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State of Minnesota

# STATE REGISTER

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# State Register

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

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

## Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
10	Monday 24 August	Monday 31 August	Monday 7 September
11	Monday 31 August	Friday 4 September	Monday 14 September
12	Friday 4 September	Monday 14 September	Monday 21 September
13	Monday 14 September	Monday 21 September	Monday 28 September

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

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

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

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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:

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

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# Minnesota Rules

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

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

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.

After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*; only the changes made since their publication as **Proposed Rules**. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted.

For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-16; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August.

For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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## NOTARY PUBLIC LAWS

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



Jane Smith

NOTARY PUBLIC-MINNESOTA

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# Proposed Rules

Pursuant to Minn. Stat. of 1984, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

## Department of Agriculture

### Proposed Permanent Rules Relating to Buying and Storing Grain

#### Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room A, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, on October 13, 1987, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. 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 department'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 Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7608, 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 department 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 rule-making record. Upon the close of the record, the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, section 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.

The department's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 16A.128; 223.19; 232.22, subds. 3 and 4; 232.24, subd. 1; and 236.08.

The proposed rules govern licensing of grain buyers and storers and licensee requirements. The proposed rules do not impose any additional compliance or reporting requirements on small business as defined in Minnesota Statutes, section 14.115, other than what is required by statute. Standards set by the rules are necessary for safe storage to protect the quality of grain.

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

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Carol Milligan, Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107; telephone (612) 296-6906.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Carol Milligan.

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 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 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 department at any time prior to the filing of the rules with the Secretary of State.

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. The Statement of Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of 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.

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

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 22 July 1987

Jim Nichols, Commissioner  
Department of Agriculture

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

### **DEPARTMENT OF AGRICULTURE BUYING AND STORING OF GRAIN**

#### **1562.0100 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Cash sale.** "Cash sale" means:

A. a sale for which payment is tendered to the seller not later than the close of business on the next business day after the sale, either by cash or by check, or by mailing or wiring funds to the seller's account in the amount of at least 80 percent of the value of the grain at delivery; or

B. a sale of a shipment of grain which is part of a multiple shipment sale, for which a scale ticket clearly marked "cash" has been received by the seller before completion of the entire sale, and for which payment is tendered in cash or by check not later than ten days after the sale of that shipment, except that when the entire sale is completed, payment is tendered in cash or by check not later than the close of business on the next business day, or within 48 hours, whichever is later.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's designee.

Subp. 4. **Department.** "Department" means the Minnesota Department of Agriculture.

Subp. 5. **Depositor.** "Depositor" means a person who is the owner or legal holder of an outstanding grain warehouse receipt, grain bank receipt, or open scale ticket marked for storage on which a receipt is to be issued, representing any grain stored in a public grain warehouse or grain bank.

Subp. 6. **Grain.** "Grain" means any cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota Board of Grain Standards, or any other agricultural crop which the commissioner may designate by rule.

Subp. 7. **Grain bank.** "Grain bank" means a feed-processing plant that receives and stores grain, the equivalent of which, except as is otherwise permitted by Minnesota Statutes, section 236.04, it processes and returns to the grain's owner in amounts, at intervals, and with added ingredients that are mutually agreeable to the grain's owner and the person operating the plant.

**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

Subp. 8. **Grain bank receipt.** "Grain bank receipt" means a nonnegotiable receipt issued to the owner of the grain, or the owner's agent, for grain which is being stored for the purpose of being processed into feed.

Subp. 9. **Grain buyer.** "Grain buyer" means a person who purchases grain from a producer with the exception of a person who purchases seed grain for crop production or who purchases grain as feed for the person's own livestock.

Subp. 10. **Grain buyer's bond.** "Grain buyer's bond" means an obligation acceptable to and running to the state, as obligee, for the purpose of indemnifying producers of grain against the breach of a cash sale contract by a licensed grain buyer.

Subp. 11. **Grain purchase receipt.** "Grain purchase receipt" means a memorandum issued by a grain buyer to a seller at the time grain is delivered from the seller to the grain buyer, and which shows the weight or quantity and kind of grain.

Subp. 12. **Grain storage bond.** "Grain storage bond" means an obligation to and running to the state, as obligee, for the purpose of indemnifying depositors of grain against the breach of a grain storage contract by a person licensed to store grain.

Subp. 13. **Grain warehouse.** "Grain warehouse" means an elevator, flour, cereal or feed mill, malthouse or warehouse in which grain belonging to a person other than the warehouse operator is received for purchase or storage.

Subp. 14. **Grain warehouse receipt.** "Grain warehouse receipt" means a formal record issued to a depositor by a grain warehouse operator under Minnesota Statutes, section 232.23.

Subp. 15. **Independent grain buyer.** "Independent grain buyer" means a person who buys grain from producers and does not operate a grain warehouse.

Subp. 16. **Person.** "Person" means a corporation, company, joint stock company or association, partnership, firm, or individual and includes their agents, trustees, assignees, or duly appointed receivers.

Subp. 17. **Private grain warehouse operator.** "Private grain warehouse operator" means a person operating a grain warehouse for the sole purpose of purchasing, handling, processing, and shipping grain or its byproducts who is not licensed by the commissioner to accept grain belonging to others for storage. "Private grain warehouse operator" includes any person licensed under the United States Warehouse Act.

Subp. 18. **Producer.** "Producer" means a person who grows grain on land that the person owns or leases.

Subp. 19. **Public grain warehouse operator.** "Public grain warehouse operator" means a person operating a grain warehouse in which grain belonging to persons other than the grain warehouse operator is accepted for storage or purchase or who offers grain storage or warehouse facilities to the public for hire.

Subp. 20. **Public terminal warehouse.** "Public terminal warehouse" has the meaning given in Minnesota Statutes, section 233.01.

Subp. 21. **Scale ticket.** "Scale ticket" means a memorandum issued by a grain elevator or warehouse operator to a depositor at the time grain is delivered showing the weight and kind of grain.

Subp. 22. **Vehicle.** "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Subp. 23. **Voluntary extension of credit contract.** "Voluntary extension of credit contract" means a contract for the purchase of a specific amount of grain from a producer in which title to the grain passes to the grain buyer upon delivery but the price is to be determined or payment for the grain is to be made at a date later than the date of delivery of the grain to the grain buyer. Voluntary extension of credit contracts include deferred or delayed payment contracts, unpriced sales, no-price-established contracts, average pricing contracts, and all other contractual arrangements with the exception of cash sales and grain storage agreements evidenced by a grain warehouse receipt or scale ticket marked "storage."

Subp. 24. **Warehouse.** "Warehouse" means all or a portion of a building, structure, or other protected enclosure in which grain is or may be stored.

### 1562.0200 LICENSING.

Before purchasing or storing grain in Minnesota a person must file with the commissioner an application for a license on forms provided by the commissioner. No person may buy grain from producers in Minnesota without first obtaining a grain buyer's license or store grain for others in Minnesota without first obtaining a grain storage license.

Applications may be submitted any time during the year. Each license must be renewed every year on July 1. All licenses expire at midnight each June 30. Only one person may obtain a license to buy or store grain at any one grain warehouse.

A separate license is required for each home rule charter or statutory city or town in which a grain buyer or public grain warehouse operator buys or stores grain.

### 1562.0300 LICENSE EXCEPTIONS.

The following persons are not required to obtain a license to buy grain in Minnesota:

- A. a person who does not buy grain from producers;
- B. a producer selling the producer's own grain;
- C. a person who buys seed grain for crop production; and
- D. a person who purchases grain as feed for the person's own livestock or poultry.

**1562.0400 TYPES OF LICENSES.**

Subpart 1. **Grain buyer.** A license to buy grain is a license issued to an independent grain buyer, private grain warehouse operator, or public grain warehouse operator who buys grain from producers.

Subp. 2. **Grain storage.** A license to store grain is a license issued to a public grain warehouse operator who accepts grain for storage or who offers grain storage facilities to the public for hire.

Subp. 3. **Grain bank.** A grain bank license is a license issued to a private or public grain warehouse operator who processes grain into feed and who has a license to buy grain.

**1562.0500 GRAIN STORAGE LICENSE REQUIREMENTS.**

Subpart 1. **Place of business.** A public grain warehouse operator must have a permanent established place of business at each licensed location where the books, records, and files necessary to conduct the business are kept and maintained, and where the license and tariff are posted in a conspicuous place.

Subp. 2. **Warehouse equipment.** Each licensed location must include a warehouse that is equipped for the weighing, drying, grading, storing, handling, processing, and shipping of grain.

Subp. 3. **Multiple warehouse license.** Grain warehouses located within the same home rule charter or statutory city or town and operated by the same person may be included under the same license.

Subp. 4. **Inspection; approval.** A grain warehouse must be inspected and approved by the commissioner before a license is issued and grain is stored.

