational experience.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described in item A, B, C, or D for up to 3,000 hours of the occupational experience required in subpart 2. The education must be from an accredited postsecondary institution. If the substitution is made, the applicant must still comply with the recent occupational requirement of subpart 3.

A. A bachelor's or higher degree in mechanical or electrical engineering or industrial technology may be substituted for 3,000 hours.

B. An associate degree in electronics, electrical or mechanical engineering, or preindustrial technology may be substituted for 2,000 hours.

C. A diploma in electronic occupations, automated manufacturing, electromechanical technology, automated packaging equipment maintenance, electronic technology, automated systems technology, robotics, or electrical and fluid power may be substituted. A one-year diploma program equals 1,050 hours of occupational experience. A two-year diploma program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in fiber optics, blueprint reading, numerical control, robotics, hydraulics, tool and die moldmaking, design of smart machines, computer aided design, computer aided manufacturing, total quality control, electrical maintenance, electronic assembly, or electronics for maintenance may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.



# ADOPTED RULES

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

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

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

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

## Department of Administration

### Adopted Permanent Rules Relating to Minnesota State Building Code

The rules proposed and published at *State Register*, Volume 11, Number 7, pages 251-295, August 18, 1986 (11 S.R. 251) are adopted with the following modifications:

#### Rules as Adopted

#### CHAPTER 1300

#### DEPARTMENT OF ADMINISTRATION MINNESOTA STATE BUILDING CODE CODE ADMINISTRATION

#### ~~1300.1900~~ APPENDIXES REQUIRED AND OPTIONAL ADMINISTRATION.

Subpart 1. **Administration required.** The following chapters of the code must be administered by any municipality:

- A. chapter 1315, Electrical Code, except where administered by the Minnesota Board of Electricity;
- B. chapter 1320, Elevators and Related Machines, except where administered by the Minnesota Department of Labor and Industry;
- C. chapter 1330, Technical Requirements for Fallout Shelters;
- D. chapter 1340, Facilities for the Handicapped;
- E. chapter 1350, Manufactured Homes;
- E- F. chapter 1355, Plumbing Code;
- F- G. chapter 1360, Prefabricated Structures; and
- G- H. chapter 1365, Variation on Snow Loads.

#### CHAPTER 1305

#### DEPARTMENT OF ADMINISTRATION MINNESOTA STATE BUILDING CODE

#### AMENDMENTS TO THE UNIFORM BUILDING CODE

#### ~~1305.1355~~ SECTION 417:

~~Section 417 is deleted in its entirety.~~

#### ~~1305.5000~~ SECTION 2403:

~~Section 2403(e) is deleted in its entirety.~~

#### ~~1305.5100~~ SECTION 2416:

~~Section 2416 is deleted in its entirety.~~

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

# ADOPTED RULES

---

---

## 1305.5700 SECTION 3207.

UBC Section 3207(e) is deleted in its entirety.

Section 3207(c) of the UBC is amended to read as follows:

UBC Section 3207(c). Where roof drains are required, overflow drains having the same size as roof drains shall be installed with the inlet flow line located two inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in adjacent parapet walls with the inlet flow line located two inches above the low point of the adjacent roof and having a minimum opening height of four inches. Overflow drains shall be connected to drain lines independent from the roof drains, and shall discharge above grade.

## ~~1305.5910 SECTION 3306.~~

~~UBC Section 3306(j), Exception 1., is deleted in its entirety.~~

## ~~1305.6260 SECTION 3707.~~

~~UBC Section 3707(h) is deleted in its entirety.~~

## ~~1305.6270 TABLE NO. 37 B.~~

~~UBC Table No. 37 B. is deleted in its entirety.~~

## 1305.6905 APPENDIX CHAPTER 38.

UBC Appendix Chapter 38 is amended by adding a new section as follows:

### **SPECIAL FIRE SUPPRESSION SYSTEMS. (OPTIONAL)**

Section 3808. (a) General. This section authorizes optional provisions for the installation of on-premises fire suppression systems in new buildings, buildings increased in floor area, and buildings which have the occupancy classification changed.

(b) Municipal option. The sprinkler system requirements in (c) may be adopted with the selection of either item "8" or item "8a" based on local fire suppression capabilities, but without further change by a municipality. When adopted, the requirements are applicable throughout the municipality for new buildings, buildings increased in floor area, and buildings which will have the occupancy classification changed.

(c) Requirements. Automatic sprinkler systems must be installed and maintained in operable condition in buildings in the occupancy classifications listed in items 1 through 13. The square footage requirements stated in the following items establish the threshold where the provisions apply; in the case of mixed occupancies the threshold number of the most restrictive occupancy applies to the entire building; except for minor additions that do not increase the occupant load or significantly increase the fire load.

9. Group E-1 and E-2 occupancies with 8,500 or more gross square feet of floor area or two or more stories in height; except for minor additions that do not increase the occupant load or significantly increase the fire load.

## CHAPTER 1310

### BUILDING SECURITY

## CHAPTER 1320

### DEPARTMENT OF ADMINISTRATION

### MINNESOTA STATE BUILDING CODE

### ELEVATORS, DUMBWAITERS, ESCALATORS, MANLIFTS,

### MOVING WALKS, TEMPORARY HOISTS, AND

### WHEELCHAIR LIFTS

## 1320.2001 ANSI A17.1, RULE 2000.

ANSI A17.1, Rule 2000 is amended by adding the following language:

### **INCLINED AND VERTICAL WHEELCHAIR LIFTS.**

Scope. This part applies to vertical wheelchair lifts (ANSI Section 2000), and inclined wheelchair lifts (ANSI Section 2001), installed in ~~existing~~ buildings other than in or at a private residence for use by the physically handicapped. Wheelchair lifts do not meet the accessibility requirements contained in chapter 1340.

**4715.0420 STANDARDS FOR PLUMBING MATERIALS.**

**Subp. 3. Standards for plumbing materials.**

	DESCRIPTION	ANSI	ASTM	FS	OTHER
I. to V.	[Unchanged.]				
VI.	PLASTIC PIPE AND FITTINGS				
	DRAIN, WASTE AND VENT				
6C	(2) Polyvinyl Chloride (pvc)	D3033		FHA-UM-26	
	(Amended 4-5-73)	D3034		<u>WW-P-00380a</u>	
		F789		<u>WW-P-00380a</u>	

WATER SERVICE - Minimum working pressure rating shall be at least 150 psi for municipal water service and 100 psi for other service.

6D	Polyethylene (PE)	B72.1	D2239 <del>D2737</del> <u>D2737</u>	LP-315a FHA-UM-31C	NSF14 CS255
----	-------------------	-------	---	-----------------------	----------------

**4715.0810 PLASTIC JOINTS.**

Every joint in plastic piping must be made with approved fittings using solvent welded connections, fusion welded connections, insert fittings with metal clamps and screws of corrosion-resistant material or approved crimp rings, threaded joints according to accepted standards, or special IAPMO listed fittings of other types. Large diameter water service pipe may have approved elastomeric-gasket push-on type joints. All solvent materials must meet approved recognized standards. Expansion and contraction joint materials and dimensions must conform to ASTM D 2661 or ASTM D 2665 and shall be of an approved type.

