

STATE OF MINNESOTA

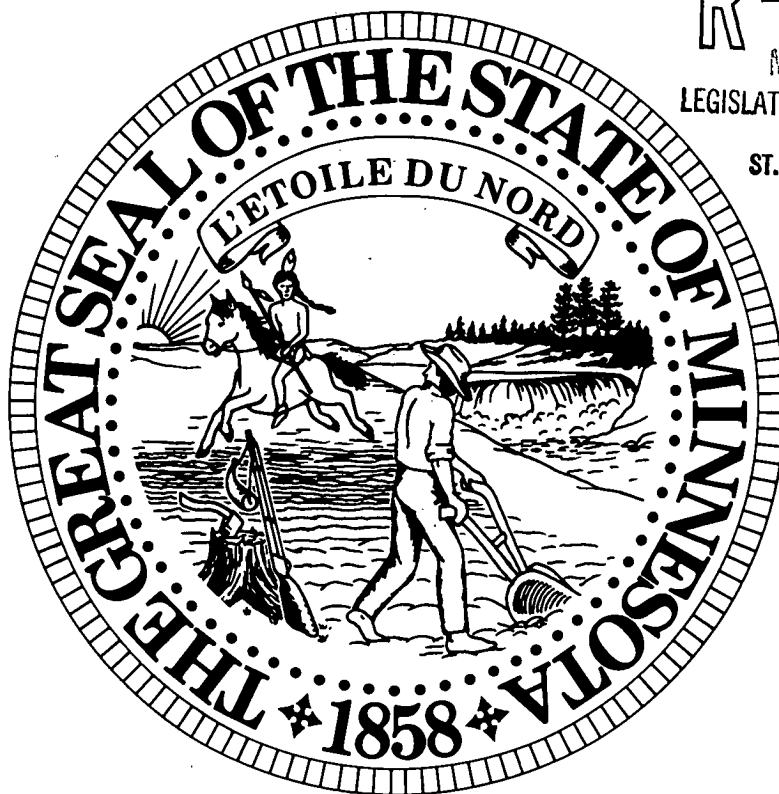
STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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STATE REGISTER

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

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

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
44	Monday 20 April	Monday 27 April	Monday 4 May
45	Monday 27 April	Monday 4 May	Monday 11 May
46	Monday 4 May	Monday 11 May	Monday 18 May
47	Monday 11 May	Monday 18 May	Monday 25 May

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

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

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

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

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

Rudy Perpich, Governor

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

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

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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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
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MINNESOTA RULES

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PROPOSED RULES

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

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

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

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

Department of Education

Proposed Permanent Rules Relating to Licensure for Directors of Special Education

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Board of Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statute Sec. 121.11, subdivision 12 (1986) and Minnesota Statute Sec. 125.05, subdivision 1 (1986).

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

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

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

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

Michael Trepanier
Minnesota Department of Education
819 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-8589

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

The rule proposed would establish criteria for the initial licensure of Directors of Special Education. A copy of the proposed rule is attached to this notice.

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

The State Board of Education estimates that there will be no cost to small business or to local school districts in the state in order to implement the proposed rule. Payment of the processing fee to become licensed or to renew a license continues to be the responsibility of the applicant.

Changes in the requirements for the Director of Special Education apply only to the first time applicant. A procedure has been identified in the proposed rule allowing applicants for renewal to add the new licensure code at the time of renewal. Therefore, the cost to the applicant will only be the normal processing fee.

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

Dated: 10 March 1987

Ruth E. Randall
Secretary, State Board of Education

Fiscal Statement

The State Board of Education estimates that there will be no cost to local school districts in the state in order to implement the proposed rule. Payment of the processing fee to become licensed or to renew a license continues to be the responsibility of the applicant.

Changes in the requirements for the Director of Special Education apply only to the first time applicant. A procedure has been identified in the proposed rule allowing the applicants for renewal to add the new licensure code at the time of renewal. Therefore, the cost to the applicant will only be the normal processing fee.

Rules as Proposed (all new material)

3510.9100 DIRECTORS OF SPECIAL EDUCATION.

Subpart 1. **Scope.** A person who serves or performs the duties of a director or assistant director of special education as specified in part 3525.2405, shall hold a license as a director of special education. A program supervisor is not required to hold this license. A person holding a Minnesota life license as a supervisor of special education may serve as a director or an assistant director of special education.

Subp. 2. **Licensure requirements.** An applicant for licensure as a director of special education shall:

A. have three years of teaching experience in special education while holding a license valid for the position or positions in which the experience was gained;

B. satisfactorily complete a specialist or doctoral program, or a program consisting of a master's degree plus 45 quarter

credits unless up to 30 credits are waived under subpart 4, in a preparation program approved by the commissioner of education that is offered at a regionally accredited Minnesota graduate school; and

C. be recommended for licensure as a director of special education by a Minnesota college or university that, in making the recommendation, attests to the satisfactory completion by the applicant of the approved program, and the evaluation process.

Subp. 3. **Program requirements.** The approved program must include preparation that enables the candidate to acquire knowledge, understanding, and abilities in the following:

A. General education administration:

(1) Understand, and be able to implement, the principles and strategies that will result in meaningful involvement of parents or guardians in the educational process including development of the verbal and nonverbal language that conveys an attitude of respect for what parents or guardians have to bring to the development of a working partnership with school personnel.

(2) Understand the principles of personnel management, including determining personnel needs, recruitment, assignment, supervision, and evaluation.

(3) Understand state and federal laws and rules regarding education, including data privacy.

(4) Understand the principles of social organization, including school-community relations and parent-school relations and understand communication strategies.

(5) Understand models of professional development and staff preparation.

(6) Know and understand group process, communication, and strategy skills including conflict management and resolution, listening, speaking, principled negotiation, strategies for change, and development of mission.

(7) Know and understand individual or personal behavior styles and how they interact under normal and stress conditions.

(8) Understand models of program planning, design, implementation, evaluation (including design), data collection, and data analysis.

(9) Know and understand different management models and styles.

(10) Know and understand the models of general school finance being used nationally and in Minnesota.

(11) Know case law regarding general education.

(12) Know school organization and administration models being used nationally and understand the models used in Minnesota.

(13) Know and understand elementary and secondary curriculum.

(14) Know and understand school effectiveness research and its effect on instructional programs.

(15) Know and explore current technology tools designed to deliver instruction and manage student instructional data.

B. Special education administration:

(1) Understand, and be able to implement, the principles and strategies that will result in meaningful involvement of parents or guardians in the educational process including development of the verbal and nonverbal language that conveys an attitude of respect for what parents or guardians have to bring to the development of a working partnership with school personnel and strategies on how to present educational and due-process information in a clear, concise, and nonthreatening manner.

(2) Understand the current state and federal laws and rules regarding the delivery of educational programs for handicapped pupils.

(3) Understand the current state and federal laws, rules, and procedures regarding special education finance, budgeting, and accounting.

(4) Understand case law regarding special education and the education of handicapped students.

(5) Understand special education instructional delivery service models including methods and materials.

(6) Understand special education program development, including needs assessment, program design, and evaluation.

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PROPOSED RULES

(7) Understand the purpose of and resources available from agencies and organizations serving handicapped pupils and their parents.

(8) Know special education administrative models used nationally, and understand the models being used in Minnesota.

(9) Know and explore current technology tools designed specifically for the handicapped including delivering instruction, student physical assistance (for example, communication and braille translation), and managing student information.

C. The program must provide the candidate with a practicum or field experience, that must include a minimum of 200 hours in an administrative position under the immediate supervision of a functioning director of special education. During the field experience, the candidate shall demonstrate the ability to apply the knowledge and understandings enumerated in items A and B. A person prepared in another state as a director of special education may substitute one year of full-time experience as a director or assistant director of special education in another state for the field experience required by this provision.

Subp. 4. Institutional requirement.

A. An institution applying to the commissioner of education for approval of a program leading to licensure of directors of special education shall comply with part 3510.3300. An approved program must include a description of how licensure candidates may have their experience and preparation, in those areas listed in subpart 3, evaluated by the institution.

B. The initial evaluation must include representation from college departments involved with the licensure program and must include practicing directors of special education. The evaluation must occur before the candidate's program is filed with the institution. The evaluation must result in an individual plan for the applicant to attain the necessary knowledge, skills, abilities, and understandings noted in subpart 3, items A and B. If an applicant can demonstrate competencies based on an evaluation of prior experience and training, that has a direct relationship to the requirements noted in subparts 2 and 3, this plan may include a reduction of up to 30 of the required quarter credits. The plan may also include a listing of additional areas of skill development in which the candidate shall consider additional preparation. The structure of the plan must clearly show which experiences or activities relate to which skills.

C. An approved program for the competency and situational observation component must include an exit evaluation that requires a licensure candidate to demonstrate facility with the knowledge and understanding components listed in subpart 3, items A and B. The exit evaluation must focus on those skill components not previously demonstrated during completion of the practicum requirement. One acceptable model for evaluating facility with those components can be achieved by placing the candidate in a series of realistic hypothetical problem-solving situations while being observed by a team of at least two to four persons competent to evaluate the candidate's facility and knowledge of the skill areas. This exit evaluation must allow the candidate to demonstrate facility with the knowledge areas within a reasonable time frame.

Subp. 5. **Issuance and renewal of licenses.** A license must be issued according to part 3510.2800. A continuing license must be renewed according to parts 3510.8500, 3510.8600, and 3510.8700.

Subp. 6. **Continuing license.** A person who meets any one of the following requirements shall, upon application, be granted a continuing license as a director of special education. Later continuing licenses must be renewed according to part 3510.8500.

A. Holds a valid license as a supervisor of special education before July 1, 1990.

B. Holds a valid license as a supervisor of a special education disability area and before July 1, 1990, has a minimum of one year of experience as a director or assistant director of special education.

C. Holds a valid administrative license and before July 1, 1990, has been reimbursed by the department of education as a supervisor or director of special education for a period of at least three years.

Subp. 7. **Out of state applicants.** A person prepared as a director of special education in states other than Minnesota shall meet the requirements of part 3510.3900 for the issuance of an entrance license.

Subp. 8. **Effective date.** This part is effective July 1, 1990, for an applicant for licensure as a director of special education.

Department of Labor and Industry Labor Standards Division

Notice of withdrawal of Proposed Rules Governing Prevailing Wage

Notice is hereby given that the proposed amendments to rules in the above-captioned matter, as published in 11 S.R. 1778-1779, are hereby withdrawn.

Dated: April 17, 1987

Ray Bohn
Commissioner

Department of Revenue

Proposed Permanent Rules Relating to Revenue; Utilities

Notice of Intent to Adopt Rules without a Public Hearing

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

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

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

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

Ronald Cook
Property Review Division
Minnesota Department of Revenue
P.O. Box 64446
St. Paul, Minnesota 55164
(612) 642-0486

Authority for the adoption of these rules is contained in Minnesota Statutes, section 270.06 (14). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Ronald Cook, at the above mentioned address, upon request.

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

The rules proposed for adoption relate to the following matters:

1. A partial recognition of excess depreciation for utility companies which have reached maximum allowable depreciation levels.
2. A reduction in the gross amount to be added to the cost approach to value as a result of the average cost per kilowatt of installed capacity study as applied to the valuation of electric generating plants.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Ronald Cook.

Dennis A. Erno
Assistant Commissioner of Revenue

Rules as Proposed

8100.0200 INTRODUCTION.

The commissioner of revenue will estimate the valuation of the entire system of a utility company operating within the state. The entire system will be valued as a unit instead of valuing the component parts, utilizing data relating to the cost of the property and the earnings of the company owning or operating the property. The resulting valuation will be allocated or assigned to each state in which the utility company operates. Finally, by the process of apportionment, the portion allocated to Minnesota will be distributed to the various taxing districts within the state. Most of the data used in the valuation, allocation, and apportionment process will be drawn from reports submitted to the Department of Revenue by the utility companies. These reports will include Minnesota De-

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PROPOSED RULES

partment of Revenue Annual Utility Reports (UTL forms), Annual Reports to the Federal Energy Regulatory Commission and Annual Reports to the Interstate Commerce Commission. Periodic examinations of the supporting data for these reports will be made by the Department of Revenue.

The methods, procedures, indicators of value, capitalization rates, weighting percents, and allocation factors will be used as described in parts 8100.0300 to 8100.0600 for ~~1986~~ 1987 and subsequent years.

As in all property valuations the commissioner of revenue reserves the right to exercise his or her judgment whenever the circumstances of a valuation estimate dictate the need for it.