Subp. 5. **Cleanliness.** A grain warehouse must be kept reasonably clean of dust, rubbish, and materials that might increase the fire hazard or interfere with the handling of grain.

Subp. 6. **Grain quality.** Grain must be maintained in good quality condition at all times and be kept free of rodents, insects, birds, and contaminants harmful to the quality of the grain.

Subp. 7. **Records and accounts.** A person licensed to store grain shall maintain a daily position record of each kind of grain stored in the warehouse including warehouse-owned cash grain, grain priced but not paid, and grain bought but not priced.

**1562.0600 LICENSING OF LEASED FACILITIES.**

A person shall obtain a grain buyer's license or storage license for each grain warehouse leased, except that all grain warehouses located within the same home rule charter or statutory city or town and leased and operated by the same person may be covered by a single license. A person may not lease storage space that is licensed and operated by another person licensed to buy or store grain.

A warehouse must be under the control of the licensed warehouse operator leasing the warehouse.

All grain or commodities stored in a leased warehouse must be covered under the licensee's storage bond and must be included under the licensee's insurance policy, as required by Minnesota Statutes, section 232.23, subdivision 16.

**1562.0700 BOND.**

Subpart 1. **Requirement.** Before a license to buy or store grain is issued, the applicant for the license must file with the commissioner a bond in an amount prescribed by this part. The bond provides coverage at all licensed locations.

Subp. 2. **Grain buyer's bond.** The grain buyer's bond amount is based on the latest total annual dollar amount of grain purchased by the grain buyer in Minnesota as follows:

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## Proposed Rules

### GRAIN BUYER'S BOND

\$10,000  
\$20,000  
\$30,000  
\$40,000  
\$50,000

### TOTAL ANNUAL GRAIN PURCHASES

\$100,000 or less  
\$100,001 to \$750,000  
\$750,001 to \$1,500,000  
\$1,500,001 to \$3,000,000  
more than \$3,000,000

Subp. 3. **Grain buyer's bond; first-time applicant.** A first-time applicant for a grain buyer's license shall file a \$20,000 grain buyer's bond with the commissioner. This bond must remain in effect for the first year of the license. A first-time applicant includes a person previously licensed to buy grain who has not renewed the license for one or more years.

Subp. 4. **Grain storage bond.** The amount of bond required for grain storage is based on 50 percent of the local market value of grain stored by a public grain warehouse operator in Minnesota. The minimum grain storage bond is \$20,000. The maximum grain storage bond is \$500,000, excluding any grain bank liability. The storage bond amount may be increased during the license year. However, the storage bond may not be reduced during the license year.

Subp. 5. **Grain bank bond.** The grain bank bond is based on 50 percent of the local market value of grain stored in grain banks in Minnesota. A person licensed to store grain may include the additional liability for grain bank grain in the determination of the amount of the storage bond in lieu of obtaining a separate grain bank bond. The minimum grain bank bond is \$1,500. The maximum grain bank bond is \$150,000. The grain bank bond amount may be increased during the license year. The grain bank bond may not be reduced during the license year.

### 1562.0800 FEES.

Subpart 1. **License to buy grain.** The fee for a license to buy grain is based on the latest total annual dollar amount of grain purchased in Minnesota as follows:

A. For annual grain purchases under \$1,500,000, the license fee is \$100 plus \$50 for each additional home rule charter or statutory city or town in which the grain buyer is to be licensed to buy grain.

B. For annual grain purchases of \$1,500,000 to \$3,000,000, the license fee is \$200 plus \$50 for each additional home rule charter or statutory city or town in which the grain buyer is to be licensed to buy grain.

C. For annual grain purchases over \$3,000,000, the license fee is \$300 plus \$50 for each additional home rule charter or statutory city or town in which the grain buyer is to be licensed to buy grain.

Subp. 2. **License to store grain.** The fees for a license to store grain are as follows:

A. For a license to store grain, the license fee is \$40 for each home rule charter or statutory city or town in which a public grain warehouse is operated.

B. A person with a license to store grain in a public grain warehouse is subject to an examination fee for each licensed location, based on the following schedule for one examination:

BUSHEL CAPACITY	EXAMINATION FEE
Less than 150,001 bushels	\$ 275
150,001 to 250,000 bushels	385
250,001 to 500,000 bushels	495
500,001 to 750,000 bushels	605
750,001 to 1,000,000 bushels	715
1,000,001 to 1,200,000 bushels	825
1,200,001 to 1,500,000 bushels	935
1,500,001 to 2,000,000 bushels	1,045
More than 2,000,000 bushels	1,155

The fee for the second examination is \$22 per hour per examiner for warehouse operators who choose to have it performed by the commissioner.

Subp. 3. **Grain bank license.** The license fee is \$30 for each home rule charter or statutory city or town in which a private or public grain warehouse is operated and which will be used to operate a grain bank.

### 1562.0900 STATEMENT OF GRAIN IN STORAGE.

Subpart 1. **Monthly grain storage reports.** A person with a grain bank license or a license to store grain must, by the tenth day of each month, file with the commissioner on forms provided by the commissioner a monthly storage report showing the net monetary

liability, based on the local market price, of all grain outstanding on grain bank receipts, grain warehouse receipts, and scale tickets marked "store" as of the close of business on the last day of the preceding month.

Subp. 2. **Determination of grain bank and grain storage bond amount.** The monthly grain storage reports referred to in subpart 1, shall be used for the purpose of determining the dollar amount of the grain bank bond and the grain storage bond, and for determining whether these bond amounts should be increased during the license year.

Subp. 3. **Penalty.** If a person wilfully neglects or refuses to file the reports required in subpart 1 for two consecutive months, the commissioner may immediately suspend the person's license and the licensee must surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to Minnesota Statutes, chapter 14 to determine if the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Subp. 4. **Exceptions.** A person with the maximum grain bank bond or grain storage bond is not required to submit a monthly grain storage report. A person who has the maximum grain bank bond or storage bond and who requests a reduction in the bond amount must submit 12 consecutive monthly grain storage reports, to verify the request for a reduced bond amount. Persons having their bond amount reduced under this procedure must continue to submit monthly storage reports to the department. A reduction in the bond amount under this provision shall commence with the next licensing period.

#### **1562.1000 VOLUNTARY EXTENSION OF CREDIT CONTRACT.**

Subpart 1. **Form.** A voluntary extension of credit contract must include a statement of the legal and financial responsibilities of the grain buyer and seller and the following statement in not less than ten point, all capital type, framed in a box with space provided for the seller's signature:

"THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT. THIS CONTRACT IS NOT COVERED BY ANY GRAIN BUYER'S BOND."

BUYER _____	SELLER _____
(Type or print name)	(Type or print name)
BY _____	BY _____
(Buyer's signature)	(Seller's signature)

If a written contract is provided at the time the grain is delivered to the grain buyer, the seller shall sign the contract in the space provided directly beneath the statement. If the seller does not sign the contract at the time of delivery, then the buyer shall send the contract to the seller by certified mail, return receipt requested, to be signed. All contracts must be put in writing.

Subp. 2. **Requirements.** Voluntary extension of credit contracts must be consecutively prenumbered.

Subp. 3. **Not a storage agreement.** A contract sale of grain is not a storage agreement. The title to grain delivered on a voluntary extension of credit contract transfers to the grain buyer upon delivery, and no storage charges may be charged with respect to that grain. A voluntary extension of credit contract sale of grain is not covered by either the grain storage bond or the grain buyer's bond.

#### **1562.1100 WAREHOUSE EXAMINATIONS.**

Subpart 1. **Required examinations.** A person with a license to store grain is subject to two grain inventory examinations per year, for the purpose of determining whether there is enough grain at the warehouse to satisfy all grain storage obligations.

Subp. 2. **First warehouse examination.** The commissioner shall perform at least one of the required warehouse examinations during the license year.

Subp. 3. **Second warehouse examination.** The second examination may be performed by an independent third party qualified to do a physical grain measure-up, or weigh-up, if the independent third party agrees to perform the second warehouse examination, within 30 days of the date of the licensee's fiscal year end. In the absence of such an agreement the commissioner shall perform the second examination. The results of the grain inventory examination must include an accounting of all outstanding warehouse receipts, grain bank receipts, and other evidence of grain storage obligations.

Subp. 4. **Warehouses with a Commodity Credit Corporation storage agreement.** At the request of Commodity Credit Corporation, the commissioner shall perform warehouse examinations at warehouses with a uniform grain storage agreement. The results of these examinations must be forwarded to Commodity Credit Corporation.