**4715.1420 WATER CLOSETS.**

Subp. 3. **Water closet seats.** Water closets must be equipped with seats of smooth nonabsorbent material. All seats of water closets, ~~or~~ of elongated type provided for public use must be of the open-front type. Integral water closet seats must be of the same material as the fixture. The top of the seat must not be over two inches above the rim of the fixture; seat lifts may not be used.

Repealer. Minnesota Rules, parts 1300.1150; 1305.1355; 1305.3500; 1305.3850; 1305.3970; 1305.4300; 1305.5000; 1305.5100; 1305.5910; 1305.6260; 1305.6270; 1320.0100; subparts 2 and 3; 1320.0300, subpart 1; 1320.0700; 1320.0710; 1320.0720; 1320.0800; 1320.1500; 1320.1800; 1320.2500; 1320.2600; 1320.2700; 1360.0200, subpart 13; and 1360.3700 are repealed.

**Department of Agriculture**

**Adopted Permanent Rules Relating to Seed Potato Certification**

The rule proposed and published at *State Register*, Volume 11, Number 21, pages 914-915, November 24, 1986 (11 S.R. 914) is adopted as proposed.

**Department of Education**

**Adopted Permanent Rules Relating to Education; Pupil-Teacher Ratios**

The rules proposed and published at *State Register*, Volume 11, Number 6, pages 174-176, August 11, 1986 (11 S.R. 174) are adopted with the following modifications:

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

## ADOPTED RULES

---

---

### Rules as Adopted

#### 3500.1400 ELEMENTARY SCHOOL STAFF

Subp. 2. **Pupil-teacher ratio.** The acceptable maximum pupil-teacher ratio is 30 to 1 in any class in grades K to 6 or K to 8. ~~An acceptable maximum~~ A recommended pupil-teacher ratio for music teachers including music specialists is an average of 240 pupils per day per week in grades K to 6 or K to 8. ~~The superintendent shall submit to the State Board of Education a written school board policy that indicates the circumstances making an exception to this ratio necessary. The local school board is encouraged to involve community members, teachers, administrators, and parents in the development of the policy~~ A school board must adopt a written policy specifying the circumstances when a ratio in this subpart may be exceeded. The policy must be adopted and filed with the State Board of Education by August 1 each year. An amendment made by the school board must be filed with the State Board of Education within ten days of its adoption.

#### 3500.3700 SECONDARY SCHOOL STAFF

Subp. 4. **Maximum number of pupils.** The maximum number of pupils per day for a secondary school teacher is 160 except for teachers of performing music groups and physical education classes. An acceptable class size for instruction in physical education shall not exceed 40 pupils. The recommended average ~~maximum~~ number of pupils per day per week for a secondary teacher of performing music groups is 180. ~~The superintendent shall submit to the State Board of Education a written school board policy that indicates the circumstances making an exception to this ratio necessary in performing music groups. The local school board is encouraged to involve community members, teachers, administrators, and parents in the development of the policy~~ A school board must adopt a written policy specifying the circumstances when a ratio in this subpart may be exceeded. The policy must be adopted and filed with the State Board of Education by August 1 each year. An amendment made by the school board must be filed with the State Board of Education within ten days of its adoption.

## Board of Podiatry

### Adopted Permanent Rules Relating to Registration Renewal; Fees

The rules proposed and published at *State Register*, Volume 11, Number 12, pages 539-540, September 22, 1986 (11 S.R. 539) are adopted as proposed.

## Water Resources Board

### Adopted Permanent Rules Relating to the Comprehensive Local Water Management Act

The rules proposed and published at *State Register*, Volume 11, Number 19, pages 854-866, November 10, 1986 (11 S.R. 854) are adopted as proposed.

## ANNOUNCEMENTS

---

---

**ENVIRONMENTAL QUALITY BOARD** Public Hearings will be held by the Dept. of Transportation to review the **Draft Environmental Impact Statements** for TH 169 along the Minnesota River and a Cross Range Expressway—TH 169 Grand Rapids to Pengilly. The hearing for TH 169 along the Minnesota River will be held in the Scott County Courthouse, Shakopee at 7:30 pm February 25, preceded by an open house from 4-7:30 pm. The hearing for the Cross Range Expressway will be held February 25 in the Bovey City Hall, Bovey at 7 pm, preceded by an open house from 5-7 pm. The Department of Agriculture is certified to issue **Special Local Need Registrations** for "Max-Con™ Insecticide Ear Tags" statewide. Comment period ends February 25. Contact Larry Palmer, Agronomy Services Division, Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107. The Department of Natural Resources granted J. Don Wurdeman's request to dredge a navigational access channel in front of his property, Lot 4, Seventh Addition, Breezy Point Estates in Crow Wing County, but denied the application to dredge an area 50 feet by 50 feet in Pelican Lake in front of his property. For more information, contact Greg Downing, editor *EQB Monitor*, (612) 296-8235.

**NATURAL RESOURCES DEPARTMENT (DNR)** The DNR has released an updated draft of its Minnesota Forest Resource Plan for public review. Originally published in 1983, it contains provisions for protecting, managing, and using Minnesota's nearly 17 million acres of forest, and a budget for the Division of Forestry during the next five years. Public comments will be accepted through Mar. 1, at which time the plan will be completed. To review the plan, interested persons can call or visit DNR regional offices in Brainerd, Bemidji, Grand Rapids or Rochester, or stop in at the DNR headquarters, 500 Lafayette Road, St. Paul. The plan was required by the 1982 Forest Resource Management Act. Proposed budget and staffing levels are in the plan. For more information, call Brian D. McCann, Forest Planner, (612) 296-4491.

The DNR tree seedling packets for spring reforestation planting will be sold until Feb. 15 in 14 southeast Minnesota counties and until Mar. 20 in the rest of the state. Orders placed after these deadlines will be assessed a 20 percent cost surcharge. More than 6.9 million tree seedlings have been sold since they were made available in September for reforestation, erosion control, soil and water conservation and wildlife cover. Price lists and order forms can be obtained from DNR forestry offices, county extension offices, Soil Conservation Service offices, or by contacting DNR Forestry, P.O. Box 95, Willow River, MN 55795, (218) 372-3183, or DNR headquarters, 500 Lafayette Rd., St. Paul, MN 55155-4044, (612) 296-4480. Seedlings available include Norway, white, jack, and Scotch pine; white, Colorado, Norway and black spruce; red cedar, red oak, white ash, soft maple, poplar, Siouland poplar, black walnut, green ash, ginnala maple and caragana. Two wildlife packets are also offered—a wildlife packet containing 500 white spruce, caragana, wild plum and ginnala maple seedlings for \$67 plus tax, and a four-season wildlife food packet containing 500 specially selected shrub and tree seedlings for \$125 plus tax.

The videotape "Take a Closer Look—Dead or Alive" is one of three new films recently added to the Department of Natural Resources Information and Education film library. Available free to Minnesota organizations and schools, the 22-minute educational film (order number V-201) recounts amazing stories of near-drowning victims who fully recovered after many minutes immersed in cold water. A second film, "Meet the Grebes," is a 20-minute documentary (order number 199 for 16mm film or V-199 for VHS) that reveals some of nature's secrets on grebes, aquatic birds that populate North America wetlands. The third new film is a 10-minute videotape excerpt from the public television series "Newton's Apple." Dr. Robert Pozos demonstrates how quickly hypothermia takes effect in cold water. The order number for "Newton's Apple—Hypothermia" is V-200. Other popular films include topics on hunting, fishing, water and firearm safety, soil and water conservation, backpacking, cross-country skiing and many documentaries on Minnesota wildlife and plant species. The DNR's film library has proven to be a successful tool for teachers, nature interpreters, librarians, conservationists, environmentalists and others. Film requests should be made in writing at least three weeks in advance. All films must be insured and returned, postage paid by the user. There is no other charge for use of the films. For a free catalogue of films and VHS videotapes available through the library, send a written request to DNR Film Library, 500 Lafayette Rd., St. Paul, MN 55155-4046.