8100.0300 VALUATION.

Subpart 1. **General.** Because of the unique character of public utility companies, such as being subject to stringent government regulations over operations and earnings, the traditional approaches to valuation estimates of property (cost, capitalized income, and market) must be modified when utility property is valued. Consequently, for the ~~1986~~ 1987 and subsequent assessment years, the value of utility company property will be estimated in the manner provided in this chapter.

Subp. 2. [Unchanged.]

Subp. 3. **Cost approach.** The cost factor to be considered in the utility valuation formula is the original cost less depreciation of the system plant, plus improvements to the system plant, plus the original cost of construction work in progress on the assessment date. The original cost of any leased operating property used by the utility must be reported to the commissioner in conjunction with the annual utility report. If the original cost of the leased operating property is not available, the commissioner shall make an estimate of the cost by capitalizing the lease payments. Depreciation will not be allowed on construction work in progress. Depreciation will be allowed as a deduction from cost in the amount allowed on the accounting records of the utility company, as such records are required to be maintained by the appropriate regulatory agency.

Depreciation, however, shall not exceed the prescribed percentage of cost: for electric companies, 20 percent; for gas distribution companies, 50 percent; and for pipeline companies, 50 percent. If the amount of depreciation shown on the company's books exceeds these percentages, the company may deduct ~~ten~~ 20 percent of the excess.

A modification to the cost approach to value will be considered by the commissioner when valuing electric utility property. The original cost of an electric utility's major generating plants will be increased if the cost of the plant falls below a certain standard. The standard to be used will be a national average of the cost per kilowatt of installed capacity. The cost per kilowatt of installed capacity is the total construction cost of the generating plant divided by the number of kilowatts the plant is capable of producing. The national average to be used will be computed by totaling the construction costs, excluding the cost of land, for major generating plants within the 48 contiguous United States. The total cost of the plants will be divided by the total generating capacity of the same plants to arrive at an average cost per kilowatt of installed capacity. A separate average will be computed for each type of plant: gas turbine, hydroelectric, and steam-electric. The plants used in the calculation will exclude nuclear electric generating plants.

The information used to compute the average will be drawn from the latest issue of the United States Department of Energy publication, Historical Plant Cost and Annual Production Expenses for Selected Electric Plants. All plants included in this publication will be used in the computation of the national average by type of plant.

An example of this computation of the national average cost per kilowatt of installed capacity is as follows:

Steam-Electric Generating Plants

Plant	Plant Cost Excluding Land	Plant Capacity
A	\$ 14,000,000	100,000 kw
B	13,000,000	90,000 kw
C	17,000,000	110,000 kw
D	14,500,000	80,000 kw
E	18,000,000	120,000 kw
F	10,000,000	70,000 kw
G	19,000,000	130,000 kw
H	9,000,000	60,000 kw
I	20,000,000	140,000 kw
J	8,000,000	50,000 kw
	\$142,500,000	950,000 kw

Total plant cost (\$142,500,000) divided by total plant capacity (950,000 kw) equals \$150 average cost per kilowatt of installed capacity.

The national average cost per kilowatt of installed capacity will be compared to the specific cost per kilowatt of installed capacity for each of the major generating plants owned by the utility being valued. If the national average cost per kilowatt is greater than the subject plant cost, the subject plant will have additional dollars incorporated into its cost in order to raise its cost per kilowatt to the national average. If the subject plant's cost per kilowatt equals or exceeds the national average, no cost will be added.

The following example illustrates this procedure:

**XYZ Utility
Steam-Electric Generating Plants**

	#1	#2
1. Plant		
2. Installed Capacity	100,000 kw	50,000 kw
3. Year in Service	1970	1950
4. Cost of Plant (Exclusive of Land)	\$15,200,000	\$5,000,000
5. Specific Plant Cost per kw	\$152	\$100
6. National Average Cost per kw	\$150	\$150
7. Deficiency	none	\$ 50
8. Additional Cost (Line 7 x Line 2)	none	\$2,500,000

This additional cost to be added to the original cost of the specific plant will be reduced by an allowance for pollution control equipment and an allowance for obsolescence.

The allowance for pollution control equipment will be computed annually by totaling the construction costs, exclusive of land, of all major generating plants within Minnesota by type of plant. A total will also be made of the cost of the equipment in these plants which has been approved for tax exempt status in accordance with Minnesota Statutes, section 272.02, subdivision 1, clause (9). This total will also be computed by type of plant. The total of the approved pollution control equipment will be divided by the total construction cost, exclusive of land, of the plants in order to calculate a percentage. This percentage will be the ratio of dollars spent for pollution control equipment to total dollars spent to construct a specific type of power plant. This percentage will then be used to reduce the gross additional cost to be added to the cost of the specific generating plant. An example of this process is as follows:

Steam-Electric Plants Within Minnesota

Plant	Plant Cost Excluding Land	Cost of Approved Pollution Control Equipment
A	\$15,200,000	\$1,500,000
B	10,000,000	1,000,000
C	5,000,000	700,000
D	20,000,000	2,000,000
E	16,500,000	1,470,000
	\$66,700,000	\$6,670,000

Total cost of approved pollution control equipment (\$6,670,000) divided by total plant cost (\$66,700,000) equals ten percent ratio of pollution control equipment expenditures to total expenditures for generating plant construction.

**XYZ Utility
Steam-Electric Plant #2**

1. Additional Cost Due to Computation of Average Cost per kw of Installed Capacity	\$2,500,000
2. 10% Allowance for Pollution Control Equipment	250,000
3. Additional Cost to be Added after Adjustment for Pollution Control Equipment	2,250,000

The allowance for obsolescence which will be applied to the additional plant construction cost will be computed annually for hydroelectric and steam-electric generating plants. The information needed to compute the obsolescence factors will be drawn from the same publication that is used to compute the national average cost per kilowatt of installed capacity figure. Gas turbine plants will not have any obsolescence allowance applied to the additional cost added to the plants.

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PROPOSED RULES

The obsolescence allowance for hydroelectric plants will be calculated through the use of a "plant factor." The plant factor is computed by dividing the number of kilowatt hours a generating plant actually produced in a year by the number of kilowatt hours the plant was capable of producing. The plant factor is normally expressed as a percentage. The mathematical expression of this factor is: net generation (kwh) divided by annual installed capacity (hours in a year multiplied by installed capacity (kw)). A standard plant factor will be computed for hydroelectric plants by averaging the plant factors of the ten plants with the highest plant factors in the average cost per kilowatt of installed capacity study. This standard will then be compared to an average of the most recent three years' plant factor of the subject plant. The amount the subject plant deviates from the standard is the amount of obsolescence which will be applied to the added cost.

An example of this obsolescence allowance computation is shown below.

Hydroelectric Plants			
Plant	Net Generation kwh (000)	Plant Capability kwh (000)	Plant Factor
A	400,150	755,000	53 %
B	300,040	577,000	52 %
C	250,000	480,000	52 %
D	600,000	1,250,000	48 %
E	896,000	1,600,000	56 %
F	700,000	1,400,000	50 %
G	507,000	975,000	52 %
H	450,000	1,000,000	45 %
I	376,000	800,000	47 %
J	810,000	1,800,000	45 %
			Average 50 %

XYZ Utility Hydroelectric Plant #4			
Year	Net Generation kwh (000)	Plant Capability kwh (000)	Plant Factor
19XX	400,000	1,000,000	40 %
19XX	500,000	1,000,000	50 %
19XX	450,000	1,000,000	45 %
			Average 45 %

Hydroelectric plant #4 plant factor (45 percent) divided by standard plant factor (50 percent) equals 90 percent. Therefore, hydroelectric plant #4 deviates from the standard by ten percent, or is ten percent obsolete.

The obsolescence allowance for steam-electric generating plants will be computed annually using two indicators. The first indicator will be the plant factor. The plant factor for steam-electric plants will be computed and applied in the same manner as the computation specified for hydroelectric plants. The only difference will be that the information used for the computation will be drawn from the latest Fossil-Fueled Steam-Electric Plant Section of the latest Historical Plant Cost and Annual Production and Expenses for Selected Electric Plants publication rather than the Hydro-Electric Plant section. Plant factors of the ten best steam-electric generating plants within the study period will be averaged. This average will be compared to the most recent three-year average plant factor for the subject plant. The subject plant's deviation from the standard plant factor is the amount of indicated obsolescence.

The second indicator which will be used to compute an obsolescence allowance for steam-electric generating plants will be a thermal efficiency factor. The source of information for this computation will also be the latest issue of the United States Department of Energy's publication, Historical Plant Cost and Annual Production Expenses for Selected Electric Plants, Fossil-Fueled Steam Electric Plant Section. Thermal efficiency for a generating plant is measured by the number of British thermal units (Btu's) required to produce one kilowatt hour. This efficiency rating can be obtained by dividing the number of kilowatt hours produced by a generating plant by the number of Btu's needed to produce this power. The number of Btu's used can be obtained by multiplying the units of fuel burned by the generating plant—tons of coal, gallons of oil, or cubic feet of gas—by the average Btu content of the fuel unit. The standard thermal efficiency factor will be computed by averaging the thermal efficiency factor of the ten most efficient steam-electric generating plants within the study period used to compute the average cost per kilowatt of installed capacity. This standard thermal efficiency factor will then be compared to the thermal efficiency factor of the subject plant. The amount the subject plant deviates from the standard is the amount of obsolescence indicated by this factor.

The two obsolescence figures for the subject plant as indicated by both the plant and thermal efficiency factors will then be

averaged. This resulting average is the obsolescence allowance which will be applied to the cost added to the subject plant as a result of the average cost per kilowatt of installed capacity computation. In no instance shall the original cost of a generating plant be reduced by an allowance for obsolescence unless its cost is increased through the use of the average cost per kilowatt of installed capacity computation. For the ~~1986~~ 1987 and subsequent assessments the additional cost after adjustments for obsolescence to be added to the cost indicator of value will be multiplied by ~~85~~ 50 percent.

The following examples illustrate computation of the standard thermal efficiency factor; obsolescence indicated by the application of this factor to the subject plant; average obsolescence for steam-electric generating plants; and obsolescence allowance adjustment of the added cost due to the use of the average cost per kilowatt of installed capacity for the subject plant.

Steam-Electric Generating Plants

Plant	Net Generation kwh (Millions)	Btu's Used (Millions)	Btu's per kwh
A	2,000	18,400,000	9,200
B	6,000	53,400,000	8,900
C	8,000	72,000,000	9,000
D	5,000	45,500,000	9,100
E	3,000	26,400,000	8,800
F	1,000	9,000,000	9,000
G	4,000	36,600,000	9,150
H	9,000	80,550,000	8,950
I	7,000	61,950,000	8,850
J	5,000	45,250,000	9,050
			Average 9,000

XYZ Utility Company

Steam-Electric Plant #2

Net Generation kwh (Millions)	Btu's Used (Millions)	Btu's per kwh
2,000	21,600,000	10,800

Steam-electric plant #2 thermal efficiency factor (10,800 Btu's per kwh) divided by standard thermal efficiency factor (9,000 Btu's per kwh) equals 120 percent. Therefore, steam-electric plant #2 deviates from the standard by 20 percent or is 20 percent obsolete.

XYZ Utility Company

Steam-Electric Plant #2

1. Obsolescence Indicated by Plant Factor	10%
2. Obsolescence Indicated by Thermal Efficiency Factor	20%
3. Obsolescence Allowance (Average of 1 and 2)	15%
4. Additional Cost due to Computation of Average Cost per kw of Installed Capacity	\$2,500,000
5. 15% Obsolescence Allowance	<u>\$ 375,000</u>
6. Additional Cost to be Added after Adjustment for Obsolescence	<u>\$2,125,000</u>
7. Adjustment factor	<u>85% 50%</u>
8. Net additional cost to be added	<u>\$1,806,250 \$1,062,500</u>

The cost indicator of value computed in accordance with this subpart will be weighted for each type of utility company as follows: electric companies, 85 percent; gas distribution companies, 75 percent; and pipeline companies, 75 percent.

The following example illustrates how the cost indicator of value would be computed for an electric company:

1. Utility Plant	\$200,000,000
2. Construction Work in Progress	<u>\$ 5,500,000</u>
3. Additional Value from Average Cost Per KW Computation After Factoring	<u>\$ 2,000,000</u>

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PROPOSED RULES

4. Total Plant	\$207,500,000
5. Nondepreciable Plant (Land, Intangibles, C.W.I.P)	\$ 17,500,000
6. Depreciable Plant	\$190,000,000
7. Book Depreciation	\$ 40,000,000
8. Maximum Depreciation (20%)	\$ 38,000,000
9. 10% <u>20%</u> Excess Depreciation Allowance	200,000 \$ 400,000
10. Total Allowable Depreciation	\$38,200,000 \$ 38,400,000
11. Total Cost Indicator of Value	169,300,000 \$169,100,000

Any company for which a modification is made under this subpart due to the average cost per kilowatt adjustment being made to original cost of a plant or plants located in Minnesota shall have an alternative cost indicator computation made without giving effect to the average cost per kilowatt adjustment of such plant or plants.