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## Proposed Rules

Subp. 5. **Required information; form.** A grain inventory examination must include the following information:

### GRAIN INVENTORY EXAMINATION

Name of Elevator

Date

		KIND OF GRAIN
I. Physical Measurement of Grain Inventory		
Grain Inventory as of .....		# bushels
plus or minus Receipts		"
plus or minus Sales—Shipments		"
Adjusted Inventory as of .....	*	# bushels
II. Grain Inventory per Books as of .....	*	
Storage Liability		# bushels
Grain Bank Liability		"
Other		"
Warehouse Owned		"
Total Grain Inventory per Books		# bushels
III. Other Grain Detail		
Obligations on Grain Delivered to the Elevator		
Deferred Payment Contracts		# bushels
Delayed Price Contracts		"
Other		"
Total		# bushels
IV. Grain Inventory Measured by .....		
This Report Prepared by .....		
*These dates should be the same.		

#### 1562.1200 GRAIN PURCHASE RECEIPT.

An independent grain buyer, upon purchasing grain, shall issue a grain purchase receipt. A duplicate copy of each grain purchase receipt must remain in the possession of the independent grain buyer as a permanent record. The original grain purchase receipt must be delivered to the seller upon receipt of each load of grain.

The grain purchase receipt must state specifically whether the grain was sold on contract or for cash and the price at which the grain was sold. For contract purchases, if the price is not determined at the time of delivery, then the grain purchase receipt must be marked "price later."

All grain purchase receipts must be consecutively prenumbered and must contain the following information:

- A. the name and address of the grain buyer;
- B. the name of the seller;
- C. the location and date of the transaction;
- D. the weight or volume and kind of grain; and
- E. the signature of the grain buyer.

For the sale of grain designated "contract" on the grain purchase receipt, the grain buyer must put the terms of the contract in writing as required by Minnesota Statutes, section 223.177, subdivision 3. The term "contract" signifies any form of sale except a cash sale. A contract sale of grain is not covered by the grain buyer's bond.

#### 1562.1300 SCALE TICKET.

A grain warehouse operator, upon receiving grain, shall issue a scale ticket for each load of grain received. A duplicate copy of each scale ticket must remain in the possession of the grain warehouse operator as a permanent record. The original scale ticket must be delivered to the seller or depositor upon receipt of each load of grain.

The scale ticket must state specifically whether the grain was sold on contract or for cash and the price at which the grain was sold. If the grain was not sold, then the scale ticket must state whether the grain was received for storage. The term "contract" signifies any form of sale except a cash sale.

All scale tickets must be consecutively prenumbered and must contain the following information:

- A. the name and address of the grain warehouse operator;



- B. the name of the seller or depositor;
- C. the location and date of the transaction;
- D. the weight, volume, and kind of grain; and
- E. the signature of the grain warehouse operator.

**1562.1400 DETERMINATION OF GRADE.**

If the grade of grain is established at the time of delivery to a warehouse, it must be recorded on the original and duplicate copy of the scale ticket. If the grade is not established at the time of delivery, the grade and factors that relate to the grade must be recorded on the duplicate copy of the scale ticket retained by the grain warehouse operator. The depositor or seller must be notified of the grade within 48 hours after the grade has been determined.

**1562.1500 WAREHOUSE RECEIPT.**

If grain is received for storage, the grain warehouse operator shall issue a grain warehouse receipt to the depositor within five working days of the date of deposit.

Storage contracts on grain being stored end on the expiration date of the storage license if not ended earlier by the depositor. In the absence of a demand for delivery, order to sell, or notice by the grain warehouse operator, it is presumed that the parties intended to renew the storage contract for the next licensing year.

**1562.1600 CHARGES; RATES.**

Subpart 1. **Filing of rates for storing and handling grain.** A person licensed to store grain shall file with the commissioner a tariff or schedule of all charges relating to the storage of grain including charges for receiving, storing, redelivery, and handling on forms provided by the commissioner.

Subp. 2. **Posting of charges.** Every warehouse operator shall post conspicuously in the warehouse, at each licensed location, a statement of all charges relating to the storage of grain.

Subp. 3. **Charges to depositor.** No charge different from that filed with the commissioner and posted may be made to any depositor for the same service.

All depositors must be notified of any changes in the tariff or schedule of charges prior to their implementation. A conspicuous posting of the revised tariff in the warehouse, plainly visible to all customers, qualifies as notification to depositors.

**1562.1700 CLAIMS AGAINST A BOND.**

Subpart 1. **Filing a claim.** Claims against a bond may be filed by the persons indicated in this subpart.

A. A producer claiming to be damaged by the breach of an agreement to purchase grain according to the terms of a cash sale must file a claim with the commissioner within 180 days of the date of breach.

B. A depositor claiming to be damaged by the breach of an agreement to store grain, including an agreement to sell grain which was originally delivered for storage, must file a claim with the commissioner within 180 days of the date of breach.

Subp. 2. **Form of claim.** All claims must be in writing, must state the facts upon which the claim is based, must include any supporting evidence, and must be signed by the claimant. The supporting evidence may consist of, but is not limited to, a purchase agreement, a scale ticket, a grain purchase receipt, a check indicating insufficient funds, a warehouse receipt, or an assembly sheet.

Subp. 3. **Where to file.** All claims must be filed at the following address: Minnesota Department of Agriculture, Grain Inspection Division, Warehouse Section, 316 Grain Exchange Building, Minneapolis, MN 55415.

Subp. 4. **Bond limitations.** The bonds are not cumulative from one year to the next. A claim against the bond may only be made against the bond in effect at the time the agreement is breached. A bond is not liable for claims filed after 180 days from the date of breach of the bond.

Subp. 5. **Public notice of a claim.** Upon determining that a producer or depositor has filed a valid claim, the commissioner shall publish notice of the claim in the official county newspaper of the county in which the licensee's place of business is located.

The notice must state that a claim against the bond of a licensee has been filed with the commissioner, the name and address of

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## Proposed Rules

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the licensee, that any additional claims should be filed with the commissioner, the bond disbursement date, and where the claims should be filed.

The public notice of the claim must appear for three consecutive days in newspapers with a daily circulation and for two consecutive publications in newspapers published less than daily.

Subp. 6. **Bond disbursement date.** The bond disbursement date is 90 days from the date the commissioner publishes a public notice of a claim. At the end of this time period, the commissioner will initiate bond payments on all valid claims received by the department.

### **1562.1800 BOND COVERAGE.**

Subpart 1. **Grain buyers bond.** The grain buyers bond provides for payment of loss to producers caused by a licensed grain buyer's failure to pay, upon the owner's demand, for grain purchased in Minnesota according to the terms of a cash sale.

Subp. 2. **Grain storage bond.** The grain storage bond provides for payment of loss caused by the failure of a person licensed to store grain in Minnesota to deliver stored grain to the depositor's order, or for nonpayment of grain when the depositor orders that the grain be sold in lieu of taking redelivery of the grain in storage.

Subp. 3. **Grain bank bond.** The grain bank bond provides for payment of loss caused by the failure of a person with a grain bank license in Minnesota to deliver grain bank-receipted grain to the depositor's order, or for nonpayment of grain when the depositor orders that the grain bank-receipted grain be sold in lieu of taking redelivery of the grain in the grain bank.

### **1562.1900 LOST, STOLEN, OR DESTROYED WAREHOUSE RECEIPTS.**

While a warehouse receipt is outstanding, no other warehouse receipt may be issued for any part of the grain represented by the original warehouse receipt except that, in case of a lost, stolen, or destroyed warehouse receipt, the depositor is entitled to a new warehouse receipt, plainly designated to be a duplicate or substitute for the one missing or destroyed indicating the dates of issuance of the original and the replacement warehouse receipts. Before issuing a duplicate warehouse receipt the warehouse operator shall require the depositor to make and file an affidavit stating that the depositor is lawfully entitled to possession of the original receipt and that the depositor has not negotiated or assigned it, the circumstances in which it was lost or destroyed, and that, if lost, a diligent effort has been made to find it. The warehouse operator may require the depositor to post a bond in an amount not more than double the value at the time the bond is given of the grain represented by the missing or destroyed warehouse receipt. The bond must be conditioned to indemnify the warehouse operator against any loss which might be sustained because of the issuance of a duplicate receipt, must be in a form approved by the commissioner, and must be executed by a corporate surety licensed to operate in Minnesota. A valid duplicate or substitute warehouse receipt has all the rights of the document in lieu of which it was issued.

### **1562.2000 SHORTAGES OF GRAIN.**

Whenever it appears that a warehouse operator does not have on hand grain of sufficient quality and quantity to cover the outstanding warehouse receipt obligations, notice must be given by the commissioner to the warehouse operator requiring that the shortage be corrected immediately. If the warehouse operator fails to comply with that order and the commissioner determines that the interests of depositors may be threatened, then the commissioner shall seal the warehouse to prevent any further removal of grain until the shortage is corrected.