---

---

## OFFICIAL NOTICES

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

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

---

### County of Beltrami Ninth Judicial District

#### Notice of Filing Fees for County Law Library

Pursuant to Minnesota Statute 140.422, the Beltrami County Law Library Board of Trustees, with the approval of the Beltrami County Board of Commissioners, announces the setting of law library fees to be collected in the District, County, Probate, and Conciliation Courts of Beltrami County.

## OFFICIAL NOTICES

---

<b>Civil Suits</b>	
Plaintiff/Petitioner	\$8.00
Defendant/Respondent/Intervenor	\$8.00
<b>Probate</b>	
Petitioner (Formal Proceedings and Determination of Descent)	\$8.00
<b>Conciliation</b>	
Petitioner	\$8.00
Respondent	\$8.00
<b>Petty Misdemeanor, Misdemeanor Traffic and Criminal Convictions</b>	
Defendant	\$6.00
<b>Gross Misdemeanor Convictions</b>	
Defendant	\$6.00
<b>Felony Convictions</b>	
Defendant	\$6.00

These fees will be effective at and after 12:01 a.m., Monday, February 2, 1987.

Dated this 28th day of January, 1987.

## Ethical Practices Board

### Request for Advisory Opinion Re: Lobbyist Disbursement Report

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from David L. Sasseville. Written comments should arrive at the Board office, 625 N. Robert St., St. Paul, MN 55101 prior to March 16, 1987, for consideration at the Board's meeting of April 10, 1987.

**January 22, 1987**—This letter will address some of the points we discussed in our telephone conversation of January 20, 1987 in which you responded to my letter to you dated January 15, 1987. In that letter, I asked you if you were in a position to render an opinion as to whether Richard B. Solum and I were "lobbyists" within the meaning of Minnesota Statutes Chapter 10A. You indicated to me that you (executive director) were not empowered to render such an opinion. You described the procedure for obtaining a formal adjudication of a request for an opinion, which would require publication in the *State Register* and consideration and deliberation by the Ethical Practices Board. You also described an informal mechanism which would yield a non-binding opinion upon consultation with the agency's attorneys. Please consider this letter and my letter to you dated January 15, 1987, a request for a formal opinion.

In our phone conversation, you referred me to Minnesota Statutes Section 10A.01 subd. 2, the full text of which is as follows:

Subd. 2. "Administrative action" means an action by any official, board, commission or agency of the executive branch to adopt, amend, or repeal a rule pursuant to Chapter 14. "Administrative action" does not include the application of an adopted rule, except in cases of rate setting, power plant and powerline siting and granting of certificates of need under Chapter 116J.

Your agency maintains that the term "rate setting" within the meaning of the foregoing provision includes proceedings other than those brought under Chapter 116J.

You also referred me to Minnesota Rules Part 4510.1400, sub-part 1 of which provides:

Representative of a party must register. A representative of a party to a contested case rate proceeding before a state administrative law judge is required to register as a lobbyist provided other qualifying requirements of Minnesota Statutes Section 10A.01 subd. 11 are met.

Minnesota Statutes Section 10A.01 subd. 11 sets forth the definition of a "lobbyist"; subd. 11 specifically provides that "lobbyist" does not include any:

... [p]arty of the party's representative appearing in any proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action. (Emphasis added.)

In light of the foregoing provisions, the question arises whether the clause "except in cases of rate setting" in subd. 2 of Section 10A.01 is modified by the reference to Chapter 116J (which contains the enabling legislation for the Minnesota Department of Energy and Economic Development), or is unmodified and may be fairly interpreted to apply to all administrative rate setting procedures. In my view, the language is clearly modified by the reference to Chapter 116J. It is plain that the term, "except in cases

of rate setting", in any event, only renders a proceeding "administrative action" where the case involves the "application or administration of an adopted rule". The first clause of subd. 2 of Section 10A.01 is unambiguously limited to rulemaking proceedings. Under these circumstances, the fairest interpretation of Minnesota Rules Part 4510.1400 is that "contested cases" are limited to those contested cases which are rulemaking proceedings or which involve the application or administration of an adopted rule in proceedings brought under Chapter 116J.

From our phone conversation, I learned more about the legislative purpose and intent behind Chapter 10A. I don't disagree that the public should have access to information concerning the efforts of the special interests to influence legislative and administrative action. However, the language of the statute, as I read it, cannot reasonably be interpreted to apply to Lindquist & Vennum's legal representation of US Sprint in Minnesota. The contested cases in which we have represented Sprint in Minnesota have involved investigations and miscellaneous dockets rather than rulemaking or rate setting proceedings. Consequently, we should not be regarded as lobbyists under Chapter 10A.

**January 15, 1987**—Enclosed herewith for filing with your office please find the Lobbyist Disbursement reports for myself and Mr. Richard B. Solum. Both Mr. Solum and I are attorneys with Lindquist & Vennum, which is local counsel to US Sprint Communications Company (formerly known as GTE Sprint Communications Corporation).

Mr. Solum and I have filed these reports regularly over the past two or three years. However, I am not convinced that the law actually requires us to do so. My reasoning is as follows: Minn. Stat. § 10A.01 subd. 11 specifically provides that a "lobbyist" does not include any "(b) Party of his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action". Section 10A.01 subd. 2 defines "administrative action" as "an action by any official, board, commission or agency of the executive branch to adopt, amend or repeal a rule pursuant to Chapter 14."

In light of the foregoing definitions, it is my opinion that we aren't lobbyists within the meaning of Chapter 10A. The only activity we have engaged in that could be construed as "attempting to influence administrative action" has been in connection with non-rulemaking contested cases before the Minnesota Public Utilities Commission to which Sprint was a party. To my knowledge, our representation of Sprint in Minnesota has never required participation in a rulemaking proceeding.

I'm not sure if you're in a position to render an opinion on our status as lobbyists. We'd be happy to answer any questions you have and to supply you with any information you need. If you are able to resolve the question of whether our activities qualify us as lobbyists, please let us know. Thank you for your assistance.

## **Department of Health**

### **Life Support Transportation Service Licensure Application**

As of February 9, 1987 a complete application for a change from Basic Life Support to Advanced Life Support Transportation Service was received from Lakeview Emergency Medical Services, 919 W. Anderson Street, Stillwater, Minnesota 55082.

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 State Health Planning Agency (SHPA), 100 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Attn: Mr. John Dilley. The comments must reach the SHPA on or before March 11, 1987 or be submitted at the public hearing.