Subp. 4. to 8. [Unchanged.]

Board of Teaching

Proposed Permanent Rules Relating to License Criteria

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at the Science Museum of Minnesota, Auditorium, Concourse Level, 30 E. Tenth Street, St. Paul, Minnesota 55101, on June 8, 1987, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7606 either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period, the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record, the Administrative Law Judge will write a report as provided for in Minnesota Statutes, Section 14.50. The rule hearing is governed by Minnesota Statutes, Sections 14.14 to 14.20 and by Minnesota Rules, Parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

NOTICE IS HEREBY GIVEN THAT a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present only a short summary of the Statement of Need and Reasonableness at the hearing but will answer questions raised by interested persons. You are, therefore, urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The rules will establish standards and procedures for the issuance of provisional licenses, will amend the rules governing the issuance and renewal of continuing licenses, will establish the standards of licensure for teachers of family education/parent educator and family education/early childhood family educator, establish standards of licensure for media generalists, and repeal obsolete standards of licensure.

The Board's authority to promulgate the proposed rules is provided by Minnesota Statutes Section 125.05, subd. 1 and subd. 6, and Minnesota Statutes Section 125.185, subd. 4.

The Board estimates that there will be no cost to local bodies in the State to implement the rules for the two years immediately following their adoption within the meaning of Minnesota Statutes Section 14.11. These proposed rules will not directly affect small businesses within the meaning of Minnesota Statutes Section 14.115.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square Building, 550 Cedar Street, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact Kenneth L. Peatross, (612) 296-2415.

NOTICE: Any person may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

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

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

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

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

Dated: 4 May 1987

Kenneth L. Peatross, Executive Secretary
Board of Teaching

Rules as Proposed

8700.0502 PROVISIONAL LICENSES; TEACHING IN UNLICENSED SUBJECTS OR FIELDS.

Subpart 1. Authority to issue provisional licenses; scope of rule. The Board of Teaching may issue provisional licenses that permit a teacher to teach in related subjects or fields for which the teacher is not currently licensed. This part applies only to those subjects or fields for which provisional licensure is not specifically authorized by license rules.

Subp. 2. Criteria for issuance. The Board of Teaching shall issue provisional licenses authorized by subpart 1 if it finds that the following conditions are met:

A. the superintendent of schools of the employing school district requests a provisional license under this part and Minnesota Statutes, section 125.05, subdivision 6;

B. the superintendent of schools of the employing school district verifies that:

(1) no teacher holding a teaching license in a subject or field for which a provisional license is requested is available for the position; and

(2) no teacher holding a teaching license in the subject or field for which a provisional license is requested has been placed on unrequested leave by the school district and wishes to resume teaching in that subject or field; and

C. the teacher for whom the request is made holds a current Minnesota license granted by the Board of Teaching valid for teaching in another subject or field; and

D. the teacher for whom the provisional license is requested has completed a minimum of 15 quarter credits of the approved licensure program in the subject or field for which a provisional license is requested and has been recommended for provisional licensure by the college or university maintaining the approved program.

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PROPOSED RULES

Subp. 3. Application procedure. The applicant must submit a completed endorsement application containing the verification required in subpart 2, official transcripts, and the required processing fee.

Subp. 4. Duration of provisional license. A provisional license issued under this part is valid for no more than two school years and is nonrenewable.

8700.0900 CONTINUING LICENSE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. Renewal of continuing license. A license renewal period begins on July 1 of the year of expiration. Applications for renewal are accepted for processing by the department of education after January 1 of the year of expiration. Pursuant to procedures specified in parts 8700.0900 to 8700.2300, a valid continuing license shall be renewed for a subsequent period of five years when an applicant presents evidence of having been granted ~~120 renewal units~~ 125 clock hours by the local continuing education/relicensure committee during the five-year period immediately preceding the date on which the required renewal is to be made effective.

Subp. 5. Transition from renewal units to clock hours. Renewal units that have been granted by local continuing education/relicensure committees shall be allocated toward clock hours for renewal. For every one renewal unit granted by the local continuing/relicensure committee for experiences completed before August 31, 1987, one clock hour of continuing education shall be granted. Persons who have been granted 120 renewal units by a local continuing education/relicensure committee before August 31, 1987, shall be permitted to renew their license for one five-year period based on completion of the renewal unit requirement.

8700.1000 RENEWAL UNITS CLOCK HOURS.

Subpart 1. Definition. The renewal unit is based on the college credit. Ten hours of classroom instruction are equivalent to one quarter hour of college credit and ten renewal units. Therefore, one renewal unit is equal to one hour of college classroom instruction and the work and expectations associated with the classroom. One hour of college instruction usually carries with it two additional hours of related work. The allocation of one renewal unit per college credit hour is based, then, on the assumption of this investment of three hours of actual time "Clock hour" means an hour of actual instruction, supervised group activities, or planned individual professional development.

Subp. 2. Allocation of renewal units clock hours. This equation of three hours of actual time for one renewal unit may be used by the local committee for determination of the allocation of renewal units in all categories. Except as provided in subpart 4 the local committee may make exceptions to this ratio. The local committee, in making such exceptions, shall consider such criteria as the quality of the professional growth experiences and the relationship of such experiences to maintaining and improving general, academic, or professional qualifications. Decisions shall not be based solely on the number of hours involved In each five-year relicensure period, a minimum of 90 clock hours of the required 125 clock hours of continuing education must be earned from among the categories in subpart 3, items A to D. At least 45 of the 90 clock hours must be earned in programs that are consistent with local continuing education goals if the programs are locally available. A maximum of 35 clock hours may be earned from among the categories in subpart 3, items E to G.

Subp. 3. Categories for allocation. Categories for which renewal units clock hours shall be allocated granted by the local committee, and for which renewal units clock hours may be granted to applicants, are listed below in items A to G. Verification of completion of experiences must be submitted by the applicant to the local committee. Renewal units Clock hours must be earned in two or more of the following categories listed in items A to G:

A. college courses and related work relevant course work completed at accredited colleges and universities;

B. supervision of clinical experiences educational workshops, conferences, institutes, seminars, or lectures in areas appropriate to licenses held;

C. attendance at professional meetings, workshops, conferences, and seminars staff development activities, inservice meetings, and inservice courses;

D. attendance at lectures by persons with expertise in the areas for which licensure is requested building, district, regional, state, national, or international curriculum development;

E. systematic, purposeful observation during visits to schools and to related business and industry professional service in the following areas:

(1) supervision of clinical experiences of persons enrolled in teacher licensure programs;

(2) membership on national, state, and local committees involved with licensure, teacher education, or professional standards;

(3) participation in national, regional, or state accreditation;

F. volunteer work in professional organizations or situations related to the areas for which licensure is requested leadership experiences in the following areas:

- (1) development of new or broader skills and sensitivities to the school, community, or profession;
- (2) publication of professional articles in a professional journal in an appropriate field;
- (3) volunteer work in professional organizations related to the areas of licensure held; and

G. development of demonstrations or curriculum innovations for use with student teachers or in-service programs; opportunities to enhance knowledge and understanding of diverse educational settings in the following areas:

- (1) experiences with students of another age, ability, culture, or socio-economic level;
- (2) systematic, purposeful observation during visits to schools and to related business and industry;
- (3) travel for purposes of improving instructional capabilities related to the field of licensure;
- (4) work experience in business or industry appropriate to the field of licensure.

H. creative endeavor (art, music, or writing) related to the individual's licensure;

I. publication of professional articles in a professional journal in an appropriate field;

J. travel related to the professional licensure areas (prior approval of this experience shall be obtained);

K. maintenance and evaluation of an annotated log or record of activities with a class or group;

L. exchange situations to gain experience with students at another age, ability, culture, socioeconomic level, or in another subject for which the teacher is qualified;

M. attendance at and participation in in-service meetings with opportunity for staff members in various roles (college faculty, community persons) to work together;

N. participation in in-service meetings to include active staff planning and involvement (demonstrations with student exhibits, explanation of special or new techniques);

O. direct involvement, individually or within a group, to research, plan, and implement innovative educational practices;

P. planning and production of television or other special programs for use in the schools;

Q. leadership experiences, which involve the exercise and/or development of new or broader skills and sensitivities to the school, community, and profession;

R. membership on national, state, and local committees involved with licensure, teacher education, or professional standards, and participation in national, regional, or state accreditation; or

S. additional kinds of experiences may be approved. These experiences shall be experiences especially appropriate for a particular school district or a particular education area.

Subp. 4. **Maximum allocation.** The local committee shall grant renewal units clock hours and allow accumulation of renewal units according to the provisions of clock hours under parts 8700.0900 to 8700.2300. Maximum renewal unit clock hour allocations for specific experiences identified below are to be used as a guide for allocating renewal units for other experiences must be made under items A to C:

A. One quarter credit (when related to professional growth) equals ten renewal units Relevant course work must be rated at 15 clock hours for each quarter credit earned, and 20 clock hours for each semester credit earned.

B. One semester credit (when related to professional growth) equals 15 renewal units Subpart 3, items B to D, must be rated up to one clock hour for each hour of participation by the local continuing education/relicensure committee, in accordance with the local guidelines established under part 8700.1100.

C. Supervision of the clinical experiences of a college student for one quarter or one semester equals ten renewal units, provided that no more than 30 such renewal units may be granted in any five-year period Subpart 3, items E to G, must be rated at one clock hour for every three hours of participation by the local continuing education/relicensure committee in accordance with the local guidelines established under part 8700.1100.

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PROPOSED RULES

(1) Supervision of clinical experiences of persons enrolled in teacher licensure programs for one quarter or one semester equals ten clock hours. No more than 30 clock hours may be granted in a five-year relicensure period for supervision.

(2) One week of travel for purposes of improving instructional capabilities equals ten clock hours. No more than 30 clock hours may be granted in a five-year relicensure period for travel.

~~D. One week of approved travel equals ten renewal units, provided that no more than 30 such renewal units may be granted in any five-year period.~~

~~E. A one-day workshop, seminar, or conference equals up to five renewal units based on type of experience, involvement, and outcome product.~~

Subp. 5. **Experience for ~~renewal unit~~ clock hour credit.** Experiences for ~~renewal unit~~ clock hour credit must aid the applicant in maintaining and improving general, academic, or professional qualifications. Except for subpart 3, item ~~E~~ G, subitem (1), teaching experiences for which licensure is required shall not qualify for ~~renewal unit~~ clock hour credit.

Subp. 6. **Period for earning ~~renewal units~~ clock hours.** An applicant requesting renewal of a license to teach must earn a minimum of ~~120 renewal units~~ 125 clock hours during each five-year licensure period from July 1 of the year of issuance to June 30 of the year of expiration. An applicant may not bank ~~renewal units~~ clock hours for purposes of relicensure.

Subp. 7. **Evaluation of further education.** In cases where local school board policies require further education on a periodic basis, such education shall be evaluated in the same manner as other experiences and may apply as ~~renewal units~~ clock hours.

Subp. 8. **Renewal of license for two or more areas.** An applicant who seeks renewal of a continuing license for two or more areas should allocate at least 30 ~~renewal units~~ clock hours to each of the licensure areas for a total of no fewer than ~~120 units~~ 125 clock hours, with priority given to work in areas where the candidate is employed during the licensure period. Those candidates possessing administrative licensure may allocate ~~units~~ clock hours for the renewal of teaching licensure in this same manner.

8700.1100 LOCAL COMMITTEES FOR CONTINUING EDUCATION AND RELICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Duties.** The duties of the local committee are as follows:

A. Set procedures for its own operation:

(1) Establish written guidelines which set time, place, and procedures for local committee meetings; set procedures for local committee operations, including a procedure for emergency approval during periods when the committee is not regularly meeting; and determine ~~renewal units~~ clock hours to be allocated for each category enumerated in part 8700.1000, subpart 3 in accordance with the maximum ~~renewal unit~~ clock hour allocations stipulated in part 8700.1100, subpart 4;

(2) Make the guidelines available to persons interested in or affected by decisions of the local committee, together with a list of the current local committee membership; and

(3) Hold a hearing annually to allow the teachers in the district to review proposed or revised guidelines established by the local committee. It is recommended that this hearing be held in the fall.