If it appears that the warehouse operator is in default to warehouse receipt holders and unable to correct the default within a reasonable time the commissioner shall make arrangements to protect the warehouse receipt holders by either redelivering the grain, on a pro rata basis, to each warehouse receipt holder of record or liquidating the grain inventory, depositing the proceeds in an interest-bearing trust account, and distributing the proceeds, on a pro rata basis, to each warehouse receipt holder of record. The proceeds must remain in the trust account until the bond disbursement date, if applicable. Valid claims by warehouse receipt holders in excess of the amount in the trust account will be applied against the storage bond. The warehouse operator, the operator's surety, and each warehouse receipt holder of record must be notified of the shortage and the proposed action to be taken by the commissioner to protect warehouse receipt holders. Notice must be mailed to each warehouse receipt holder's last known address as evidenced by the records of the warehouse operator.

If any interested party files a written objection to the department's proposed action within ten days of receipt of the commissioner's notice, the commissioner shall apply to the district court for the appointment of a trustee or receiver to manage and supervise the operations of the grain warehouse operator in default.

An audit or other investigation of the affairs of the warehouse operator must be made by the commissioner for the purpose of determining the amount of the shortage and computing the loss sustained by each depositor.

### **1562.2100 MOVEMENT OF ENCUMBERED GRAIN.**

Grain encumbered by a warehouse receipt may be moved to another public grain warehouse with the depositor's request, pursuant to Minnesota Statutes, section 232.23, subdivision 13. The original warehouse receipt must be canceled and the receiving public

grain warehouse operator must issue a currently-dated warehouse receipt for the grain being moved and stored. All storage charges must be paid through the date of cancellation of the original warehouse receipt.

#### **1562.2200 TERMINATION OF LICENSE; CHANGE OF OWNERSHIP.**

When a license is terminated by reason of sale, discontinuance of business, failure to renew a license, or for any other reason, the grain buyer or warehouse operator must discontinue buying grain from producers or storing grain, and redeliver or purchase all grain belonging to others in the warehouse. If a licensee sells or leases a grain warehouse to another person, proper indemnity must be provided to all depositors. Agreement in writing by the warehouse operator's successor to assume liability for all warehouse receipts outstanding at the time of take-over and reissuance of warehouse receipts by the successor constitutes sufficient indemnity. The commissioner must be notified of a change in ownership so that a new license and bond may be issued.

**REPEALER.** Minnesota Rules, parts 1560.5400; 1560.5500; 1560.5600; 1560.5700; 1560.5800; 1560.5900; 1560.6000; 1560.6100; 1560.6200; 1560.6300; 1560.6400; 1560.6500; 1560.6600; 1560.6700; 1560.6800; 1560.6900; 1560.7000; 1560.7100; 1560.7200; 1560.7300; 1560.7400; 1560.7500; and 1560.7600 are repealed.

## **Board of Electricity**

### **Proposed Permanent Rule Relating to Licenses; Expiration and Fees.**

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

Notice is hereby given that the State Board of Electricity ("board") proposes to adopt the above-entitled rules without a public hearing. The board 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* § 14.22 to 14.28. Authority for the adopting of these rules is contained in *Minnesota Statutes* § 326.241 subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Quinn upon request.

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

Any person may make a written request for a public hearing on the rule with 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 withdrew 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 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule.

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

Mr. John Quinn  
Executive Secretary  
State Board of Electricity  
N-191, Griggs Midway Building  
1821 University Avenue  
Saint Paul, Minnesota 55104  
Telephone (612) 642-0800

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 noticed.

A copy of the **proposed** rules is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

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

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## Proposed Rules

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

*Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.10, Subdivision 11 as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than \$250.00, 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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota 55101, (612) 296-5148.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 written request to the State board of Electricity.

John Quinn, Executive Secretary  
State Board of Electricity

### Rule as Proposed

#### 3800.1000 LICENSES; EXPIRATION; AND FEES.

Subpart 1. **Expiration.** Except as otherwise provided in this part, all licenses issued or renewed under this part expire two years from the date of issuance or renewal. All Class "A" master and Class "B" master, and master elevator constructor licenses issued or renewed before prior to March 1, 1982 1989, expire one year from the date of issuance or renewal on March 1, 1989. Class "A" master and Class "B" master, and master elevator constructor licenses issued or renewed on or after March 1, 1982 1989, expire March 1 of the next even-numbered odd-numbered year after issuance or renewal. Electrical contractor licenses issued or renewed after August 31, 1981, but before September 1, 1982, expire September 1, 1982. Electrical contractor licenses issued or renewed after August 31, 1982, expire March 1 of the next each even-numbered year after issuance or renewal. Alarm and communication contractor licenses expire July 1 of each odd-numbered year after issuance or renewal.

Subp. 2. **Examination, issuance, and renewal fees.** The following fees shall be payable for examination, issuance, and renewal:

A. For examination for each class of ~~electrician's~~ license; \$25.

B. For issuance of original license and renewal:

(1) Class "A" master and master elevator constructor, \$35 a year;

(2) Class "B" master, \$20 a year;

(3) Class "A" journeyman, Class "B" journeyman, Class "A" or "B" installer, elevator constructor, maintenance, lineman, or special electrician, \$10 a year; and

(4) Electrical contractor and alarm and communication contractor, \$75 a year.

Subp. 3. **Prorating fees.** If a new Class "A" master or Class "B" master elevator constructor license is issued or renewed in accordance with subpart 1 for less than two years, the fee for the license shall be prorated on a monthly quarterly basis for each month or part of a month that the license is issued or renewed. The electrical contractor's and alarm and communication contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued or renewed in accordance with subpart 1.

Subp. 4. **Refunds.** A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with the requirements of subpart 3, the amount of the overpayment shall be refunded.

Subp. 5. **Reissuance fee.** Any electrical contractor or alarm and communication contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to part 3800.0800 of the Board of Electricity shall submit a reissuance fee of \$100 before the license is reinstated.

Subp. 6. **Duplicate license fee.** The fee for the issuance of each duplicate license is \$3.

## **Department of Public Safety**

### **Proposed Permanent Rules Relating to Driver's License Revocation**

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

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in *Minnesota Statutes*, Sections 14.21 through 14.28.

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

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rules addressed, the particular objections, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes*, Sections 14.13 through 14.20.

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

Jeff Bruce  
Department of Public Safety  
211 Transportation Building  
St. Paul, Minnesota 55155

The Department's authority to adopt the proposed rules is contained in *Minnesota Statutes*, Section 169.128. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to *Minnesota Statutes*, Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota.

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

Please be advised that *Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practice Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years

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## Proposed Rules

immediately following their adoption, within the meaning of *Minnesota Statutes*, Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Paul J. Tschida  
Commissioner of Public Safety

### Rules as Proposed

#### 7503.0800 REVOCATION PERIODS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Driving after revocation.** The commissioner shall ~~revoke the driver's license or driving privilege of~~ increase the revocation period imposed for any person convicted under Minnesota Statutes, section ~~169.121 or 169.129~~ 169.121 or 169.129 ~~for a period of, or convicted under a statute from another state in conformity with either of these provisions, if the driver's license or driving privilege of the person was suspended, revoked, or canceled at the time of the driving incident for which the person was subsequently convicted. The length of the additional revocation period is 30 days, 90 days, or one year, depending on the number of convictions for violations of Minnesota Statutes, section 169.129 or 171.24 on the person's driving record during the one-year period preceding the date of the incident times the person has been convicted of a moving traffic offense while the person's driver's license was canceled, revoked, suspended, or otherwise withdrawn at the time of the offense. For the purposes of this subpart, a moving traffic offense is a conviction under a law regulating the use of motor vehicles in which the operation of a motor vehicle is an element of the offense charged. Only convictions that occur during a three-year period that includes the date of the incident for which the driver is convicted under Minnesota Statutes, section 169.121 or 169.129, or convicted under a statute from another state in conformity with either of these provisions, are counted in determining the length of the revocation period. The additional revocation shall be period is 30 days if there are no other convictions for driving after withdrawal during the preceding year a three-year period. The additional revocation period shall be is 90 days if there is one other conviction for driving after withdrawal during the preceding year a three-year period. The additional revocation period shall be is one year if there are two or more other convictions for driving after withdrawal in the preceding year. A revocation ordered for a conviction under Minnesota Statutes, section 169.129 shall not run concurrently with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under Minnesota Statutes, section 169.129 is based during a three-year period.~~

Subp. 4. to 7. [Unchanged.]

## Adopted Rules

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

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

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

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

## Department of Agriculture

### Adopted Permanent Rules Relating to Seed Potato Production

The rules proposed and published at *State Register*, Volume 11, Number 50, pages 2275-2277, June 15, 1987 (11 S.R. 2275) are adopted as proposed.