After a public hearing has been held, the SHPA shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The SHPA 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 Health Care Programs Division**

### **Public Notice Regarding Changes in Hospital Medical Assistance Reimbursement**

Notice is hereby given to recipients of Minnesota Medical Assistance (MA) and to the public, of changes to the hospital reimbursement under MA. This notice is being published pursuant to federal regulations which govern the administration of the Medical

# OFFICIAL NOTICES

Assistance program, 42 CFR 447.205 (1985). The purpose of this notice is to inform the public of changes made in Minnesota Medical Assistance by Hospital Medical Assistance Reimbursement Permanent Rules parts 9500.1090 to 9500.1155, effective January 1, 1987. The Hospital Medical Assistance Reimbursement Permanent Rules, parts 9500.1090 to 9500.1155 provide changes in the areas of: diagnostic categories; partitioning inpatient hospital reimbursements into reimbursements for persons who receive Medical Assistance because they are eligible for AFDC and all other persons who receive Medical Assistance; inclusion of cost outliers up to their trim points and day outliers up to their trim points plus 40 percent of costs beyond the trim point in the calculation of relative values; pass through costs; and inclusion of Medicare crossover claims in the calculation of the ratio. Copies of this material may be reviewed at the local county welfare or social service agency.

Written comments and questions may be addressed to:

Hospital Rates Unit  
Department of Human Services  
Space Center Building  
444 Lafayette Road  
St. Paul, Minnesota 55101

Comments and suggestions from the public may be viewed at the above address during normal working hours.

## Estimated Cost Savings

Estimated cost savings are the total state, federal, and county dollars anticipated to be saved. Medical Assistance costs are apportioned as follows:

	<u>Services</u>
FY'88	53.73% Federal
	41.64% State
	4.63% County

**I. 9500.1100, Subp. 20. Diagnostic categories.** "Diagnostic categories" means the classification of inpatient hospital services according to the diagnostic related groups (DRG's) under medicare with adjustments as published July 30, 1985 and revised as follows:

Diagnostic Categories	DRG Numbers Within the Diagnostic Category
A. to M. (Unchanged)	
N. Pregnancy, Childbirth, and the Puerperium	( <del>370</del> , <del>374</del> , <del>375</del> , <u>376-384</u> )
CC. Ceasarean <del>section without comorbidities</del> <u>sections</u>	( <u>370-371</u> )
DD. Vaginal delivery with complicating diagnosis <u>or operating room procedures</u>	( <u>372</u> , <u>374-375</u> )
EE. Vaginal delivery without complicating diagnosis <u>or operating room procedures</u> and Normal newborns	(373), (391)
FF to JJ. (Unchanged)	

It is anticipated this change will have minimal effect to the program cost of the Medical Assistance program.

## II. 9500.1090 PURPOSE AND SCOPE

Description of amendments: Amendments to this part partition inpatient hospital reimbursement into reimbursements for persons who receive medical assistance because they are eligible for AFDC and all other persons who receive medical assistance.

Projected net change in spending: The Department knows that amounts of reimbursements to individual hospitals will change. But the exact change in total reimbursement amounts will not be known until the amendments are implemented. Because in the past the Department has averaged the two populations and now is partitioning the payments into two separate rates the net affect of partitioned rates on State and local expenditures will be negligible.

## III. 9500.1110 DETERMINATION AND PUBLICATION OF RELATIVE VALUES OF DIAGNOSTIC CATEGORIES AND 9500.1115 DETERMINATION OF ALLOWABLE BASE YEAR COST PER ADMISSION.

Description of amendments: Amendments to parts 9500.1110 and 9500.1115 allow inclusion of cost outliers up to their trim points and day outliers up to their trim points plus 40 percent of costs beyond the trim point in the calculation of relative values and base year cost per admission. These amendments to these parts make up the substantive portions of the amendments from a fiscal perspective. Other amendments will have negligible fiscal impacts.

Projected net change in spending: The inclusion of outliers into the determination of the base year cost per admission will necessarily increase the base year cost per admission for those hospitals with admissions in the base year because by definition outlier cases are higher cost admissions and thus will push up the allowable base year cost per admission.



Changes to the relative values as a result of including outlier cases will have a varying impact on the hospital reimbursement. Since the relative value magnifies the base year cost per admission the effect on a particular hospital will depend on the change in the base year cost, the change in the relative values, and the relative distribution of each hospital's claims within the diagnostic category. Thus, changes to Parts 9500.1110 and 9500.1115 may increase or decrease individual claim payment amounts such that some hospitals may receive additional money while other hospitals may owe the Department. Because of the changes to the various components, the exact fiscal impact of the amendments would have to be determined through the use of a specially designed computer simulation. The resources for such a simulation are unavailable, however projections indicate that the expenditures are within the amounts budgeted for fiscal year 1986 and 1987. In effect these amendments are budget neutral against all current appropriations for this biennium. The following data shows the increases in expenditures over the current expenditures for state fiscal years 1986, 1987, and 1988:

	FY 1986		FY 1987		FY 1988
			(Thousands of Dollars)		
<b>MEDICAL ASSISTANCE</b>					
Inp. Hosp. Costs/Current Level (Actual '86; Projected '87-'88)	123,443		130,919		138,394
% Increase	× 9.7%	×	9.7%	×	9.7%
9 Mos./12 in '86	× 0.75		_____		_____
Projected Increase	9,011		12,743		13,470

**IV. 9500.1125 DETERMINATION OF CATEGORIAL RATE PER ADMISSION SUBPART 4**

Description of amendments: Pass through costs consist of the following costs: depreciation, rents and leases, property taxes, property insurance, interest, and malpractice insurance. As per the rule, the hospital estimates these costs for the forthcoming rate year. These amendments allow the Department to more accurately settle pass through costs because they allow the Department to apply actual utilization rates by ancillary and routine costs centers to total pass through costs.

Projected net change in spending: The net effect of these amendments on all hospitals in aggregate is expected to be a very small decrease to no change in reimbursements. In fact, pass through settlements may vary from year to year.

**V. 500.1135 DISPROPORTIONATE POPULATION ADJUSTMENT**

Description of amendments: Amendments to this part clarify that Medicare crossover claims are included in the calculation of the ratio. Further these amendments will allow the Department to redetermine the ratio based on actual data for the rate year.

Projected net change in spending: The fiscal impact of these amendments is expected to be extremely small as a percent of total reimbursement.

**Department of Human Services  
Mental Retardation Division**

**Notice of Intent to Solicit Outside Opinion Concerning Proposed Amendments to  
Minnesota Rules, Parts 9525.1800 to 9525.1930**

Notice is hereby given that the Minnesota Department of Human Services is considering draft amendments to DHS Rule 9525.1800 to 9525.1930, governing the administration and funding of home and community-based services.

This rule is authorized by Minnesota Statutes 256B.092, and governs the administration and funding of home and community-based services.

The proposed amendments include changes in Minnesota Rules, parts 9525.1800 to 9525.1930, that are necessary to conform to amendments approved by the Federal government for Minnesota's Title XIX medical assistance waiver allowing home and community-based services for persons with mental retardation or other related conditions, necessary to conform to other Minnesota rules and to Federal regulations, and necessary to modify other administrative standards and procedures specified in the current rule.

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 comments may be addressed to:

Bob Prouty  
Mental Retardation Division  
Department of Human Services  
Centennial Office Building  
St. Paul, MN 55155

## OFFICIAL NOTICES

---

---

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-2136.

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 rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is amended.

### Labor and Industry Prevailing Wage Division

#### Notice of Certified Prevailing Wage Rates

On January 12, 1987 the commissioner certified prevailing wage rates for highway and heavy construction projects in the following Minnesota counties: Blue Earth, Brown, Cottonwood, Dodge, Faribault, Freeborn, Jackson, LeSueur, Martin, Mower, Murray, Nicollet, Nobles, Pipestone, Rock, Steele, Waseca and Watonwan.