A working draft of local guidelines and proposed revisions shall be made available prior to the local hearing.

The local committee shall schedule the hearing at a time and place which is convenient for those interested in or affected by the guidelines to be able to attend.

Adequate and proper notice shall be given to all such persons within the district.

All local committee members should be present at the hearing.

The hearing shall continue until all persons who wish to speak have had an opportunity to do so.

Although input received at the hearing is not binding, the local committee is encouraged to modify its guidelines, insofar as modifications are consistent with parts 8700.0900 to 8700.2300, if the information received during the hearing indicates that changes are necessary or desirable.

B. [Unchanged.]

C. Forward to the Board of Teaching the following information in accordance with due dates set forth in this rule:

(1) Prior to November 1 of each year, verification of the current membership of the local committee.

(2) Prior to November 1, 1980, and every five years thereafter, a copy of the published local committee guidelines. At such time that substantial changes are made in local guidelines, a revised copy of these guidelines shall be forwarded to the Board of Teaching.

(3) During February of each year, any recommendations for modifications in parts 8700.0900 to 8700.2300, based upon an evaluation of procedures and criteria for granting ~~renewal units~~ clock hours.

D. to E. [Unchanged.]

8700.1300 TRANSFER OF ~~RENEWAL UNITS~~ CLOCK HOURS.

If a licensed person employed by one school district becomes employed by a different district during a renewal period, units clock hours already earned and granted during that renewal period shall forthwith be transferred to the local committee for the new district. Such units clock hours shall be accepted by that committee.

8700.1400 GRANTOR OF ~~RENEWAL UNITS~~ CLOCK HOURS.

Renewal units Clock hours shall be granted by the committee of the district where the applicant was employed at the time that the experience was completed.

Persons who have not been employed by a school district for a period of time will be granted renewal units clock hours in either of the following ways: by the local committee of the district where the applicant was last employed, or by the local committee of the district where the applicant currently resides, if accepted by the local committee.

8700.2200 RIGHT OF APPEAL.

Subpart 1. **Appeal to local committee.** When an applicant has not been granted the requested number of renewal units clock hours by a local continuing education/relicensure committee, an appeal may be made to the local committee. An applicant must appeal to the local committee within 20 working days after notification of the decision of the local committee. Failure to file a written request with the local committee for an appeal within 20 working days constitutes a waiver of the individual's right to appeal.

Subp. 2. [Unchanged.]

Subp. 3. **Nonendorsement of application by local committee.** In cases where the applicant has not been granted the required number of renewal units clock hours for relicensure, local committees shall not endorse the application for renewal of the continuing license.

Subp. 4. **Appellant's duty to inform manager of licensing loss.** In the event that the renewal units clock hours under appeal result in loss of licensure, it shall be the responsibility of the appellant to inform the manager of licensing of such loss of licensure. The manager of licensing shall extend the previous continuing license until all avenues of administrative appeal have been exhausted.

Rules as Proposed (all new material)

8700.3110 FAMILY EDUCATION/PARENT EDUCATOR.

Subpart 1. **Definition.** The parent educator is licensed to teach parents and/or parent-child interaction as well as plan and coordinate the instructional program that addresses the intellectual, emotional, cultural, social, and physical needs of parents and children in a family education program.

Subp. 2. **Licensure requirements.** A candidate recommended for licensure as a parent educator in a family education program must:

A. hold a baccalaureate degree; and

B. satisfactorily complete a preparation program leading to licensure as a parent educator approved by the board of teaching, consisting of a minimum of 24 quarter hours or the equivalent.

Subp. 3. **Program requirements.** A program leading to licensure as a parent educator must provide candidates recommended for licensure with the knowledge, skills, and understandings set forth in items A to D:

A. a minimum of six quarter hours or the equivalent in child development, which must include infant, toddler, and preschool development;

B. a minimum of six quarter hours or the equivalent in family development, which must include parent-child relations, parenting skills, family systems, and family structure and function;

C. a minimum of nine quarter hours in adult education, which must include parent education curriculum and methods which also address special needs children and families, group facilitation/process/dynamics, and adult learning methods and materials; and

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

D. a minimum of three quarter hours of practicum, student teaching, internship, or experience in adult education.

Subp. 4. **Program approval for institutions.** An institution applying to the board of teaching for approval of its family education/parent educator preparation program shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license must be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

Subp. 6. **Effective date.** This part is effective July 1, 1989, for all applicants for entrance licensure as a parent educator in a family education program.

8700.3120 FAMILY EDUCATION/EARLY CHILDHOOD FAMILY EDUCATOR.

Subpart 1. **Definition.** The early childhood family educator is licensed to teach parents and/or children as well as plan and coordinate the instructional program which addresses the intellectual, emotional, cultural, social, and physical needs of parents and children in a family education program.

Subp. 2. **Licensure requirements.** A candidate recommended for licensure as an early childhood family educator in a family education program must:

A. hold a baccalaureate degree; and

B. satisfactorily complete a preparation program leading to licensure as an early childhood family educator approved by the board of teaching, consisting of a minimum of 36 quarter hours or the equivalent.

Subp. 3. **Program requirements.** A program leading to licensure as an early childhood family educator must provide candidates recommended for licensure with the knowledge, skills, and understandings set forth in items A to E:

A. a minimum of six quarter hours or the equivalent in child development, which must include infant, toddler, and preschool development;

B. a minimum of six quarter hours or the equivalent in family development, which must include parent-child relations, parenting skills, family systems, and family structure and function;

C. a minimum of nine quarter hours in adult education, which must include parent education curriculum and methods which also address special needs children and families, group facilitation/process/dynamics, and adult learning methods and materials;

D. a minimum of nine quarter hours in early childhood education, which must include theory, curriculum, classroom management, learning environment, teacher-child relations, home-school relations, and the young child with special needs; and

E. a minimum of six quarter hours of practicum, student teaching, internship, or equivalent experience in early childhood education and adult education, or with both children and adults in early childhood family education.

Subp. 4. **Program approval for institutions.** An institution applying to the board of teaching for approval of its family education/early childhood family educator preparation program shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license must be issued and renewed according to rules of the board of teaching governing continuing education/relicensure.

Subp. 6. **Effective date.** This part is effective July 1, 1989, for all applicants for entrance licensure as an early childhood family educator in a family education program.

8700.7010 MEDIA GENERALIST.

Subpart 1. **Definition.** A media generalist is one who is qualified to work at a specialized professional level in both print and nonprint areas (library science, audiovisual education, and other emerging instructional technologies) in an elementary or secondary school or in a school district.

Subp. 2. **Licensure requirements.** A candidate recommended for licensure as a media generalist must:

A. hold a baccalaureate degree;

B. hold a valid Minnesota license as an elementary or secondary classroom teacher; and

C. satisfactorily complete a preparation program leading to licensure as a media generalist approved by the board of teaching, consisting of a minimum of 39 quarter hours or the equivalent.

Subp. 3. **Program requirements.** A program leading to licensure as a media generalist must provide a candidate recommended for licensure with the abilities set forth in items A to G.

A. The program must provide the candidate with the abilities with respect to philosophy of media service listed in this item:

(1) to develop a philosophy of media service and be able to communicate it;

- (2) to state the need for media programs;
- (3) to describe how media programs function in the school;
- (4) to relate the role of the media program to curriculum development;
- (5) to place the development of media services into a historical and research perspective;
- (6) to determine philosophical impact on policies and procedures;
- (7) to identify levels of service and ways that they interact;
- (8) to discover factors that influence media service and determine their impact;
- (9) to analyze a diversity of literature and existing media programs in terms of their philosophy and service;
- (10) to examine the relationship of media programs to curriculum development, learning theory, and emerging technology;

and

- (11) to develop an appreciation for the necessity of life-long learning and continuing education in the profession.

B. The program must provide the candidate with the abilities with respect to administration of media programs listed in this item:

- (1) to assess and appraise user needs and interests, existing resources, and projected changes;
- (2) to formulate written policies, objectives, and plans for the media programs;
- (3) to implement policies, objectives, and plans for the present and future media program;
- (4) to plan and conduct training of students and staff in operation of equipment;
- (5) to research and evaluate the impact of the media programs and report to appropriate school officials and agencies;
- (6) to provide leadership in curriculum development;
- (7) to coordinate fiscal resources with program objectives through budget development for the media center and fiscal planning for the district;
- (8) to manage the technical functions of the media program, including acquisition, processing, maintenance, and inventory of materials and equipment;
- (9) to establish and supervise internal and external delivery systems for materials, equipment, and services;
- (10) to identify personnel needs of the media program and manage personnel through the development and implementation of effective management policies;
- (11) to design and implement an effective public relations program within the building, the district, and the community;
- (12) to consult and participate in the planning of the media center facility and the design of facilities to use educational technology throughout the school setting; and
- (13) to synthesize and convey to media center personnel and users recent educational, technological, and legal developments and trends which affect media programs.

C. The program must provide the candidate with the abilities with respect to media collection development and organization listed in this item:

- (1) to apply a critical knowledge of a wide variety of media resources to the process of collection development;
- (2) to select media resources for curricular, informational, and recreational purposes for the educational program;
- (3) to use selection and evaluation review sources for collection development and reassessment;
- (4) to assess students' interests, goals, and abilities in order to provide reading, listening, and viewing guidance;
- (5) to participate in curriculum design and development;
- (6) to assist faculty to identify and apply appropriate selection criteria;
- (7) to develop selection and copyright policies and apply the principles of intellectual freedom in the educational program;

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PROPOSED RULES

(8) to interpret media collection development to faculty, administration, and the public; and

(9) to organize information through knowledge of classification and subject headings in order to make resources accessible to users.

D. The program must provide the candidate with the abilities with respect to delivery systems for instruction listed in this item:

(1) to determine media and technology appropriate for educational programs;

(2) to analyze the school's curriculum and implement a media program to support it;

(3) to provide reference service through knowledge of reference and bibliographic sources;

(4) to use reference sources, print and nonprint, to meet information needs of students, faculty, and administration;

(5) to provide reading, listening, and viewing guidance;

(6) to work with faculty in planning effective experiences for students in the use of the services, materials, and equipment of the media center;

(7) to plan and conduct a staff development program;

(8) to disseminate information to faculty regarding instructional media, new developments, techniques, and research findings;

(9) to expand the resources of the media center by knowledge and utilization of external networking opportunities;

(10) to participate in curriculum development through expertise in instructional technology and research;

(11) to work with programmed materials, information storage and retrieval systems, computer-assisted instruction, telecommunications, and other emerging trends;

(12) to plan and conduct sequential programs of instruction in the location and use of resources and equipment, and critical evaluation and appreciation of them;

(13) to design learning experiences systematically to meet specific instructional objectives; and

(14) to teach students research methods and skills as a foundation for life-long learning.

E. The program must provide the candidate with the abilities with respect to design and production of learning materials listed in this item:

(1) to apply knowledge of the background, research, and development of educational communications to the design of media;

(2) to recognize the levels, formats, and types of media required in designing materials to meet stated curricular objectives;

(3) to use electronic and nonelectronic media production skills; and

(4) to identify emerging technologies and the skills which will be needed for their use.

F. The program must provide the candidate with the abilities with respect to emerging technology and trends in education listed in this item:

(1) to recognize the importance of technological advancement to the educational process;

(2) to apply an understanding of the basic concepts, terminology, and applications of emerging technology;

(3) to recognize curricular implications that result from emerging technology and educational trends;

(4) to provide leadership in incorporating innovations into education;

(5) to identify sources of information related to technological advancements; and

(6) to provide technical advice and service for educational access to technology.

G. The program must provide the candidate with a practicum, or field experience, that must include at least 200 clock hours in a media generalist position including some experience at both the elementary and secondary levels under the supervision of a licensed media generalist or media supervisor. During the field experience, the candidate shall demonstrate how to apply the abilities in items A to F.

Subp. 4. **Program approval for institutions.** An institution applying to the board of teaching for approval of its media generalist preparation program shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license must be issued and renewed according to rules of the board of teaching governing continuing education/relicensure.

Subp. 6. **Effective date.** This part is effective July 1, 1990, for all applicants for entrance licensure as a media generalist.

REPEALER. Minnesota Rules, parts 8700.5900 and 8700.6600, are repealed. Minnesota Rules, part 8700.7000, is repealed effective July 1, 1990.