## **Housing Finance Agency**

### **Adopted Permanent Rules Relating to Accessibility Deferred Loan Program and Definition of Income Applicable to Home Improvement Loans, Accessibility Improvement Assistance, and Accessibility Deferred Loans**

The rules proposed and published at *State Register*, Volume 11, Number 50, pages 2279-2281, June 15, 1987 (11 S.R. 2281) are adopted as proposed.

## **Department of Labor and Industry**

### **Adopted Permanent Rules Relating to Safety and Health Standards**

#### **Rules as Adopted**

#### **5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.**

The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the Code of Federal Regulations as follows:

Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~December 31, 1986~~ June 1, 1987:

Federal Register, Vol. 52, No. 83, dated April 30, 1987; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of the Partial Stay and Amendment of Final Rule."

Federal Register, Vol. 52, No. 85, dated May 4, 1987; "Hazardous Waste Operations and Emergency Response; Corrections to Interim Final Rule (29 CFR 1910.120)."

Federal Register, Vol. 52, No. 91, dated May 12, 1987; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Corrections and Information Collection Requirements Approval."

Part 1928: Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the *Federal Register* on April 25, 1975 and subsequent changes made prior to ~~June 1, 1984~~ 1987:

Federal Register, Vol. 52, No. 84, dated May 1, 1987; "Field Sanitation, Final Rule (29 CFR 1928.110)."

## **Vocational Technical Education Board**

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

The rules proposed and published at *State Register*, Volume 11, Number 32, page 1404, February 9, 1987 (11 S.R. 1404); and Volume 11, Number 45, pages 2079-2080, May 11, 1987 (11 SR 2079) are adopted as proposed.

## **State Board of Vocational Technical Education**

### **Adopted Permanent Rules Relating to Postsecondary Vocational Licensure, Agricultural Occupations**

The rules proposed and published at *State Register*, Volume 11, Number 46, pages 2108-2117, May 18, 1987 (11 S.R. 2108) are adopted as proposed.

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## Adopted Rules

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### State Board of Vocational Technical Education

#### Adopted Emergency Rules Relating to Vocational Licenses; Information Processing

The rule proposed and published at *State Register*, Volume 11, Number 45, May 11, 1987, (11 S.R. 2079) is adopted as proposed.

### Board of Accountancy

#### Adopted Permanent Rules Relating to Fees

The rule proposed and published at *State Register*, Volume 11, Number 50, pages 2274-2275, June 15, 1987 (11 S.R. 2274) is adopted as proposed.

### Board of Teaching

#### Adopted Permanent Rules Relating to License Criteria

The rules proposed and published at *State Register*, Volume 11, Number 44, pages 2034-2043, May 4, 1987 (11 S.R. 2034) are adopted with the following modifications:

##### Rules as Adopted

##### 8700.0502 PROVISIONAL LICENSES; TEACHING IN UNLICENSED SUBJECTS OR FIELDS.

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:

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

(a) no teacher holding a teaching license in a subject or field for which a provisional license is requested is available has applied for the vacant position which has been advertised at least statewide, and found to be acceptable for employment; and

##### 8700.1000 CLOCK HOURS.

Subp. 2. **Allocation of clock hours.** 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 committee 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.

## Official Notices

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

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

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### Department of Administration

#### Building Codes & Standards Division

#### Notice of Extension for Comments or Request for a Public Hearing on Proposed Permanent Rules Relating to the Minnesota State Building Code

Notice is hereby given that the period for comments or written requests for a public hearing, as published in the *State Register*, August 24, 1987, Vol. 12, No. 8 and stating they must be received by 4:30 p.m., September 22, 1987, has been extended to 4:30 p.m., September 25, 1987.



## **Department of Human Services**

### **Income Maintenance Bureau Assistant Payments Division**

#### **Notice of Intent to Solicit Outside Opinion Concerning Proposed Permanent Rules Governing the Work Readiness Program**

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions in preparing to propose permanent rules governing the work readiness program, parts 9500.1300 to 9500.1318.

The adoption of these rules is authorized by *Laws of Minnesota 1987*, chapter 403,, article 3, section 37.

These rules, if adopted, will affect work readiness applicants and registrants who refuse to accept legitimate offers of suitable employment and work readiness registrants who voluntarily quit suitable employment while receiving work readiness payments or services.

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

Written statements of information and comment may be addressed to:

Dan Lipschultz  
Rules Division  
Minnesota Department of Human Services  
4th Floor Centennial Office Building  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-4302.

All statements of information and comment will be accepted until further notice is given or the Notice of Hearing or Notice of Intent to Adopt Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record.

## **Nonpublic Education Council**

### **Applications Being Accepted for State Recognition of Education Accreditation Organizations**

In compliance with the state's new compulsory school attendance law (Chapter 178 of the *1987 Minnesota Session Laws*), the Nonpublic Education Council is now accepting applications from education accreditation organizations who wish to have state approval for the 1987-88 school year.

All nonpublic schools must meet certain state requirements in order to fulfill the standards the compulsory attendance law as amended by the 1987 Minnesota Legislature. Nonpublic schools must either be accredited by state-approved accreditation organizations or work with local school districts in following state reporting requirements. Also, all nonpublic schools that choose the accreditation route to compliance are urged to affiliate with a state-approved accrediting organization by October 1, 1987.

The Nonpublic Education Council, formerly the Nonpublic School Advisory Committee, is a group of 15 citizens appointed by the commissioner of education who are broadly representative of state nonpublic education interests. For information about application procedures or the law, contact:

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## Official Notices

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Nonpublic Education Council  
Attention: Daniel Skoog, Assistant Commissioner  
Minnesota Department of Education  
726 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
Telephone Number (612) 296-3116

All interested accreditation organizations must apply to the Nonpublic Education Council before September 18, 1987 if they wish to be recognized as a state-approved accreditation organization for the 1987-88 school year. Applications for future school years are acceptable at any time.

## Department of Transportation

### Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of St. Paul has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards for a construction project on Municipal State Aid Street 188 (St. Clair Avenue) from Cretin Avenue to Lexington Parkway.

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes*, Chapter 161 and 162, so as to permit a street width of 32' with parking on one side from Cretin Avenue to Cleveland Avenue instead of the required width of 36' with parking on one side; a street width of 40' with parking on both sides from Cleveland Avenue to Snelling Avenue instead of the required width of 44' with parking on both sides; a street width of 40' with parking on both sides from Snelling Avenue to Hamline Avenue instead of the required width of 48' with parking on both sides; a street width of 40' with parking on both sides from Hamline Avenue to Short Line Road instead of the required width of 44' with parking on both sides; and a street width of 40' with parking on both sides from Short Line Road to Lexington Parkway instead of the required width of 48' with parking on both sides.

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

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

Dated: 31 August 1987

Leonard W. Levine  
Commissioner of Transportation

## Department of Transportation

### Notice of Public Information Meetings

*Minnesota Statutes*, Section 169.832, Subd. 13, requires the Minnesota Department of Transportation (Mn/DOT) to adopt rules to define "significant centers of population and commerce" and "temporary emergency service". These rules will be used to identify state trunk highway market artery routes in order to establish a statewide network of roads designated to carry maximum allowable truck loads year around, without seasonal weight restrictions.

Mn/DOT is seeking public participation in the development of these rules. If you wish to participate in defining these terms, you may attend any of the following public information meetings.

September 17, 1987  
8:00 p.m.  
Auditorium, Staples Tech. Inst.  
Airport Road  
Staples, Minnesota

October 7, 1987  
10:15 a.m.  
Room 300—Council Chambers  
Metro Square Building  
7th and Robert Streets  
St. Paul, Minnesota

October 8, 1987  
9:00 a.m.  
Ottertail Power Company  
320 4th Street  
Bemidji, Minnesota

October 14, 1987  
8:00 p.m.  
Civic Center  
323 West Schlieman Avenue  
Appleton, Minnesota

October 15, 1987  
7:30 p.m.  
Room 130—Friedell Building  
1200 South Broadway  
Rochester, Minnesota

October 19, 1987  
7:00 p.m.  
Northwest RDC  
525 Brooks Avenue South  
Thief River Falls, Minnesota

October 19, 1987  
7:00 p.m.  
East Central RDC Hdqts.  
100 South Park Street  
Mora, Minnesota

October 19, 1987  
7:30 p.m.  
Murray Co. Courthouse Annex  
Slayton, Minnesota

October 22, 1987  
1:30 p.m.  
Arrowhead RDC  
Arrowhead Center  
330 Canal Park Drive  
Duluth, Minnesota

October 22, 1987  
2:00 p.m.  
Room 500 North  
State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota

November 4, 1987  
7:15 p.m.  
1st Floor Auditorium  
Blue Earth Co. Govt. Center  
410 South 5th Street  
Mankato, Minnesota

November 5, 1987  
7:30 p.m.  
Olivia City Office Building  
1009 West Lincoln  
Olivia, Minnesota

The rules may affect Minnesota businesses that have transportation activities that are affected by spring weight restriction on trunk highways. This may include the transportation activities of small businesses as defined in *Minnesota Statutes*, Section 14.115, Subdivision 1.