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. A sales tax of 6% must be added to all orders.

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

Ray Bohn, Commissioner  
Department of Labor and Industry

### Office of the Revisor of Statutes Administrative Rules

#### Publication of Rulemaking in Minnesota: A Guide

The revisor's office has published a guide to rulemaking under the Minnesota Administrative Procedure Act. It is a practical guide for agencies that wish to adopt rules, especially those agencies that do not routinely adopt rules.

This publication is available to agencies without charge. For copies please contact:

The Office of the Revisor of Statutes  
Room 700, State Office Building  
435 Park Street  
Saint Paul, MN 55155  
296-2868

### Department of Transportation

#### Petition of the County of Becker for a Variance from State Aid Standards for Roadway Width

I hereby give notice that the County Board of the County of Becker has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a bituminous overlay project on CSAH 6 from CSAH 11 to CSAH 15, a distance of 1.5 Miles.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9914 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a roadway width of 28' instead of the required width of 30'.

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

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

Dated: 30 January 1987

Leonard W. Levine  
Commissioner of Transportation

## **Department of Transportation**

### **Petition of the County of Jackson for a Variance from State Aid Standards for Structural Design Strength**

Notice is hereby given that the County Board of the County of Jackson has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a bituminous base and surface project on CSAH 3 from CSAH 4 to CSAH 34, a distance of 5.0 Miles.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a structural design strength of 7 tons with no consideration as to future 9 ton capability instead of the required 7 ton ultimate 9 ton capability.

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

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

Dated: 30 January 1987

Leonard W. Levine  
Commissioner of Transportation

## **Department of Transportation**

### **Petition of the County of St. Louis for a Variance from State Aid Standards for Recovery Area and Vertical Bridge Clearance**

Notice is hereby given that the County Board of St. Louis County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on CSAH 73 located between I-35 Service Road and CSAH 13 (Midway Road).

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 and § 8820.9915 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit structural plate-beam guardrail instead of the required 30' recovery area and a vertical clearance of 14'-11" instead of the required vertical clearance of 16'-4"; both conditions located at the D.W. & P. R.R. Bridge over CSAH 73.

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

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

Dated: 29 January 1987

Leonard W. Levine  
Commissioner of Transportation

## **Minnesota Waste Management Board**

### **Notice of Request for Qualifications from Firms Interested in Developing and Operating a Hazardous Waste Stabilization and Containment Facility**

The Minnesota Waste Management Board (WMB), which is overseeing development of a hazardous waste stabilization and containment facility in the state, is requesting that firms interested in developing and operating the facility submit qualifications.

Responses to the Request for Qualifications should include information regarding corporate structure, financial capability, existing operations, community relations experience, key personnel and subcontractors, regulatory compliance record, environmental impairment liability insurance coverage, proposed technologies, and involvement in other facility siting processes.

A Request for Proposals, to be issued early this summer, will ask several firms to submit detailed information regarding the design and economics of the proposed facility. A technical advisory panel will review proposals and make a recommendation to the WMB, which will select a developer by the end of 1987.

## OFFICIAL NOTICES

### Scope of Project

The legislation authorizing the WMB to oversee development of the facility defines stabilization as "a chemical or thermal process in which materials or energy are added to waste in order to reduce the possibility of migration of any hazardous constituents. . . ." The facility will process primarily ash from hazardous waste incineration and metal sludges from the treatment of wastewater generated by electroplating firms and circuit board manufacturers. The WMB will consider developers interested in proposing other technologies in addition to stabilization and containment, such as incineration and metals recovery.

Containment of the stabilized waste will be above-grade, unless the WMB determines that below-grade containment would better protect human health and the environment. The containment structure must meet requirements for the disposal of hazardous waste, although ideally the stabilized waste could be delisted under U.S. Environmental Protection Agency and Minnesota Pollution Control Agency regulations.

### Deadline

Copies of the Request for Qualifications are available from the following:

Dan Reinke  
Minnesota Waste Management Board  
7323 58th Avenue North  
Crystal, MN 55428  
Telephone: (612) 536-0816

Responses should be submitted to the WMB no later than 4:30 P.M., Friday, March 13, 1987.

## STATE CONTRACTS AND ADVERTISED BIDS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Commodities contracts with an estimated value of \$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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

### Department of Administration: Procurement Division

#### Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Trail Drags Rebid (DM)	Feb. 9, 1987	Natural Resources	Grand Rapids	29-002-13181
Tools, Carpenters & Misc. Hand Tools (DRT)	Feb. 10, 1987	Various	Various	Price-Contract
Library Shelving & Install (JPK)	Feb. 10, 1987	State University	Moorhead	26-072-07118
Arrow Boards (DM)	Feb. 10, 1987	Transportation	Various	79-382-01197 etc.
Aggregates (BV)	Feb. 10, 1987	Transportation	Morris	79-450-A
Meat for March 1987 (JPK)	Feb. 10, 1987	Various	Various	Various-Variou
Trailers (DM)	Feb. 10, 1987	Transportation	Willmar	79-382-01199
Industrial wrenches, sockets, tools & tool boxes (DRT)	Feb. 11, 1987	Various	Various	Price-Contract
Trailer (DM)	Feb. 11, 1987	Natural Resources	Grand Rapids	29-003-04233

## STATE CONTRACTS & ADVERTISED BIDS

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Cardboard Boxes (HL)	Feb. 11, 1987	Natural Resources	Willow River	29-003-04214
Bag, Seedling (Clear poly) (CB)	Feb. 11, 1987	Natural Resources	Willow River	29-003-04226
Seed (CB)	Feb. 11, 1987	Natural Resources	Grand Rapids	29-002-13340
Stick-on Rulers (AW)	Feb. 11, 1987	Natural Resources	Brainerd	29-003-05100
Drafting Chairs (JPK)	Feb. 11, 1987	Transportation	Oakdale	79-900-03362
Hot Mix Bituminous (BV)	Feb. 11, 1987	Transportation	No. St. Paul	79-900-B
Hot Mix Bituminous (BV)	Feb. 11, 1987	Transportation	Minneapolis	79-500-B
Plumbing Supplies (DM)	Feb. 11, 1987	Correctional Facility	St. Cloud	78-830-08501
Sewing Machine (DRT)	Feb. 11, 1987	Correctional Facility	Oak Park Heights	78-830-07117
Ready Mix (BV)	Feb. 12, 1987	Transportation	No. St. Paul	79-900 RM
Laboratory Glassware (PAM)	Feb. 12, 1987	Various	Various	Price-Contract
Retail Gasoline (EFS)	Feb. 12, 1987	Veterans Home	Mpls.	Price-Contract
Sperry Computers (PA) Rebid	Feb. 12, 1987	State University	Mankato	26-071-17017
Printers (PA) Rebid	Feb. 12, 1987	State University	Mankato	26-071-17049
Computer System Upgrade (PA)	Feb. 13, 1987	State University	St. Cloud	26-073-19387
Apple Equipment (PA)	Feb. 13, 1987	Academy for the Deaf	Faribault	37-001-70444
Microfilm File Cabinets—Rebid (JPK)	Feb. 13, 1987	State University	Moorhead	26-072-07104
Filter Elements (Air, Oil & Fuel) (EFS)	Feb. 13, 1987	Various	Various	Sch. 64
Tools, Pipe (DRT)	Feb. 13, 1987	Various	Various	Price-Contract
Radio Pagers (EFS)	Feb. 13, 1987	Administration: Telecommunications	St. Paul	02-430-52220
Repair of Carrier Chiller (EFS)	Feb. 13, 1987	State University	Marshall	26-175-06811
Van (DM)	Feb. 13, 1987	Vocational Rehabilitation	Eagan	21-606-73086
TI Printers (PA)	Feb. 13, 1987	Jobs and Training	St. Paul	21-200-14903
Resusci Annies (DK)	Feb. 17, 1987	Various	Various	Various
Zideo Equipment (PA)	Feb. 17, 1987	Community College	Worthington	27-146-87021-1
Wheels (DM)	Feb. 17, 1987	Correctional Facility	Stillwater	78-620-00121
Kitchen Equipment-rebid (CB)	Feb. 17, 1987	Correctional Facility	St. Cloud	78-830-08485
Rotary Lawnmowers (DRT)	Feb. 17, 1987	Various	Various	Price-contract
Electrostatic Repainting of Office Furniture (JPK)	Feb. 17, 1987	State University	Moorhead	26-072-07123
Modified Ricoh Laser Printer (PA)	Feb. 17, 1987	Transportation	Various	79-000-73673
Furnish and Install Vinyl Wallcovering (BZ)	Feb. 17, 1987	Community College	Normandale	27-000-10110
Shower Renovation (BZ)	Feb. 17, 1987	Correctional Facility	St. Cloud	78-830-08500
Trailer (DM)	Feb. 17, 1987	Natural Resources	Grand Rapids	29-001-10957