OFFICIAL NOTICES

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

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

Department of Administration Building Codes & Standards Division

Finance Commissioner's Addendum to Notice of Proposed Permanent Rules Relating to Certification Maintenance

The Notice of Intent to Adopt a Rule without a Public Hearing, the Statement of Need and Reasonableness, and the Proposed Rules regarding Certification Maintenance published in the *State Register*, Vol. II, No. 43 on Monday, April 27, 1987 are correct as published.

The Statement of Need and Reasonableness stated that: "The fee that has been established in the rule is the same as the original certification fee. In keeping with MN Stats. 16A.128 Subd. 1a approval has been sought and has been received from the Commissioner of Finance (a copy of the approval is attached)." The copy of the approval from the Commissioner of Finance was inadvertently omitted from publication in the *State Register* Vol. 11, No. 43 on April 27, 1987.

The copy of the approval from the Commissioner of Finance is hereby published and reads as follows:

Fee Approval Certification Renewal for Building Officials

Your March 24 request to establish a fee of \$20.00 for certification renewal is approved to become effective when the necessary rule-making requirements have been met.

Dated: 27 March 1987

Bruce J. Reddemann, director
Budget Operations and Support
Department of Finance

Agricultural Resource Loan Guaranty Board

Notice of Public Hearing on a Proposed Project Under the Agricultural Resource Loan Guaranty Program Pursuant to Minnesota Statutes, Chapter 41A, As Amended

Notice is hereby given that the governing body of the Agricultural Resource Loan Guaranty Board of the State of Minnesota (the "Board"), will meet on May 20, 1987, at 9:00 a.m. at the Minnesota Department of Energy and Economic Development, 900 American Center Building, Room 3, 150 East Kellogg Blvd., St. Paul, Minnesota for the purpose of conducting a public hearing on a proposal that the Board issue its revenue bonds under the Agricultural Resource Loan Guaranty Program pursuant to Minnesota

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OFFICIAL NOTICES

Statutes, Chapter 41A, as amended, in order to finance the cost of a project. The proposed project will consist of the acquisition of equipment and renovation of a building for the purpose of operating a custom grain processing plant, at 1860 Industrial Drive, Blue Earth, Minnesota. The proposed project will be operated by Freedom Farms, Inc. The estimated total amount of the proposed issue is \$900,000.00. The bonds shall be a limited obligation of the Board and the bonds and interest thereon shall be payable solely from the revenues pledged to the payment thereof, except that such bonds may be secured by a mortgage or other encumbrance on the project. No holder of any such bond shall ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bonds, or the interest thereon, nor to enforce payment against any property of the State except the project.

A draft copy of the proposed application to the Minnesota Department of Energy and Economic Development for approval of the project, together with all attachments and exhibits thereto, is available for public inspection at the Board offices between 9:00 a.m. and 4:00 p.m. on days when the Minnesota Department of Energy and Economic Development is open for business.

All persons interested may appear and be heard at the time and place set forth above.

Dated: 4 May 1987

By Order of the Agricultural
Resource Loan Guaranty Board
Jay Kiedrowski, Chair

Department of Education Management Effectiveness Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Statewide Management Information System

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the State Board of Education in preparing to propose the adoption of the rule governing standards for ESV-IS data, criteria for the creation of ESV-MIS centers, transfer by a district from one center to another, use of an MIS other than ESV-IS or a state approved alternative system, annual and biennial plans and budgets submitted by regional MIS centers, and cost accounting procedures which account by district for resources consumed at the regional MIS center. The adoption of the rule is authorized by Minnesota Statutes, Section 121.931, Subdivisions 6 and 8, which requires the State Board of Education to adopt rules as specified above.

The State Board of Education requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Erv Chorn, 850 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5647 and in person at the above address.

All statements of information and opinions shall be accepted until July 1, 1987. Any written material received by the State Board of Education shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 27 April 1987

Daniel Skoog, assistant commissioner
Management Effectiveness

Department of Energy and Economic Development Business Financial Management Division

Notice of Availability of Tax Exempt Financing Issuance Authority

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of April 27, 1987, is as follows:

Competitive Pool (Federal Volume Limitation Act)**Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19**

Total Pool Available Priority to:

- (a) General Obligation Projects
- (b) Manufacturing Projects

\$44,489,380.

For:

- Pollution Control/Waste Management Projects
- Commercial Redevelopment
- Multifamily Housing Projects

\$ 2,847,876.

\$17,708,783.

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19, Subd. 2, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

Department of Health**Commissioner's Request to Report Cases, Suspect Cases, Carriers and Deaths Due to *Listeria Monocytogenes* Pursuant to Minn. Rules Part 4605.7080.**

The Commissioner of Health has determined pursuant to Minn. Stat. § 144.05, 144.0742 and 144.12, and Minn. Rules pt. 4605.7080 that cases, suspect cases, carriers and deaths due to *Listeria monocytogenes* be considered a reportable disease inasmuch as the following circumstances exist.

A. Since many questions about the epidemiology of *Listeria monocytogenes* infection are as yet unanswered, reporting will assist in further understanding of the disease. First, the incidence of the disease remains unknown. For the period 1982-1985, the Minnesota Department of Health received reports of five to ten cases of listeriosis annually. Yet six cases of listeriosis were reported to the Department of Health in the six weeks following the identification in August, 1986, of *Listeria monocytogenes* from samples of ice cream sold in Minnesota. Data from hospital record reviews conducted by the Centers for Disease Control suggested approximately 800 cases of listeriosis occurred annually in the United States. However, 314 cases were identified in California alone between January 1 and November 2, 1985, where reference to increase reporting made in conjunction with a contaminated product-associated outbreak. Second, further information is needed on the modes of transmission. Maternal-fetal transmission has been well-documented. Recently, foodborne outbreaks have also been recognized; investigations of these outbreaks implicated coleslaw, pasteurized milk and Mexican-styled cheese as vehicles for transmission. The role of foodborne transmission in causing sporadic cases of listeriosis, however, is not defined and the disease causing potential of low-level product contamination with *Listeria monocytogenes* remains unknown. Further, although much is known about major clinical analysis associated with *Listeria monocytogenes* infection, the relative frequency of different clinical presentations has not been examined through active, population based surveillance.

B. Persons affected with *Listeria monocytogenes* may suffer from meningitis, septicemia, and spontaneous abortions, stillbirths and neonatal mortality. Persons who are most susceptible to developing listeriosis include patients who are immunosuppressed, pregnant, or neonates. In addition, *Listeria monocytogenes* may cause diarrhea in healthy individuals or mild febrile illness in pregnant women.

C. A case-oriented public health response would be helpful for control inasmuch as surveillance for listeriosis may allow identification of outbreaks, which in turn, can lead to epidemiologic investigation and potential implication of a vehicle of transmission. Through interviewing persons exposed to an implicated vehicle, the spectrum of clinical illness associated with infection can be better defined and appropriate control mechanisms can be implemented.

D. A specific protocol design and methodology for surveillance incorporating passive surveillance, active surveillance, data collection and retrospective case ascertainment has been developed by the Commissioner of Health.

E. Reports of individual cases of the disease will permit a determination of the annual incidence of the disease, a recognition of outbreaks which may allow identification of modes of transmission, may lead to further definition of the clinical spectrum of infection through interviews and medical records reviews and, if outbreaks caused by foodborne transmission are identified, appropriate control measures may be instituted.

OFFICIAL NOTICES

For the reasons referenced above, the Commissioner of Health hereby requests reporting to the Department of Health all cases, suspect cases, and carriers and deaths due to *Listeria monocytogenes* beginning on May 11, 1987.

Dated: 24 April 1987

State of Minnesota
Department of Health
Sister Mary Madonna Ashton, Commissioner

Metropolitan Council

Notice of Candidate Sludge Ash Site Dismissal

After an in-depth study on sludge ash landfill need, the Metropolitan Council has determined that there is no demonstrated need for a Metropolitan Waste Control Commission-owned sludge ash landfill, and that there are permitted feasible and prudent alternatives. On April 23, 1987 the Metropolitan Council adopted a resolution permanently dismissing the candidate sludge ash sites—Site 10 in Lakeville-Farmington, Site 22 in Dahlgren Township and Site B in Farmington—from consideration as sites for this facility in accordance with Section 473.153, Subd. 4a of the Waste Management Act.

Metropolitan Council of the Twin Cities Area

Notice of Commencement of a Metropolitan Significance Review of the Proposed Arena for the National Basketball Association Franchise for Minneapolis

Effective April 21, 1987, the Metropolitan Council commenced a metropolitan significance review of the arena for the National Basketball Association franchise. The metropolitan significance regulations require that, within five days of commencement, the Council provide notice of commencement of the significance review to the following: the initiator of the review, the city of St. Paul; the situs governmental unit, the city of Minneapolis; the sponsors of the proposed development, Marvin Wolfenson and Harvey Ratner; adjacent governmental units, metropolitan commissions and the Metropolitan Land Use Advisory Committee.

This document, together with the attached copies of the Council order commencing the review and suspending action on the proposed arena, the resolution and information submission prepared by the city of St. Paul and a schedule for the conduct of the review constitute the notice required by Minn. Rules 1983 5700.1400 Subp. 6. May 11 is the deadline for the submission of preliminary statements by the initiator, the sponsor, the situs governmental unit and other interested persons. The public hearing is scheduled for June 22. If changes are made in this schedule as the review proceeds, you will be notified.

Dated this 23rd day of April, 1987.

Metropolitan Council of the Twin Cities Area

Preliminary Review Schedule of the Proposed Arena for the National Basketball Association Franchise for Minneapolis

Order commencing review	Apr. 21, 1987
Notice to appropriate parties	Apr. 24, 1987
Preliminary statements due	May 11, 1987
Period during which review procedures may be stipulated pursuant to 5700.1900	May 6-May 21, 1987
Meeting among parties to discuss preliminary statements and to determine if matter can be settled by stipulation	May 8, 1987
Notice of public hearing	June 3, 1987
Staff report released	June 10, 1987
Staff report conference, all parties invited	June 15, 1987

Public hearing	June 22, 1987
Public hearing report, findings and conclusions adopted by Metropolitan Significance Review Committee	June 29, 1987
Metropolitan and Community Development Committee: Metropolitan Significance	July 2, 1987
Metropolitan Council: Metropolitan Significance	July 9, 1987
90-day deadline expires for Metropolitan Significance	July 20, 1987

Board of Examiners for Nursing Home Administrators

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Licensure of Nursing Home Administrators

Notice is hereby given that the State Board of Examiners for Nursing Home Administrators is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing licensure of nursing home administrators. The promulgation of these rules is authorized by Minnesota Statutes, sections 144A.24 and 626.557, subd. 16(b) which requires the agency to develop and enforce standards for licensure of nursing home administrators, to take appropriate disciplinary action, and to ensure compliance with the Vulnerable Adult Reporting Act.

The State Board of Examiners for Nursing Home Administrators requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to: Phillip C. Newberg, Board of Examiners for Nursing Home Administrators, Suite 104, 2700 University Avenue West, St. Paul, Minnesota 55114. Oral statements will be received during regular business hours over the telephone at (612) 642-0595 and in person at the above address.

All statements of information and comment shall be accepted until September 1, 1987. Any written material received by the State Board of Examiners for Nursing Home Administrators shall become part of the record in the event that the rules are promulgated.

Phillip C. Newberg

Department of Public Safety Hazardous Substance Advisory Committee/Minnesota State Emergency Response Commission Local Committee Appointment and Rules Subcommittee

Meeting Notice for May 7, 1987, 9:00 AM

Agenda

1. Election of subcommittee chair
2. Committees
 - A. Review Statutory requirements for local appointments
 - B. Description of formal appointments process
3. Districts
 - A. Review district designations
4. Other

Meeting will be held in Room B-5, State Capitol, St. Paul, Minnesota

OFFICIAL NOTICES

Secretary of State Election Division

Outside Opinion Sought Regarding Proposed Rules Providing for Standard Ballot Formats and Bonding of Vendors

Notice is hereby given that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to promulgate rules providing for standard ballot formats and bonding of vendors as required by Minnesota Statute 206.57 and Laws of 1986 c 362.

The Secretary of State requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Joseph Mansky
Election Division
Office of the Secretary of State
180 State Office Building
St. Paul, MN 55155-1299

Oral statements will be received during regular business hours over the telephone at (612) 296-2805 and in person at the above address. Any written material received by the Secretary of State shall become part of the record in the event that the rules are promulgated.

Teachers Retirement Association

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association will hold a special meeting on May 27, 1987 at 9:00 a.m. in Room 500, Gallery Building, 17 West Exchange Street, St. Paul, MN 55102 to interview applicants for the fund actuary.