Persons interested in this rulemaking are invited to attend the public informational meetings in their area. Written or oral comments will be accepted until December 1, 1987. Comments or questions may be submitted to: Jonette Kreideweis, Manager, Highway Planning Unit, Room 807, Transportation Building, St. Paul, Minnesota 55155, (612) 296-8477.

Dated: 31 August 1987

Leonard Levine  
Commissioner

## 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.

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



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

# State Contracts and Advertised Bids

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

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

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

## Department of Administration: 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 #
Maintenance & repair of vindicators & microwave security (PA)	September 9	Correction Facility	Lino Lakes	Price Contract
Preventative maintenance & up-grading of CCTV system (PA)	September 9	Correction Facility	Lino Lakes	Price Contract
Car wash service (EFS)	September 9	Various	Various	Price Contract
Intergraph equipment (PA)	September 10	Transportation	St. Paul	79 000 81719
Lateral files (LP)	September 10	Vo-Tech Education	St. Paul	36 000 09129
Sewing machines (DRT)	September 10	Correctional Facility	Oak Park Heights	78 630 07 560
Meat & meat products for the month of October 1987 (JD)	September 10	Various		Various
Lease purchase of 3 copiers (JPK)	September 11	Corrections	Various	78 000 18681
Purchase of copier (JPK)	September 11	State University	Marshall	26 175 07173
Rental of copier (JPK)	September 11	Employee Relations	St. Paul	24 000 81140
Radio communications equipment addendum #1 & #2 (EFS)	September 15	Various	Various	Price Contract

## Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
18 Bonds	September 9	Finance	St. Paul	1220-9 & 1230-9
College volleyball programs	September 10	Community College	Bloomington	1485
Fluoride report form	September 10	Health	Minneapolis	1505
Cross-country ski license	September 10	Natural Resources	St. Paul	1206,7,8
Affix labels to income tax booklets	September 15	Revenue	St. Paul	67320 04732
Carrier route code address & print income tax labels	September 15	Revenue	St. Paul	67320 04733

## **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 \$10,000 has been budgeted for this project. Proposals are due by 4:30 p.m., September 21, 1987.

## **Department of Education**

### **Request for Proposals for Program Evaluation of the Pilot Demonstration Program on Performance Based Education**

Proposals are requested from individuals or agencies qualified to conduct program evaluation activities. The purpose is the evaluation of the implementation and effectiveness of the pilot Demonstration Program on Performance Based Education.

The program is based on the notion of allowing school districts flexibility in the design of alternative educational programs in relation to student outcomes.

The selected proposal will be funded via state contract. Funding shall not exceed \$15,000.00.

For further information, contact:

Dr. John Comstock  
Office of Assessment and Program Evaluation  
Minnesota Department of Education  
725 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

Proposals must be submitted by October, 5, 1987.

## **Department of Human Services**

### **Health Care Programs Division**

#### **Notice of Availability of Health Care Consultation Contracts**

The Department of Human Services intends to issue a consultant contract to a Licensed Doctor of Pharmacy (Pharm D.) or R.Ph. with clinical background and experience in clinical pharmacy and clinical evaluation of drug therapy. Experience in prescription dispensing and extemporaneous compounding including parenteral products is preferred.

The contract will be available immediately and extend to March 1, 1988.

This contract will be awarded to a candidate based on his/her experience, education, achievements and professional standing. The Department of Human Services will make the final selection of a consultant and issue a contract based upon the Department's needs, but not to exceed \$4,000.00 for the period from present through March 1, 1988.

Proposals must be received by September 14, 1987 and should be directed to:

Larry Woods, Supervisor  
Health Care Programs Division  
Health Services Policy Section  
Space Center  
444 Lafayette Road  
St. Paul, Minnesota 55101  
(612) 296-2846

### Department of Human Services

#### Division for Persons with Developmental Disabilities

#### **Request for Proposals to Seek Applicants for Regional Review Committee Membership to Monitor and Facilitate Compliance with *Minnesota Rules*, parts 9525.2700 to 9525.2810, (Standards Governing Aversive and Deprivation Procedures)**

The Division for Persons with Developmental Disabilities of the Department of Human Services is seeking applications from individuals interested in serving on regional review committees to monitor and facilitate compliance with *Minnesota Rules*, parts 9525.2700 to 9525.2870, (Standards Governing Aversive and Deprivation Procedures).

Membership of each regional review committee shall include at least a licensed psychologist; an employee from a daycare, residential or supported living arrangement; a parent or guardian of a person with mental retardation or related conditions; a concerned citizen and a Department employee. Members will be assigned by the Commissioner to a regional review committee.

Members of regional review committees will meet at least quarterly at sites determined and arranged for by the Department. Members will be reimbursed for each meeting.

Individuals interested in applying for regional review committee membership should submit in writing to Gerald Nord, Division for Persons with Developmental Disabilities, 4th Floor Centennial Building, St. Paul, Minnesota 55155, by September 24, 1987, their name; home/work address and phone numbers; and a brief summary of work experience, educational background and interests or provide a resume.

If you have any questions, please contact Mr. Nord at (612) 297-3828.

### Department of Human Services

#### Bureau of Health Care and Residential Programs

#### **Request for Information about Computer Software Related to the Operation of the State Regional Centers and Nursing Homes**

The Department of Human Services is soliciting information from vendors concerning computer software and hardware related to the operation of the eight State Regional Centers and two State Nursing Homes located throughout the State. These facilities provide residential and treatment services to mentally ill, developmentally disabled, chemically dependent, and geriatric populations. Desired products will support a full range of services such as Admissions, Accounting, Dietary, Electronic Charting, Pharmacy, Central Supply, Material Management, Medical Records, Plant Management, Utilization Review, and Quality Assurance. Of added importance is the ability to interface this information with several divisions at the State's central site.

It is the State's intent that this request is for information about packaged computer software that can handle facility applications with minor modification, not for detailed design and development of such a system.

Interested parties may obtain a Request for Information (RFI) document by calling or writing:

Connie J. Cobb, Director  
State Facility MIS Project  
Office of the Assistant Commissioner  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155  
Telephone: (612) 297-2192

Information regarding the formal response to this request is outlined in the RFI document. Vendors wishing to be seriously considered in responding to a subsequent Request for Proposal, must also respond to the RFI. All formal responses must be received no later than October 2, 1987.

## **Department of Jobs and Training**

### **State Job Training Office**

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

The Minnesota Department of Jobs and Training, State Job Training Office, is requesting proposals from appropriate organizations and units of government to provide employment and training services to older individuals. The program, authorized by Section 124 of the Job Training Partnership Act, is designed to provide for the training and placement of low income persons 55 years of age and older into jobs with private business concerns. A minimum of \$300,000 is available to fund programs to operate between January 1, 1988 and December 31, 1988. Proposals must be received no later than 4:30 p.m. November 6, 1987.

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

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

## **Minnesota Waste Management Board**

#### **Notice of Request for Proposals/Request for Qualifications for Consultants**

The Waste Management Board (WMB) seeks to retain a consultant to conduct air quality monitoring of waste tire chips burned at one or more facilities in 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 WMB expects to enter into a contract during the fall of 1987.

Copies of the RFP/RFQ are available from:

Andrew Ronchak  
Waste Management Board  
7323 58th Ave. N.  
Crystal, MN 55428  
(612) 536-0816

All proposals must be submitted to the WMB by September 21, 1987 at 4:00 p.m.

### **Murder: Minnesota style**

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

**Robber and Hero** On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

**Secrets of the Congdon Mansion** The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$4.95.

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# 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.

## Great Lakes States USA

### Request for Proposal to Engage a Marketing Coordinator

#### BACKGROUND

State travel and tourism agencies in six Great Lakes States (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin) oversee advertising and promotion campaigns to sell their individual states as travel destinations. They compete against each other and against other states for the domestic traveling dollar, but they also cooperate as a group to sell the Great Lakes region as a whole to international travelers. This regional group is called Great Lakes States USA.

For the past four years, in various combinations, the six states have participated jointly at the World Travel Market in London, the ITB in Berlin and JATA in Tokyo. At these travel trade marketplaces, the cooperative state travel representatives pool their promotional efforts on the assumption that international visitors do not choose just one community or state to visit, but visit a larger region or area.

The Great Lakes States have defined their primary markets as the United Kingdom, German-speaking countries and Japan. (Marketing strategies for Canada are handled by individual states.)