## Iron Range Resources and Rehabilitation Board

### Requests for Proposals for a Food/Beverage Operator at IRONWORLD

The Iron Range Resources and Rehabilitation Board (IRRRB) is seeking proposals from experienced food/beverage operators to provide comprehensive food, beer and wine services for the various users of IRONWORLD USA, located in Chisholm, Minnesota.

#### Tasks of the Contractor

The food and beverage contractor shall staff, manage and operate food and beverage concessions capable of seating 45-60 people at the Ethnic Kitchen and

## STATE CONTRACTS & ADVERTISED BIDS

Food and beverage concessions capable of servicing up to several thousand persons throughout the rest of the IRONWORLD USA complex at the food kiosks and plaza area, mobile food/beverage units, and other mutually agreed upon locations.

### Specifics

A. The contractor shall provide luncheon and evening ethnic specialties as mutually agreed upon by the contractor and the IRRRB. On special ethnic days the IRRRB reserves the right to request the contractor to serve specific ethnic foods mutually agreeable to both parties.

B. The contractor shall provide non-alcoholic beverages, fast food and incidental snack offerings as mutually agreed upon by the contractor and the IRRRB.

C. The contractor shall provide beer and wine as mutually agreed upon by the contractor and the IRRRB.

D. For all of the above, the contractor shall provide such services for both daily and special events visitors. The above will be made available at both permanent sites (Ethnic Kitchen, food kiosks) and temporary sites (mobile food/beverage units, etc.)

E. At the temporary sites, the contractor and the IRRRB may mutually agree to sub-lease arrangements with quality subcontractors.

F. During special events such as Ethnic Days, the IRRRB may request that the contractor offer special imported wines or beers appropriate for the occasion.

G. The IRRRB shall reserve the right to prepare and serve food (samples) as part of ethnic food demonstrations or exhibits. NOTE: It is expected that the contractor will attempt to coordinate its ethnic menu offerings with appropriate ethnic occasions.

H. For all of the above, menus and prices shall be mutually agreed upon by the contractor and the IRRRB.

### Cost of Contract

This is a negotiable item. However, the IRRRB suggests that respondents propose lease/rental arrangements as 5-20% of gross food and beverage sales. NOTE: Last year's gross receipts for the period June 27, 1986 through September 30, 1986 were \$140,203.00.

### Tentative Proposal/Contract Timelines

Publication in State Register: Monday, February 9, 1987.

Response Period: February 10, 1987—4:30 P.M., Monday, March 2, 1987.

Tentative Interviews: March 5, 6, 1987.

Anticipated Date of Contract Award: March 9, 1987.

Effective Contract Date: April 1, 1987.

Term of Contract: April 1, 1987-March 31, 1988. Renewable to March 31, 1989 by mutual consent.

### Statutory Proposal Requirements

In accordance with the provisions of Minnesota Statute M.S. 363.073, for state contracts in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued by the Commissioner of Human Rights before a proposal may be accepted. The proposal will not be accepted unless it includes one of the following:

A. A copy of the firm's current certificate issued by the Commissioner of Human Rights.

B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.

C. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

### Submission of Proposals

For further information and formal RFP documents contact:

Richard A. Nordvold  
Assistant Director  
IRONWORLD USA  
P.O. Box 392  
Chisholm, Minnesota 55719  
(218) 254-3321

---

---

## NON-STATE PUBLIC CONTRACTS

Proposals must be submitted no later than 4:30 P.M., Monday, March 2, 1987, at IRONWORLD USA, P.O. Box 392, Chisholm, MN 55719.

### Cancellation of Solicitation

"This request for proposal does not obligate the state of Minnesota (IRRRB) to complete the project, and the state (IRRRB) reserves the right to cancel this solicitation if it is considered to be in the state's best interest."

---

---

## NON-STATE PUBLIC CONTRACTS

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

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

---

### City of Plymouth

#### Advertisement for Bids for Computer Hardware and Software

Sealed proposals will be received by the City of Plymouth, Minnesota in the City Hall at 3400 Plymouth Boulevard until 4:00 p.m., C.T. on Friday, March 13, 1987, at which time, they will be publicly opened and read aloud for the furnishing of all labor and materials and all else necessary for the following:

All computer hardware and software for the implementation of a data-base driven Management Information System.

Requests for Proposals including specifications, proposal forms, and contract documents may be obtained at the office of the City Clerk, Plymouth, Minnesota, and at the office of McGladrey, Hendrickson and Pullen, 1800 Town Square, 445 Minnesota Street, St. Paul, Minn., 55101, Attention: Dean W. Hahn-Carlson.

Each bid shall be accompanied by a bidder's bond naming the City of Plymouth as obligee, certified check payable to the Clerk of the City of Plymouth, or a cash deposit equal to at least five percent (5%) of the amount of the bid which shall be forfeited to the City in the event that the bidder fails to enter into a contract.

The City Council reserves the right to retain the deposits of the three lowest bidders for a period not to exceed 90 days after the date and time set for the opening of bids. No bids may be withdrawn for a period of ninety (90) days after the date and time set for the opening of bids.

Payment for the work will be by cash or check.

The City Council reserves the right to reject any and all bids, or portions thereof, to waive irregularities and informalities therein, and further, reserves the right to award the contract in accordance with the best interests of the City.

James G. Willis, City Manager  
City of Plymouth, Minnesota

### Ramsey County Parks & Recreation Department

#### Advertisement for Architectural Services

The Ramsey County Parks Department requires the services of an architect to prepare plans for a picnic pavilion, (\$300,000) at Long Lake Regional Park. Contact Larry Holmberg at 777-0393 regarding qualification submittals. Deadline for submittals is February 17, 1987.