Department of Transportation

Debarment Order for Douglas A. Rupp

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.3400, you are debarred and disqualified from entering into or receiving a Minnesota Department of Transportation contract and from serving as a subcontractor or material supplier under a MN/DOT contract. Your failure to request a hearing within 20 days of the date of the Notice of Proposed Debarment is considered your admission of the truth of the allegations in the Notice and your consent to the debarment. Neither you nor any business or entity owned by, or associated with you may enter into a contract with MN/DOT or serve as a subcontractor or supplier of materials or services under a MN/DOT contract.

Minnesota Rule 1230.3100, Subpart 9. states:

Subp. 9. **MN/DOT contract.** "MN/DOT contract" means a written instrument:

A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3.

B. for which competitive bids are required or taken; and

C. which is subject to the approval of the commissioner.

Douglas A. Rupp (Rupp) and Rupp Construction Company, Inc., (Rupp Construction) have been previously debarred by the United States Department of Transportation for a period of one year, April 11, 1986 through April 10, 1987. Rupp and Rupp Construction have been disqualified for that period from entering into or receiving a MN/DOT contract with federal-aid or from serving as a subcontractor or material supplier under a MN/DOT contract with federal-aid. Rupp and Rupp Construction have not been awarded a MN/DOT contract (state or state-aid funds) or acted as a subcontractor or material supplier under a MN/DOT contract (state or state-aid funds) or acted as a subcontractor or material supplier under a MN/DOT contract (state or state-aid funds) during this federal debarment period.

Taking in consideration these facts and upon consideration of the factors found in Rule 1230.3500, the state debarment period is, by this order, retroactively coordinated with and made concurrent with the then existing United States Department of Transportation debarment, April 11, 1986 through April 10, 1987.

It is ordered that the debarment of Douglas A. Rupp pursuant to Minnesota Rule 1230.3400 was for the period from and including April 11, 1986 through and including April 10, 1987.

Dated: 28 April 1987

Douglas H. Differt
Deputy Commissioner

Department of Transportation

Debarment Order for the Rupp Construction Company, Inc.

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.3400, you are debarred and disqualified from entering into or receiving a Minnesota Department of Transportation contract and from serving as a subcontractor or material supplier under a MN/DOT contract. Your failure to request a hearing within 20 days of the date of the Notice of Proposed Debarment is considered your admission of the truth of the allegations in the Notice and your consent to the debarment. Neither you nor any business or entity owned by, or associated with you may enter into a contract with MN/DOT or serve as a subcontractor or supplier of materials or services under a MN/DOT contract.

Minnesota Rule 1230.3100, Subpart 9. states:

Subp. 9. **MN/DOT contract.** "MN/DOT contract" means a written instrument:

A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3.

B. for which competitive bids are required or taken; and

C. which is subject to the approval of the commissioner.

Rupp Construction Company, Inc., (Rupp Construction) and Douglas A. Rupp (Rupp) have been previously debarred by the United States Department of Transportation for a period of one year, April 11, 1986 through April 10, 1987. Rupp Construction and Rupp have been disqualified for that period from entering into or receiving a MN/DOT contract with federal-aid or from serving as a subcontractor or material supplier under a MN/DOT contract with federal-aid. Rupp Construction and Rupp have not been awarded a MN/DOT contract (state or state-aid funds) or acted as a subcontractor or material supplier under a MN/DOT contract (state or state-aid funds) during this federal debarment period.

Taking in consideration these facts and upon consideration of the factors found in Rule 1230.3500, the state debarment period is, by this order, retroactively coordinated with and made concurrent with the then existing United States Department of Transportation debarment, April 11, 1986 through April 10, 1987.

It is ordered that the debarment of Rupp Construction Company, Inc., pursuant to Minnesota Rule 1230.3400 was for the period from and including April 11, 1986 through and including April 10, 1987.

Dated: 28 April 1987

Douglas H. Differt
Deputy Commissioner

Department of Transportation Aeronautics Division

Notice for Prequalification of Consultants

Interested firms are invited to submit statements of interest and information on past experience and qualifications to provide professional services for the development of a State Aviation System Plan. The project will be funded through a grant from the Federal Aviation Administration (FAA).

The proposed project is as follows:

An inventory of the present system of 141 publicly-owned airports and navigation facilities to include a renewable data base, an

OFFICIAL NOTICES

update of aviation forecast factors, forecasts of aviation activities, and aviation system needs. The plan will include a separate study of the economic impact of aviation in outstate Minnesota, another of scheduled airline service in Minnesota, and a study of the need for and feasibility of heliports. The consultant will have the responsibility for developing a detailed work plan to accomplish the scope of work specified by the Aeronautics Division in the request for proposals.

Based upon evaluation of the experience and qualifications of firms submitting statements indicating interest, a list of consultants will be prepared for the purpose of inviting technical proposals. It is anticipated that the project will begin as soon as a consultant can be selected and a contract entered into. Only firms having experience in airport system planning projects are invited to apply.

The Minnesota Department of Transportation and the FAA assume no obligation for expenses incurred by a respondent to this solicitation.

Qualifications should be submitted to the Minnesota Department of Transportation, Aeronautics Division, Room 417, Transportation Building, St. Paul, Minnesota 55155, ATTENTION: Richard L. Theisen. The closing date for submitting qualifications will be May 29, 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 \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

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

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Photo copy machine purchase (JPK)	May 6	Administrative Hearings	St. Paul	99 690 70143
Roll-up construction sign material (DRT)	May 6	Transportation	Oakdale	Price Contract
Computer equipment (PA)	May 6	State University	Mankato	26 071 17273
Computer equipment (PA)	May 6	State University	Mankato	26 071 17276
Computer equipment (PA)	May 6	State University	Mankato	26 071 17292
Breath test screening devices (DK)	May 7	Public Safety	St. Paul	07 500 39647
1988 dated products (AW)	May 7	Central Stores	St. Paul	
Microwave system (PA)	May 7	Transportation	Crookston/Thief River Falls	79 000 74207
Portable radio communications equipment (EFS)	May 11	Correctional Facility—Oak Park Heights	Oakdale	B 78 630 07158
Offset press (AW)	May 12	Community College	Grand Rapids	27 158 58017
Fish tag injector (DM)	May 12	Natural Resources	Grand Rapids	29 000 46056

Administration Department

Request for Proposals to Provide Diagnostic and Referral Services for the State Employee Assistance Program

Notice is hereby given that the Department of Administration intends to engage the services of a contractor in each of the following areas to provide diagnostic and referral services for State employees and their dependents: Bemidji, Brainerd, Cambridge, Crookston, Detroit Lakes, Duluth, Faribault/Owatonna, Fergus Falls, Grand Rapids, Mankato, Marshall, Moorhead, Morris, Rochester, St. Cloud, Virginia/Range, Willmar, and Winona.

Contractors shall be expected to maintain full-staffed offices in each of the locations indicated to provide five-day-per-week service to clients.

Contractors also will be mandated to use a percentage of the amounts for local outreach activities, subject to approval by the program office.

The estimated amount of the contract in each of these areas will not exceed \$5,000. Responses must be received by May 18, 1987.

Direct inquiries to:

Keith M. Tvedten
Director
State Employee Assistance Program
Suite 200, Summit National Bank Building
205 Aurora Avenue
St. Paul, Minnesota 55103
(612) 296-0765

Department of Administration Printing and Mailing Services Division

Request for Proposals for Graphic Arts Design

The Minnesota Department of Administration, Printing and Mailing Services Division, is accepting bid proposals for Graphic Arts Design work. Those persons interested in receiving a detailed copy of the request for proposal may write to the address below or contact Geri Christen at (612) 296-3277.

Minnesota Department of Administration
Printing and Mailing Services Division
117 University Avenue
St. Paul, Minnesota 55155

About \$25,000 has been budgeted for this project. Proposals are due by 4:30 P.M., May 20, 1987.

Department of Corrections Minnesota Correctional Facility—Shakopee

Notice of Request for Proposal for Food Service Management, General Psychological Treatment Program, and Sexual Offender Treatment Program

Notice is hereby given to request proposals for the **professional management of MCF-Shakopee food service activity**, for the period of July 1, 1987 through June 30, 1989 at a cost not to exceed \$110,200 (\$55,000 FY'88 and \$55,200 FY'89). Proposals shall include all civilian personnel to operate the service. Proposals must be submitted by 4:00 P.M. May 29, 1987.

For additional information contact:

Will Dague, Business Manager
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 937-3456

STATE CONTRACTS & ADVERTISED BIDS

Notice is hereby given to request proposals to provide **psychological testing, evaluation and treatment** to all female inmates incarcerated at the Minnesota Correctional Facility in Shakopee. Average population is currently 115 to 120 inmates. Proposal should cover the period of July 1, 1987 to June 30, 1989 at a cost not to exceed \$38,500 (\$19,000 in FY'88 and \$19,500 in FY'89). Proposals must be submitted by 4:00 PM. on May 29, 1987.

For additional information contact:

D. Jacqueline Fleming, Superintendent
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 937-3440

Notice is hereby given to request proposals to provide a **treatment program for female sexual offenders** incarcerated at the Minnesota Correctional Facility in Shakopee, for the period of July 1, 1987 to June 30, 1989 at a cost not to exceed \$52,000 (\$25,300 in FY'88 and \$26,700 in FY'89). Proposals must be submitted by 4:00 PM. May 29, 1987.

For additional information contact:

D. Jacqueline Fleming, Superintendent
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 937-3440

Department of Human Services Brainerd Regional Human Services Center

Notice of Request for Proposal for Medical Services

Notice is hereby given that the Brainerd Regional Human Services Center, Department of Human Services is seeking the following services:

Physical Therapist service to review approximately 78 physically handicapped developmentally disabled residents and recommend physical therapy treatment. Provide 2 registered physical therapists to carry out prescribed treatment procedures, and to furnish professional supervision of physical therapy aide employees to meet requirements of the Minnesota State Board of Medical Examiners.

The anticipated contract will be for the period July 1, 1987 through June 30, 1988. The total cost is estimated not to exceed \$65,000.00 The state reserves the right to withdraw this offering based upon its needs. Direct inquiries to the following person by May 25, 1987:

Leonard T. Fielding, M.D.
Medical Director
Brainerd Regional Human Services Center
1777 Highway 18 East
Brainerd, MN 56401
Phone Number: (218) 828-2414

Department of Human Services Chemical Dependency Program Division

Notice of a Request For Proposals (RFP) for the development of a parenting skills educational curriculum for chemically dependent or abusive mothers and their children

Notice is hereby given that the Chemical Dependency Program Division of the Department of Human Services is issuing a Request For Proposals (RFP) for the development of a parenting skills educational curriculum for women that are parents of young children and are receiving chemical dependency services at a primary residential or outpatient treatment program. This proposed educational curriculum would include three (3) four day workshops to train chemical dependency treatment providers in the delivery of parenting skills curriculum to their clients in order to obtain suggestions regarding how the curriculum might be best adapted to their particular

treatment setting. (i.e. residential or outpatient), and to disseminate a parenting skill educational manual to all chemical treatment programs within the State.

Proposals in response to this RFP must be submitted on the Chemical Dependency Program Division grant application form. A copy of this form or the complete RFP can be obtained by contacting Dorrie Hennagir at (612) 296-4617 or by writing the Chemical Dependency Program Division, Space Center Building, 444 Lafayette Road, St. Paul, MN 55155.

All applicants must submit eight (8) copies of their proposal to Dorrie Hennagir no later than the close of the business day at 4:20 P.M. on June 22, 1987. Proposals submitted by mail must have a legible U.S. postal service postmark of no later than June 19, 1987. Requests for additional information about the proposed services should be addressed to Phil Brekken at (612) 296-4611.

Department of Human Services Health Care Programs Division

Notice of Availability of Health Care Consultation Contracts

The Department of Human Services intends to issue consultant contracts to (13) physicians for the purpose of providing professional advice and recommendations in the administration of the Medical Assistance and General Assistance Medical Care Programs. All physicians must be Board Certified within their respective specialties. Specialty areas being sought are:

- Adult Psychiatry
- Child Psychiatry
- Obstetrics and Gynecology
- Plastic Surgery
- Surgery
- Ophthalmology
- Family Practice
- Neuro Surgery
- Internal Medicine
- Otorhinolaryngology
- Pediatrics
- Physical Medicine
- Orthopedics

The Department of Human Services also intends to issue consultant contracts to 3 physicians and one social worker with a background and experience in the determination of disability. These positions will comprise the State Medical Review Team.