To become more effective in attracting the international traveler requires great commitments of time, coordination and balance, more than any one state can provide or more than a representative committee can easily address. The projects of the home state are more immediate; the needs of the overall region take secondary priority.

#### AUDIENCE:

The primary audience for this program is the travel trade and the media. Directors agree that efforts directed at those audiences will thereby increase consumer awareness.

#### RESPONSIBILITIES

The following means should be used to implement the International Marketing Strategy for Great Lakes States USA and would be the primary responsibilities for the coordinator.

#### SPECIFIC PROJECTS:

1. Create and produce a sales product catalog for the European and Japanese markets production of a Great Lakes map and Press/Trade kits. Also include an audio visual presentation project for trade missions.
2. Coordinate Great Lakes States USA participation in trade shows—World Travel Market, ITB and JATA. This includes public relations, publications, advertising, airline sponsorship and booth design.
3. Prepare written monthly progress and activity reports for each member of the marketing committee and the State Travel directors. These reports will include budget report, public-private partnership report and ongoing project update.
4. Seek public/private partners to create sales tools and opportunities. Please estimate in the proposal the amount of inkind and cash contributions from the private sector you could generate.
5. Function as accountant and bookkeeping agent for Great Lakes States USA. The coordinator will invoice the state of Minnesota, as fiscal agent for Great Lakes States USA, for expenses. This will require monthly budget analyses and appropriate record-keeping functions. The coordinator will also manage a program implementation plan.
6. Make written recommendations to the International Marketing Committee on ways to increase the visibility and influence of the Great Lakes region in the international market.





7. Recommend in writing a public relations plan as a means to provide current information about Great Lakes States USA to the international travel media. Implementation will be subject to the committee's subsequent approval.

8. Initiate and implement a program to allow for private sector participants in the marketing programs of Great Lakes States USA.

9. Complete an investigation, report and implement the operational structure of Great Lakes States USA. This will involve research on how other regional groups (i.e. Travel South) are incorporated and coordinated.

10. Travel is required to all quarterly meetings of the marketing committee. Participation at trade shows is desirable but not mandatory. The day to day operation of the organization may require some travel. However, costs may be deferred by formulation of public/private partnerships with travel suppliers. All travel costs must be inclusive in consultant's monthly fee.

11. A proposal to conduct a sales mission to Germany (2 cities) and London in April of 1988 should be part of the proposal. Cost should be quoted on this item as a separate project and recommendations are requested in the proposal.

12. Perform other activities as directed by the marketing committee chairperson. This will meet the need to be responsive to opportunities that arise after the adoption of the marketing plan. Coordinator should specify a policy on implementation and estimate hours to conduct projects.

### **BID PROCESS**

The *total budget* for this program for Great Lakes States USA will be \$65,000.00 including coordinator fees and project implementation costs for the year running from November 1, 1987 to October 31, 1988. The public/private partnerships developed are crucial to supplement this program.

1) The \$65,000.00 fee is based on the following assumptions:

a. All consultant expenses (i.e. travel, meals, phone calls, etc.) will be included in the contract amount. Please bid as a separate item.

b. Production costs of the sales tools are included in the contract amount. If sponsors are secured, production costs may be offset and money would be available for other uses.

c. Trade show space rental is shared by participating individual states and does not need to be reflected in the budget.

Proposals should include the following:

1) An estimate of the number of hours broken out by project necessary to carry out the responsibilities indicated above, including number 13 above. Please specify travel commitments included in contract.

2) An itemized recommendation of how budget should be allocated and how private sector will be involved.

3) The name, background and related international experience of the individual who will handle this account.

To give us a better indication of your ideas and abilities, please include answers to the following questions in your proposal:

1) What do you suggest would be the most productive promotional projects/avenues for the Great Lakes States USA to pursue? Please give your input on concepts presented (i.e. catalog, map, audio visual).

2) What do you perceive as the potential for the Great Lakes region in the international market, and why?

3) Respond to all concepts with recommendations.

### **SELECTION PROCESS**

All proposals must be submitted no later than September 30, 1987 at 5:00 p.m. EST. Eight (8) copies of the proposal should be enclosed (to be distributed to the interviewing and screening committee).

Send proposals to:

Deborah Hart, Senior Promotions Manager  
Attn: International Coordinator  
Michigan Travel Bureau  
P.O. Box 30226  
Lansing, MI 48909

Decisions for finalists will be made October 8, 1987. The Great Lakes States USA reserves the right to refuse any and all proposals.

Please direct all questions regarding this proposal to Deborah Hart at 517/373-0670.

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## Non-State Public Contracts

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### Metropolitan Council, Metropolitan Waste Control Commission and the Regional Transit Board

#### Request for Proposals (RFP) for Telecommunications Consultant Services

The metropolitan agencies are seeking a telecommunications consultant to assist in the preparation of bid documents and selection of a 500-station-capacity telephone system.

The scope of services requested involves the preparation of a network design and layout configuration for a state-of-the-art telephone system bid specification document. The agencies will also require assistance in the selection and negotiating the purchase of a system.

The contract period is from October 1, 1987, through December 31, 1987. A copy of the agencies' RFP document and submittal procedures may be obtained by directing requests to:

Michael Kloss  
Metropolitan Waste Control Commission  
Regional Maintenance Facility  
3565 Kennebec Rd.  
St. Paul, MN 55123  
(612) 681-4503

Four copies of the proposal must be received by the Metropolitan Waste Control Commission, Regional Maintenance Facility, September 21, no later than 4 p.m.

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## State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Agriculture

### Agriculture Marketing Division

#### Applications Accepted for Minnesota Grown Agricultural Market Development Grant Program

Notice is hereby given that the Minnesota Department of Agriculture is accepting applications for agricultural development grants to promote use of the Minnesota grown logo as provided for in *Minnesota Statutes*, section 17.101, subd. 2; *Laws 1987*, chapter 396, article 6; and *Minnesota Rules*, chapter 1552.

Organizations wishing to apply for a grant should request a copy of the rules governing the program and other related application material. The rules describe eligibility criteria, application content and application procedures. Separate proposals must be submitted for each grant being sought. Other information may be obtained by contacting:

Ralph Groschen  
Agricultural Marketing Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 297-2223

Applicants are to submit their proposal(s) to Mr. Groschen at the above address. Applications will be accepted until funds for fiscal year 1988 are expended. The total of all grants to the same grantee may not exceed \$70,000 for the biennium ending June 30,

1989. The grant amount for any project may not exceed \$70,000. It is anticipated due to the availability of Minnesota Grown funds that projects approved will be less than \$10,000 per project.

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## Announcements

**Department of Natural Resources:** Some new laws passed by the 1987 Legislature affecting various activities monitored by the DNR that went into effect August 1, 1987 are listed here for clarification. For more information, contact Andy Brewer, DNR Legislative Services, (612) 296-0915.

**Prosecution of Boating While Intoxicated (BWI) Violations:** This clause amends the law against boating while intoxicated to clarify that the county or city attorney serving the area where the violation occurs is responsible for both misdemeanor and gross misdemeanor violations.

**Changes in Boating While Intoxicated Law:** It makes a number of changes in the BWI law, including adding snowmobiles to the legal prohibition and applying "implied consent" provisions to snowmobile and all-terrain vehicle (ATV) operators. It provides for the suspension or revocation of operating privileges of snowmobiles and ATVs under certain circumstances. It provides for rights of accused and obligations of persons requesting the test.

It requires a report from an officer to the commissioner for a refusal to agree to testing, and it imposes a \$500 civil penalty and prohibits the person from operating any motorboat in the state for one year. It allows for a judicial review to be requested in the county where it occurred, and it requires the court to act within 60 days on a request for judicial review and to forward a copy of its decision to the commission. Finally, it provides for the enforcement of the civil penalty and extends the prohibition against further operation of a boat until the penalty is paid.

(The motorboat provisions of the law went into effect June 3. The snowmobile and ATV provisions were effective Aug. 1.)

**Highway Crossing by Young Snowmobilers:** This provision provides that a person aged 14-17 may cross a highway by snowmobile if they are in the possession of either a valid snowmobile safety certificate or a valid drivers' license.

**Probable Cause for Conservation Officers:** Conservation officers must now have probable cause to believe wild animals possessed or stored in violation of game and fish laws are present in order to enter and inspect any commercial facilities.

**Amendment to Trapping Laws:** This amendment eliminates a 30-day maximum otter season, and gives DNR the authority to establish this season from Oct. 25 up to April 30. It also authorizes trappers to use a .22 caliber handgun while tending traps with an artificial light during legal trap-tending hours, and it totally prohibits the setting of traps within 50 feet of any water, other than "temporary surface water," within 30 days before the open season for mink and muskrat (formerly, this restriction was within 150 feet of a stream, lake, or navigable water).