# SUPREME COURT DECISIONS

**Decisions Filed Friday, 30 January 1987**

**Compiled by Wayne O. Tschimperle, Clerk**

**C5-86-721 Rudy A. Bjerga, Relator v. Maislin Transport and Carriers Insurance Company. Workers' Compensation Court of Appeals.**

The notice of appeal from the rehabilitation review panel to the Workers' Compensation Court of Appeals was not timely filed. Reversed. Simonett, J.

**CX-86-1265 Julie Gutz, Relator, Steve Keefe, Commissioner of the Department of Labor and Industry, intervenor, Relator v. Honeywell, Inc., self-insured. Workers' Compensation Court of Appeals.**

In denying eligibility for rehabilitation, the Rehabilitation Review Panel acted within its jurisdiction and did not decide any issue of "subsequent liability causation."

The Workers' Compensation Court of Appeals does not review decisions of the Rehabilitation Review Panel de novo, and the lack of a de novo review by a law-trained body does not deny constitutional due process to an applicant for rehabilitation benefits.

Eligibility for rehabilitation benefits is governed by the 1983 amendments to Minn. Stat. § 176.102.

The findings to the Rehabilitation Review Panel, as affirmed by the Workers' Compensation Court of Appeals, are also affirmed by this court.

Affirmed. Simonett, J.

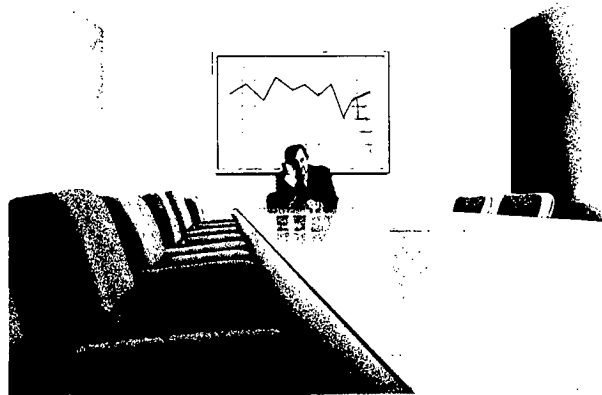
**C6-86-1442 In the Matter of the Application for the Discipline of Jerome J. Holmay, an Attorney at Law of the State of Minnesota. Supreme Court.**

Respondent's forgery and false notarization of his client's signature on documents which were submitted to a court and served on the opposing party requires a sanction of 30 days' suspension from the practice of law.

Suspended. Per Curiam.

## Business and NonProfit Corporation Act

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



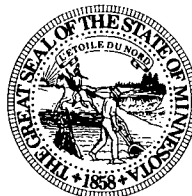
TO ORDER: Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.

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



# 1986 NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.



JANE SMITH  
NOTARY PUBLIC-MINNESOTA  
RAMSEY COUNTY

MY COMMISSION EXPIRES JANUARY 1, 1987

## U. S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. \$3.00
Small Business Finance	Code No. 16-42. \$4.50.
Starting and Managing a Small Business of Your Own	Code No. 16-40. \$4.75.

TO ORDER: Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.

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

# NEW Human Services Laws and Rules

## Human Services Laws 1986

An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$20.00.

## Human Services Rules

as in effect July 7, 1986

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

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



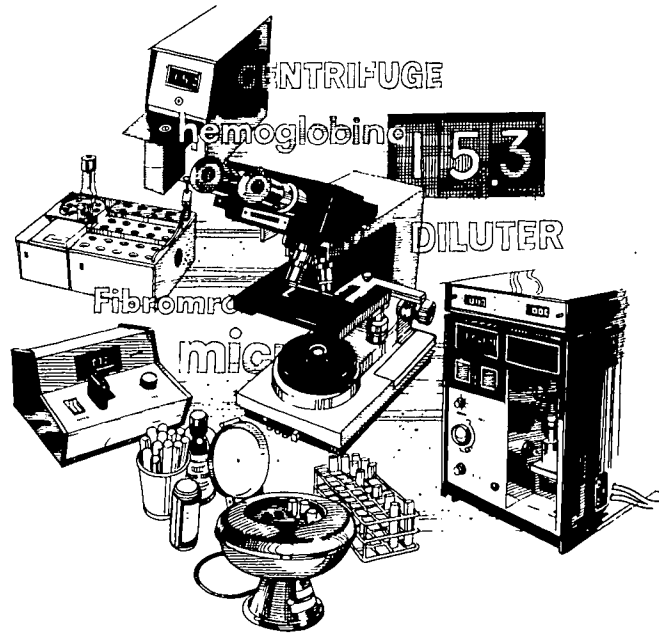
TO ORDER: Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.

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

# Are You Buying Or Selling?

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

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, \$109.00.



**TO ORDER:** Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.

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

## We want you to have our business—\$1 billion annually

Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **State Register**, the most complete listing of state contracts available. Just a **sampling** of contracts include:

- |   |                                  |   |
|---|----------------------------------|---|
| • consulting services                           | • professional services          | • technical services                        |
| • commodities                                   | • construction and remodeling    | • computer software                         |
| • office equipment and supplies                 | • design, graphics and printing  | • computers                                 |
| • vehicles and accessories                      | • food services                  | • mechanical and machine services and parts |
| • garbage and hazardous waste disposal services | • video equipment and services   | • laundry and cleaning services             |
|   | • tools and scientific equipment |   |

For 50¢ a day, the price of a **Wall Street Journal**, you can have delivered to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and get the business of Minnesota state government, is with the **State Register**.

Come blizzard, tornado, flood or earthquake — you'll find important and valuable information for your business you won't find anywhere else. Every Monday, 52 times a year, the **State Register** not only publishes the most thorough listing of state contracts but also the only source of state agency rulemaking activity, plus important tax court decisions, official notices, executive orders of the governor, supreme court decisions, and a calendar of scheduled cases to which you can add your "friend of the court" questions.

Could you hire someone to bring all this information to you and your company for so little money? Let us bring you the business of state government. Subscribe to the **State Register** today, or call 296-4273 for more information.

An annual subscription is \$130 and a 13-week trial subscription is \$40. MasterCard/VISA orders can be taken over the phone, otherwise prepayment is required. Send your orders to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota 1-800-652-9747 and ask for "DOCUMENTS."

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

## For Real Estate Professionals:

### REAL ESTATE RULES 1986

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$7.00.

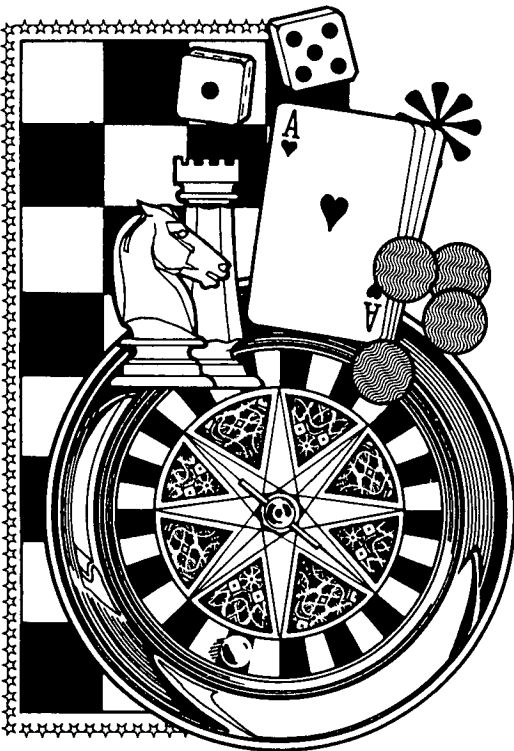
### REAL ESTATE LAWS 1986

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$5.00.