Other contracts for professional advice and recommendations in the administration of the Health Care programs will be issued to:

- A doctor of Pharmacy
- Two Licensed Consulting Psychologists
- A Doctor of Optometry
- A Doctor of Chiropractic
- A Dentist specialized in Orthodontics
- A Certified Audiologist
- A Certified Physical Therapist
- A Speech Pathologist
- A Respiratory Therapist
- A Dietician
- Six Dentists
- Six Registered Pharmacists

STATE CONTRACTS & ADVERTISED BIDS

All contracts will be awarded to candidates based on their experience, education, achievements, professional standing and the Department's need for types of specialists. The Department of Human Services shall make the final selection of consultants and issue contracts of varying amounts of time and money for the period of July 1, 1987 through June 30, 1989 with an option for up to a two year renewal to June 30, 1991.

Proposals and inquiries should be directed to:

Thomas L. JoliCoeur, Supervisor
Health Care Programs Division
Professional Services Section
Space Center
444 Lafayette Road
St. Paul, MN 55101
(612) 297-2022

Department of Jobs and Training

Request For Proposals For Operation of Dislocated Worker Program

In accordance with Laws of 1979, Chapter 336, the Minnesota Department of Jobs and Training, State Job Training Office, is requesting proposals from qualified bidders to operate dislocated worker programs in the State of Minnesota. Approximately \$1,700,000 will be available for dislocated worker programs to operate for Federal Program Year 1987 (July 1, 1987 to June 30, 1987).

Request for Proposal Application is available upon request. Inquiries and request should be directed to:

Edward Retka
State Job Training Office
690 American Center Building
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
Phone: (612) 296-7918

Proposals will be accepted on a continuous basis through June 30, 1988.

Pollution Control Agency

Notice of Request for Proposals/Request for Qualifications for Consultants

The Minnesota Pollution Control Agency (MPCA) is acting to retain several consultants to conduct Remedial Investigations/Feasibility Studies/Corrective Action Design (RI/FS/CADs) at a number of sites throughout the State of Minnesota. All qualified consultants are invited to submit proposals. Proposals must adhere to the format described in the Request for Proposal/Request for Qualifications (RFP/RFQ). The MPCA expects to enter into contracts during the summer or fall of 1987 which will extend to June 30, 1989.

Funding for MPCA contracts is expected to come from the U.S. Environmental Protection Agency and a special fund under consideration by the Minnesota Legislature. Funding levels are unknown at this time. The RI/FS/CADs will be conducted at above ground and underground tank sites; known and suspected leak sites; sites with drinking water well involvement; and sites with potential for fires and explosions. The RI/FS/CADs will be limited to petroleum releases. Federal and State Funds will be spent only after responsible persons refuse to promptly correct releases or where responsible persons cannot be found, so the number of sites where work will be contracted for is unknown at this time. The MPCA staff expects that 10-100 sites will be addressed by these contracts over the next several years. Sites will be assigned to consultants under contract by the MPCA staff during the course of the contracts.

Copies of the RFP/RFQ are available from:

Stephen J. Lee
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 297-1779

All proposals must be submitted to the MPCA by 4:00 p.m., June 3, 1987.

Department of Veterans Affairs

Request for Various Medical Services

In accordance with MN Stat. 16.0981, the Department of Veterans Affairs is publishing notice that the contracts listed below are available and will be awarded for Fiscal Year 1988 (July 1, 1987 to June 30, 1988).

MINNESOTA VETERANS HOME—Minneapolis

The Veterans Home—Minneapolis intends to engage the services of licensed individuals (where applicable) to provide various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

1. Dental Services	\$ 35,000.00
2. Chaplain Services (Catholic)	\$ 7,200.00
3. Optical/related Services	\$ 5,000.00
4. Medical Services	\$175,000.00
5. Podiatry Services	\$ 8,000.00

MINNESOTA VETERANS HOME—Hastings

The Veterans Home—Hastings intends to engage the services of licensed individuals to provide various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

1. Medical/Physician Services	\$35,000.00
2. Dental Services	\$21,000.00
3. Optical/Related Services	\$ 4,000.00

Inquiries and formal expressions of interest in the proposed contracts outlined above should be submitted by June 12, 1987 to:

Tom Barrett, Administrative Management Director
2nd Floor, Veterans Service Building
20 West 12th Street
St. Paul, MN 55155

NON-STATE PUBLIC CONTRACTS

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

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

Metropolitan Waste Control Commission

Request for Information from Vendors of Packaged Software

Advertisement

The Metropolitan Waste Control Commission is requesting information from vendors of packaged software for the following nine areas:

Plant Information	Human Resource Management/Payroll
Plant Maintenance	Purchasing
Project Management	Accounts Receivable
Accounts Payable	General Ledger
	Laboratory Management

NON-STATE PUBLIC CONTRACTS

Information regarding these nine is being distributed at the MWCC Regional Maintenance Facility, 3565 Kennebec Drive, Eagan, Minnesota 55123 or call Nancy Coyle at 681-4500 to request information to be mailed to their company and to be officially added to the "Software Vendors List".

Requests For Proposals will only be distributed to those software vendors responding to the Request For Information on or before May 15, 1987 by 4:00 p.m.

Requests For Proposals will be distributed only to those prequalified on the MWCC's Software Vendors List during the first week of June, 1987.

The Commission anticipates reviewing and selecting software packages that meet the Commission's needs. Vendors will be notified if additional information or possible oral presentations summarizing their proposed software is needed.

By Order of the Metropolitan Waste Control Commission
Louis J. Breimhurst, Chief Administrator

Metropolitan Waste Control Commission

Request for Proposals for Furnishing of Wastewater Grit Recycling Services for Metropolitan Wastewater Treatment Plant

Sealed proposals will be received in the office of the Metropolitan Waste Control Commission, 7th & Robert Streets, Suite 350, Metro Square Building, St. Paul, Minnesota 55101 until 5:00 P.M., TUESDAY, MAY 12, 1987, for the furnishing of Wastewater Grit Recycling Services for the Metropolitan Wastewater Treatment Plant, all in accordance with the specifications and bid forms available at the Commission's office in St. Paul, Minnesota.

Proposals may utilize grit recycling methods such as land reclamation or aggregate production. Proposals shall not utilize disposal in an existing commercial solid waste sanitary landfill in the State of Minnesota. This option is being pursued separately by the Commission by sealed bids.

For technical information or questions call Mr. Bryce Pickart at (612) 222-8423.

The Commission reserves the right to reject any and all proposals.

By Order of the Metropolitan Waste Control Commission
Louis J. Breimhurst, Chief Administrator

Ramsey County

Request for Proposals for Office Building Site Development

Ramsey County is seeking proposals for the development of one or both of the following sites as an office building for several Ramsey County departments.

- A. Dispatch Block on Fourth and Minnesota Streets, St. Paul, Minnesota.
- B. Donaldsons (former) ramp site on Eighth and Robert Streets, St. Paul, Minnesota.

The County seeks two objectives from proposers.

1. To obtain from interested proposers cost data associated with such a development.
2. To determine the qualifications of proposers interested in developing a new Ramsey County service center.

The request for proposals may be obtained from the Office of the Executive Director, Ramsey County, Room 286, City Hall/Court House, 15 W. Kellogg Blvd., St. Paul Minnesota, (612) 298-5980.

Proposals shall be submitted to the Office of the Executive Director no later than 4:30 p.m., CDT, Wednesday, July 1, 1987.

SUPREME COURT DECISIONS

Decisions Filed Friday 24 April 1987

Compiled by Wayne O. Tschimperle, Clerk

C1-86-1865 Joseph J. Jacobowitch, Relator v. Bell & Howell and CNA Insurance Company. Workers' Compensation Court of Appeals.

The award of permanent partial disability, as affirmed by the Workers' Compensation Court of Appeals, is not barred by Minn. Stat. § 176.021, subd. 3 (1981).

The Workers' Compensation Court of Appeals exceeded its powers of review in substituting its finding as to the rating of permanent partial disability.

Affirmed in part, reversed in part, decision of the compensation judge is reinstated. Amdahl, C.J.

C9-86-1905 Caroline Brezinka, as surviving spouse of Richard Brezinka, deceased employee, v. Bystrom Brothers, Inc., and U.S. Fidelity & Guaranty Company, Relators. Workers' Compensation Court of Appeals.

Where an intervening supreme court decision in an unrelated case was contrary to a legal decision by the Workers' Compensation Court of Appeals and the instant case was still pending on remand, the compensation judge did not err in disregarding what otherwise would have been the law of the case by issuing an order upon remand which was in conformity with the supreme court holding.

Reversed; decision of the compensation judge reinstated. Simonett, J.

CX-85-1708 Carolyn Moyer v. International State Bank of International Falls, Minnesota, petitioner, Appellant. Court of Appeals.

Absent an express interdict, the Minnesota exemption statute, Minn. Stat. § 550.37 (1986), does not forbid a debtor to mortgage exempt property and to create a lien against identified property which can be foreclosed despite the property's exempt status.

Reversed. Coyne, J.

Dissenting, Yetka, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

Docket No. 4510—Findings of Fact, Conclusions of Law and Order for Judgment— Dated: April 17, 1987

Thomas E. MacGibbon and Jo MacGibbon, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on February 10, 1987 at the Sherburne County Courthouse in Elk River, Minnesota.

John E. MacGibbon, Attorney at Law, appeared for appellants.

David T. Schultz, Special Assistant Attorney General, appeared for appellee.

The Court, having heard and considered the evidence adduced at the trial, having reviewed the minutes and records herein and being fully advised, now makes the following:

FINDINGS OF FACT

1. Appellants Thomas E. and Jo MacGibbon are cash-basis calendar year taxpayers. This appeal involves appellants' Minnesota income taxes for the years 1982 and 1983.

2. Appellants were both residents of the State of Minnesota up to August, 1982 and claim they were Texas domiciliaries during the ten month period from August, 1982 through June, 1983.

3. The Commissioner contends that appellants were Minnesota domiciliaries throughout 1982 and 1983.

TAX COURT

4. In May, 1981, appellants purchased an undivided one-half interest in a single family residence at 4601 West 90th Street, Bloomington, Minnesota. The other undivided one-half interest in this residence was purchased by a friend, Mark Mulvaney.
5. Appellant Thomas E. MacGibbon was employed by the City of Richfield, Minnesota, until March, 1982 when his position was eliminated due to budget restrictions. Appellant Jo MacGibbon continued working as a dental hygienist in Richfield, Minnesota.
6. Appellant Thomas MacGibbon accepted employment with Federal Signal Corporation, an Illinois corporation, in May, 1982. He was hired as a salesman and was assigned to the South Central territory, with its hub at Houston, Texas.
7. In August, 1982, after Thomas MacGibbon completed training in Illinois, appellants moved to Texas and lived in a rented condominium apartment in Houston from August 5, 1982 through June 20, 1983.
8. Appellants opened a checking account in Texas but did not close all bank accounts and charge accounts in Minnesota.
9. Appellant Thomas E. MacGibbon obtained a Texas driver's license while appellant Jo MacGibbon did not.
10. Appellant Jo MacGibbon terminated her Minnesota employment and found other employment in Texas after their move.
11. Appellants did not sell their Minnesota home when they went to Texas, but instead orally leased their one-half interest to appellant Jo MacGibbon's brother, Jeffrey Horner, who paid appellants \$100 per month rent from August to December, 1982 and no rent in 1983.
12. Appellants signed the Homestead Application for both 1982 and 1983. On the 1983 application Thomas MacGibbon wrote that "Co-owner is temporarily living elsewhere but will return on 4/1/83."
13. In late 1982 appellants learned that appellant Jo MacGibbon had a malignant tumor in her leg which, commencing in December, 1982, required intensive chemo-therapy treatment at a center in Houston.
14. Appellant Thomas E. MacGibbon was required to frequently travel away from home on his job leaving his wife alone during her therapy and the resulting reaction to the treatment.
15. In January, 1983 appellants decided the situation was intolerable and that they should make plans to return to Minnesota where appellant Jo MacGibbon could be near her mother, close relatives and other friends who would provide the support she needed during her illness, particularly during her husband's business absences.
16. Appellant Thomas E. MacGibbon in early 1983 approached his employer to determine whether he could somehow be transferred to Minnesota.
17. In January, 1983 appellant Jo MacGibbon renewed her license to practice as a dental hygienist in the State of Minnesota.
18. By June, 1983 appellants were able to return to Minnesota with appellant Thomas E. MacGibbon retaining his employment with Federal Signal by commuting from Minnesota to Texas.
19. When appellants returned to Minnesota they moved back into their home in Bloomington.
20. At the time appellants moved to Texas in August, 1982 they intended to make Texas their permanent residence.
21. Appellants' return to Minnesota in 1983 was caused by circumstances that were unknown and unforeseen at the time they moved to Texas.

CONCLUSIONS OF LAW

1. Appellants were domiciliaries of the State of Minnesota through August 2, 1982.
2. Appellants were domiciliaries of the State of Texas from August 3, 1982 through June 20, 1983.
3. The Orders of the Commissioner of Revenue dated December 6, 1985, assessing additional income tax for the years 1982 and 1983 is reversed to the extent that it assesses income taxes for income received by appellants during the period August 3, 1982 to June 21, 1983.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

By the Court,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Docket No. 4541—Order Amending Conclusions of Law—Dated: April 17, 1987

Howard F. Marcotte, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, at St. Paul, Minnesota on the 15th day of April, 1987, on appellee's motion for amended conclusions of law.

Thomas M. O'Hern, Jr., Special Assistant Attorney General, appeared for appellee.

Howard F. Marcotte, appellant, appeared pro se.

Based upon the record herein, the Court hereby amends Conclusion Number 3 in our decision dated March 13, 1987 to read as follows:

3. The Order of the Commissioner of Revenue dated February 21, 1986, assessing additional income tax against appellant for the year 1982 is affirmed to the extent such tax is assessed on income received by appellant prior to May 12, 1982 and is reversed to the extent such tax is assessed on income received by appellant after that date.

IT IS SO ORDERED.

By the Court,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

**Docket No. 4498—Findings of Fact, Conclusions of Law and Order for Judgment—
Dated: April 22, 1987**

George A. Wright and Patricia R. Wright, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on December 19, 1986, at the Courtroom of the Tax Court, 444 Lafayette Road, St. Paul, Minnesota.

Scott P. Moen, Attorney at Law, appeared on behalf of appellants.

Thomas M. O'Hern, Jr., Special Assistant Attorney General, appeared on behalf of appellee.

The appeal is from the Commissioner's Orders dated November 29, 1985 relating to income taxes for the years 1982 and 1983. The issue is whether appellants were residents of Minnesota for tax purposes from April 10, 1982 to June 25, 1983.

Post trial briefs were filed by the parties and the matter was submitted to the Court for decision on March 3, 1987.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Appellants George A. and Patricia R. Wright are cash-basis calendar year taxpayers.
2. Appellants were residents and domiciliaries of the State of Minnesota for many years prior to April 10, 1982.
3. Appellants have continuously owned their home at 1831 City Heights Drive, St. Paul, Minnesota, since November 15, 1957. Appellants have never owned any other home.
4. Appellants' St. Paul home was continuously homesteaded by them from its purchase through the period here at issue.
5. Mr. Wright was employed by Sperry Univac as an analyst during the period at issue. He has been employed by Sperry Univac [now Unisys] for 30 years.
6. At some time prior to April, 1982, Mr. Wright saw a job offering in California posted at Sperry Univac. He applied for and received the assignment there.
7. In April, 1982, Mr. Wright went to Fairfield, California for his new assignment. He drove to California with a 20 foot U-Haul trailer which contained a portion of his belongings and household goods, the remainder of which stayed in his St. Paul home.
8. Mr. Wright rented an apartment in California and signed a six month lease.
9. Appellants have four children whose ages in 1982 ranged from 17 to 27 years.
10. Mrs. Wright and the then 17 year old child, Jackie, joined Mr. Wright in California in approximately June, 1982.
11. Two of appellants' adult children remained at the St. Paul home and lived there continuously during the period in question. These adult children paid for utilities at the St. Paul home but paid no rent.
12. Appellants' fourth child, Steven, moved from Washington back into the St. Paul home on January 1, 1983 and thereafter attended the University of Minnesota.
13. Appellants took their Malibu automobile with them to California in 1982. That car has always been registered in Minnesota and was never registered in California. A second car was purchased, registered and licensed in California during the period at issue.

TAX COURT

14. Appellants maintained their Twin City Federal savings account in Minnesota while they were in California.
15. Appellants joined the Fairfield Assembly of God Church in October, 1982, and attended services and activities in that Church while in California.
16. Appellants returned to their Minnesota home for the holidays in November, 1982.
17. Appellants have always maintained their Minnesota voter registration and have never registered to vote in California.
18. Mr. Wright obtained a California driver's license but Mrs. Wright had only a Minnesota driver's license throughout the period in question.
19. In 1983, California refunded to appellants the \$641 in income taxes withheld by California in 1982.
20. Whenever appellants returned to Minnesota, they returned to their St. Paul home.
21. On the Department of Revenue residency questionnaire, appellants stated that the reason for the California address for the period of April 10, 1982 to June 25, 1983 was due to a "temporary job relocation."

CONCLUSIONS OF LAW

1. Appellants were residents and domiciliaries of Minnesota from April 10, 1982 through June 25, 1983.
 2. The Orders of the Commissioner of Revenue dated November 27, 1985 from which this appeal was taken are hereby affirmed.
- LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

Minnesota: national leader in education

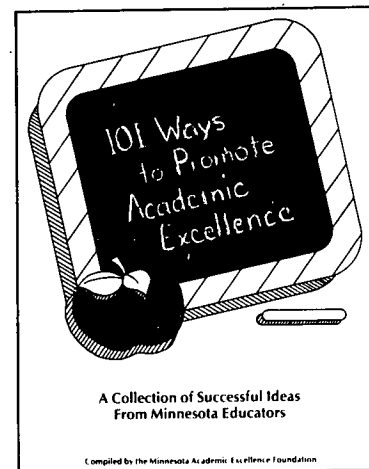
101 Ways to Promote Academic Excellence

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

Education Directory, 1986-87

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

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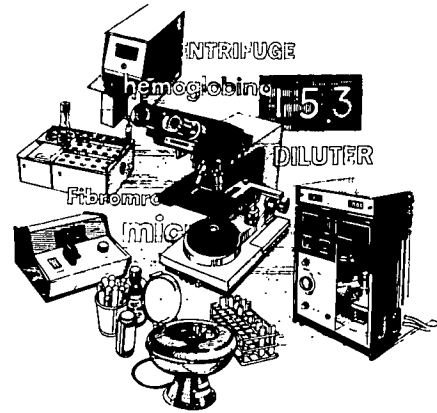


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Buying Or Selling?

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

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, \$49.95.



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Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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Minnesota Manufacturer's Directory 1986-87

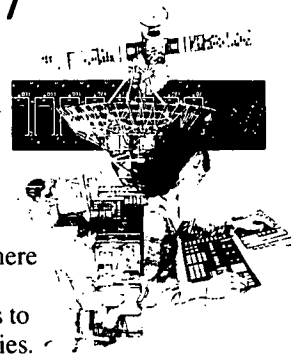


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$68.50.

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



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



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Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

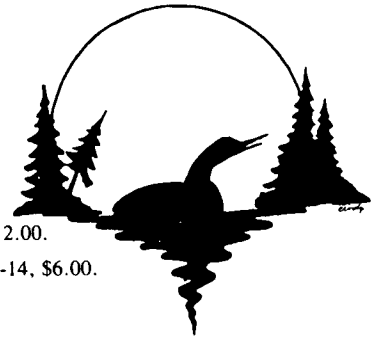
The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #9-14, \$6.00.

Loon Calendar 1987, beautiful photographs and scenes. Code #15-40, \$6.95.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.



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Minnesota's future environment

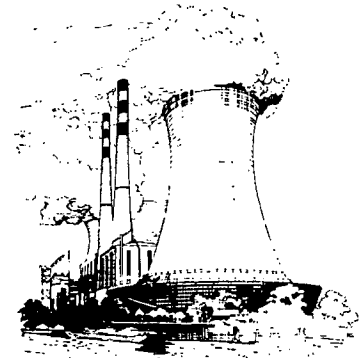
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1986 Pollution Control Laws

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

1986 Hazardous Waste Rules

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



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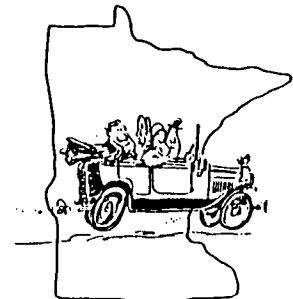
60% Discount on case lots of the 1986 Official Minnesota Hiway Map

Equip your sales force. Drive off with your Minnesota Highway maps for less than 20¢ each (regular retail price: 55¢ each). Discount applies to case lots only, with a minimum order of 1 case (200 maps) at \$39.95. Great for workshop folders, conventions and programs. Code #12-52.

Hudson's Street Atlas of the Greater Twin City Metropolitan Area. Includes 186 municipalities, 129 sectional street maps, and 22,000 street listings. Code #12-62, \$10.95.

Minnesota Travel and Recreation Guide. Where to go and what to see, canoeing and hiking trails, golf directory, campground directory, "Minne-Tours," state parks, hunting and fishing information and more. 296 pp., code #40-6, \$11.95.

Room at the Inn: Guide to Historic Bed and Breakfasts, Hotels and Country Inns Close to the Twin Cities, by Laura Zahn. 127 pp., Code #19-72, \$7.95.



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Human Services-Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$210.00	90-11
Human Services Bulletin List	\$ 20.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
LRL (Legislative Reference Library) Checklist	\$ 75.00	90-8	Workers Compensation Decisions Vol. 38 (limited quantity)	\$ 89.50	
PERB (Public Employee Relations Board) Awards	\$260.00	90-9	Vol. 39	\$ 95.00	90-13
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Selling business and financial services to physicians?

Physicians Directory 1985

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

Medical Alley Directory 1986

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

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For Real Estate Professionals:

REAL ESTATE RULES 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.

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

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Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$9.50.

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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.
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Catching criminals is only one part of law enforcement. Here's the rest of it.

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

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

Motor Vehicle Traffic Laws 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.



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Murder: Minnesota style

Murder in Minnesota is a treasury of vintage crimes. Characters, some famous, some obscure, come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

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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

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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.

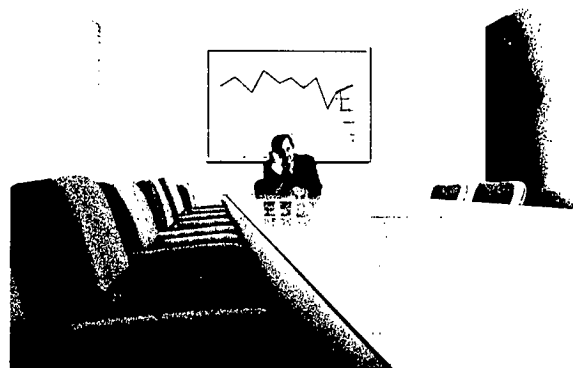
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Woodworking for Wildlife

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

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

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

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

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

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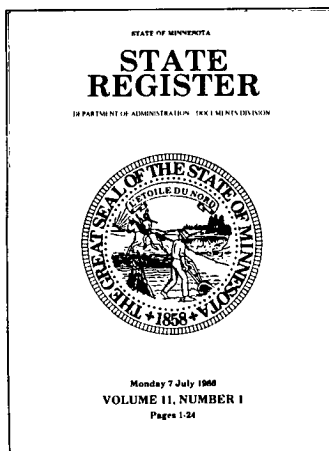
Charitable Gambling Directory

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

SPECIAL NOTE: New Charitable Gambling Rules will be available Spring '87. Governs the conduct of charitable gambling events like bingo. Call for price information in the Spring.

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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 includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

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

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** publishes the most thorough listing of state contracts, and is 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.

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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.

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

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

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

OTHER PUBLICATIONS

* *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 1987 Supplement #2.* Code #18-200B. \$17.00 plus \$1.02 tax. This supplement includes and updates rule changes from supplement #1.

* *Minnesota Statutes 1986.* 10-volume set. Code #18-8. \$135.00 plus tax. Single volumes cost \$13.00 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 #13-101 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.

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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.

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Minnesota State Documents Center 1987 Catalog. Lists publications available through Minnesota Documents Center. Free.

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

Go Loony for our May Specials: 10% OFF May 1-29

The Loon: Voice of the Wilderness. Factual story of two loons, following them through their yearly cycle—winter on the ocean, migrating north in spring, mating and nesting, raising chicks, then returning south once more. Hardbound. Illustrated. Code # 19-54. ~~\$15.95~~ \$14.35.

Voices of the Loon. Cassette tape including an introduction with loon call identification, chorus from a distant lake, tremolo duet, morning songbird chorus, coyotes calling with loons. Code # 19-73. ~~\$12.00~~ \$10.80.

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