**TO ORDER:** Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.

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



## Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code # 1-11. \$20.00

**SPECIAL NOTE:** New Charitable Gambling Rules will be available this fall in booklet form. Governing those organizations that operate charitable gambling events, like bingo, this booklet soon to be available.

**TO ORDER:** Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.

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

# Subscription Services

The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

Subscription	Cost	Code Number
Career Opportunity Bulletin, 1 year	\$ 20.00	90-3
Career Opportunity Bulletin, 6 mos.	\$ 15.00	90-4
Human Services Informational and Instructional Bulletin	\$100.00	90-6
Human Services Bulletin List	\$ 20.00	90-7
LRL (Legislative Reference Library) Checklist	\$ 75.00	90-8

Subscription	Cost	Code Number
PERB (Public Employee Relations Board) Awards	\$260.00	90-9
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	\$135.00	18-8
State Register, 1 year	\$130.00	90-1
State Register, 3 mos. trial Can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Tax Court/Property Decisions	\$210.00	90-11
Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
Workers Compensation Decisions Vol. 38 (limited quantity)	\$ 89.50	
Vol. 39.	\$ 95.00	90-13

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

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

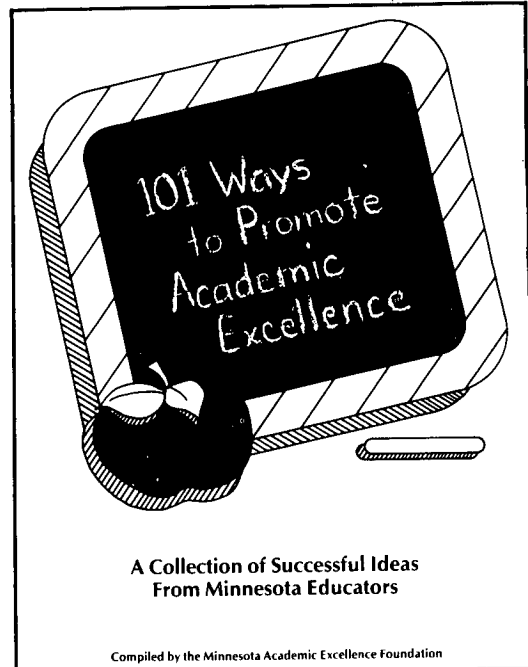
## Minnesota: national leader in education

### 101 Ways to Promote Academic Excellence

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

### Education Directory, 1986-87

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

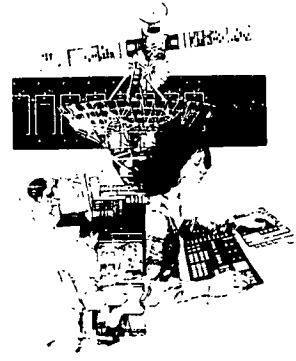


TO ORDER: Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." VISA/MasterCard orders accepted over phone. Please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

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

# Minnesota Manufacturers' Directory 1986-87

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



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code # 40-2, \$68.50.

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



TO ORDER: Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.

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

## For working on Minnesota's future environment

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

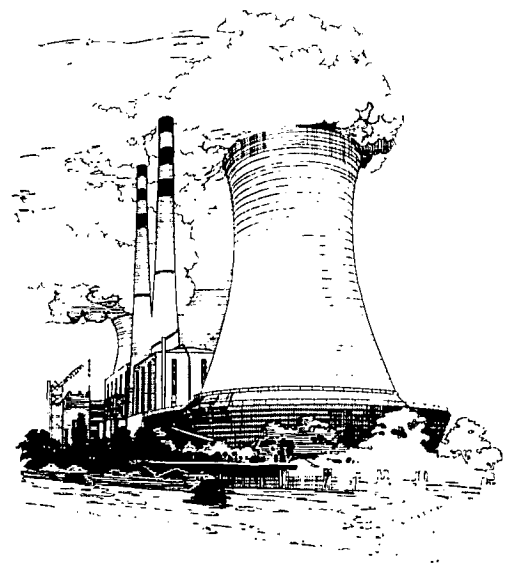
### 1986 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$15.00.

### 1986 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$13.50.

TO ORDER: Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000. VISA/MasterCard orders accepted. Please include daytime phone.



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

## Catching criminals is only one part of law enforcement. These publications are all about the rest of it.

**Police Report Writing Style Manual 1986**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$12.50.

**Background Investigation Manual 1986**—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

**Motor Vehicle Traffic Laws 1986**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$12.50.

**Criminal Code & Selected Statutes 1986**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$12.00.

**Blue Binder**—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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

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

# DOCUMENTS DIVISION

---

---

## Publications, Services, Subscriptions

### Order Form on Back

For Information, Call 297-3000

#### NEW PUBLICATIONS:

**Woodworking for Wildlife.** Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important information on the placement of nests in proper habitat areas. Diagrams. Code #9-14. \$6.00 plus tax.

**Insurance Laws 1986.** Compendium of laws applicable to the insurance business, including chapters on company and individual agent licensing requirements. Code #2-1, \$14.95 plus tax.

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

**Motor Vehicle Traffic Laws.** Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, \$12.50 plus tax.

**Criminal Code and Selected Statutes 1986.** Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, \$12.00 plus tax.

**Peace Officers Training Rules 1986.** POST Board licensing and continuing education requirements for peace officers. Code #3-7, \$5.00 plus tax.

**Education Rules 1986.** Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, \$14.50 plus tax.

#### OTHER PUBLICATIONS

**Business and Nonprofit Corporation Act 1986.** Handy reference book that contains all the state laws concerning the establishment and conduct of corporations in Minnesota. Code #2-87, \$10.00 plus tax.

**Minnesota Pocket Data Book 1985-86.** Statistical data on Minnesota based on the 1980 U.S. Census, updated in 1985. Population, health, education, energy, business, government and other topics. Code #40-4, \$29.95 plus tax.

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

\* **Minnesota Rules 1985.** 10-volume set. Code #18-200. Single volumes: \$13.00 plus 78¢ tax; Full set: \$125.00 plus \$7.50 tax.

\* **Minnesota Rules 1986 Supplement Number 2.** Code #18-200B. \$17.00 + tax.

\* **Minnesota Statutes 1986.** 10-volume set. Code #18-8. \$135.00 plus tax.

**State Register Index.** Contains cumulative finding aids to Volume 10 of the *State Register*, including Minnesota Rules Amendments and Additions. Executive Orders list & index. Agency & Subject Matter indices. Code #13-10I SR INDEX. \$5.00.

#### SUBSCRIPTIONS:

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

**Workers Compensation Decisions.** Volume 39. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$95.00.

#### SERVICES:

**Mailing Lists.** Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

**Minnesota's Seasons.** Catalog of lake maps, fishing guides, bikeway maps, cookbooks, travel guides, and more. Free.

**Minnesota State Documents Center 1986 Catalog.** Contains list of publications available through Minnesota Documents Center. Free.

**State Register Binder.** Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.

---

\* These publications require no postage and handling fees