**Omnibus Game and Fish Law Changes:** This change establishes a Wild Rice Management Account and requires the revenue from the sale of wild rice licenses be deposited into that account for the management of designated public waters and to improve natural wild rice production.

It further requires that birds harvested from a shooting preserve have tags on them while being transported. It provides an option for purchasing land for public hunting and wildlife areas and it allows the commissioner of administration to transfer federal money to DNR for acquiring wildlife lands and wetlands.

It exempts big game licenses from a law that prevents someone from obtaining the kind of license relating to a conviction. It also deletes a requirement that annual reports for fur dealers, tanners, and taxidermists be notarized, while requiring the commissioner to supply them with a book for keeping necessary records.

It also requires that a nonresident under age 16 purchase a non-resident fishing license to take and possess a limit of fish. It now allows a person to transport more than one big game animal, and permits a hunter to retrieve wounded game from agricultural land that is not posted, except when the hunter is prevented by the owner, occupant, or lessee.

It deletes the requirement that a person must have written permission to take a wild animal within 500 feet of a stockade, or corral containing livestock, and it deletes the prohibition against taking a wild animal with a firearm within 500 feet of a burning area. It clarifies that a shotgun with No. 4 buckshot, smaller lead or steel shot may be possessed before and after the deer season.

It clarifies that raccoons may be taken with dogs, using lights, firearms, or bows and allows for the use of dogs to pursue and tree raccoons during the closed season without a small game license. It permits the commissioner to restrict taking fisher, pine marten, and opossum and deletes the requirement for possessing a license and seal to take beaver that are damaging property. Finally, it prohibits the use of fire to take protected birds.

## Announcements

**Use Of Mechanical Release Bows:** This provision allows the use of a mechanical release bows during the archery season.

**Requirements for Arrowheads In Big Game Hunting:** This amendment changes the requirements for arrowheads used for big game hunting. They must now be broadhead in design, have at least two metal cutting edges, and a diameter of at least seven-eighths inch.

**Lake Aeration:** This adds the loss caused by aeration systems operated under DNR permit to the list of state activities excluded from tort liability. It clarifies posting requirements by changing the language to read, "that a sign is posted at least every 100 feet." It also requires the adoption of rules relating to permits for aeration, bubbler, water circulation and similar systems used to increase dissolved oxygen or maintain open water (by Sept. 1, 1988).

**Commercial Fish Raising:** This provision establishes a commercial fish-raising program. It creates an advisory committee of the commissioners of DNR, Agriculture, Energy and Economic Development, the University of Minnesota, the director of the State Planning Agency, representatives of the private fish raising industry and the chairs of the legislative policy committees in each house.

It sets a fish farm license at \$250. It also lists priorities for the disposition of game fish eggs and fry and requires that, until July 1, 1990, at least 2 percent of the game fish eggs collected by DNR must be made available to private hatcheries. It also allows the commissioner to establish rules to maintain and operate a fish farm and set a fee to cover the cost of inspection for diseases.

**Recovery of Fire Fighting Costs:** This change clarifies provisions relating to the burden of proof and negligence for forest fire crimes. It allows forest fire expenses collected by the state to be returned to the fund from which they were spent, and increases the reward which may be paid for information on forest fire crimes from \$25 to \$100.

**Sale of Certain Land In St. Louis County:** It authorizes St. Louis County to sell the state's partial interest in a certain piece of land (Bradley Island) to the City of Biwabik.

**Permits for Diversion of Water:** The provision requires the DNR commissioner to consult with state and Canadian officials before issuing certain water use or diversion permits and to obtain legislative approval for major permits such as for large commercial users and power plants.

## Human Services Laws and Rules

### Human Services Laws 1986

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

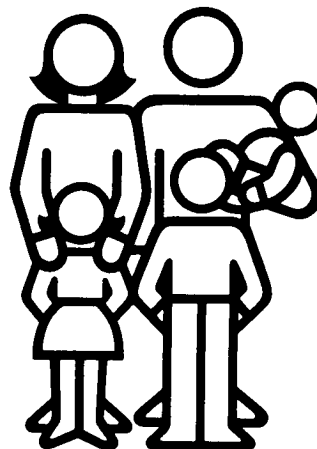
### Human Services Rules as in effect July 7, 1986

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

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

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

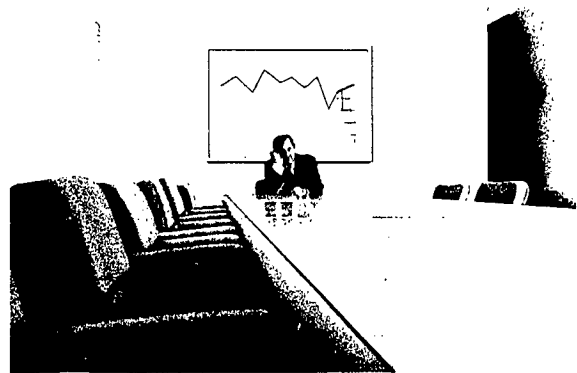
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# Business and NonProfit Corporation Act

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



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## Woodworking for Wildlife

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

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

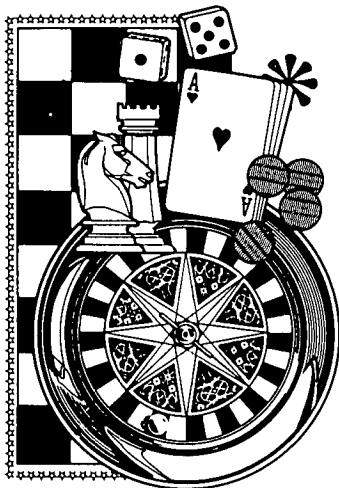
*Fifty Birds of Town and City*, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, \$7.50.

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

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

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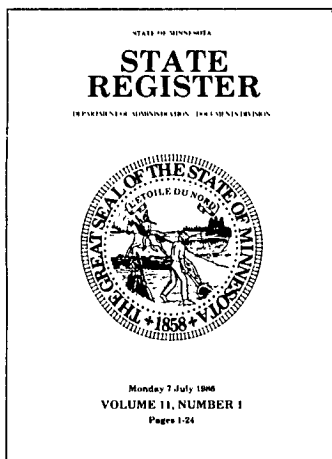
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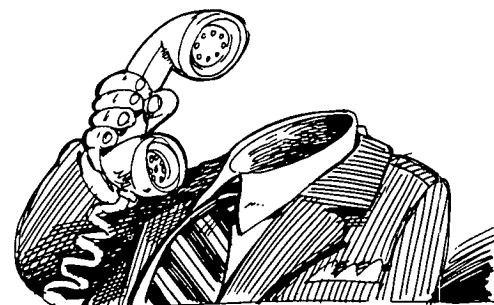
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## Department of Commerce Regulated Profession Publications

**Banking Laws 1986.** Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$29.95

**Business and Nonprofit Corporation Act 1986.** Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$10.00

**Fair Labor Standards Act 1985.** Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$3.50

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**Banking Rules 1987.** New rules are expected in early fall '87. Call then for more information.

**Uniform Commercial Code 1986.** Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 \$10.00

**Mailing Lists.** All kinds available. A catalog will be available in late summer '87. Call to receive a copy, (612) 297-2552 or 296-0930.

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## Pheasants in Minnesota

**Pheasants in Minnesota**, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, \$5.95.

**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.



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## Minnesota: national leader in education

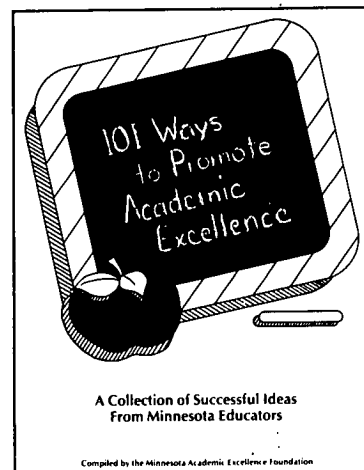
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From Minnesota Educators

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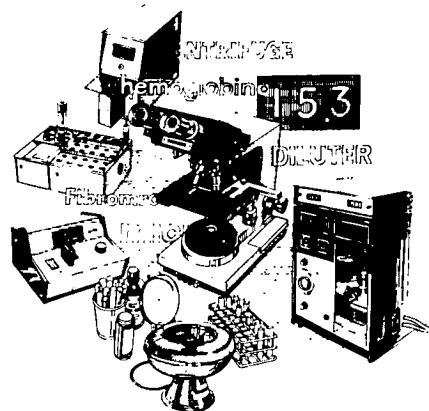
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## Buying Or Selling?

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

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

**Mailing Lists.** We have a large variety of mailing lists, in many formats. A new catalog is being developed. Call or write if you wish to receive a copy when it is updated.



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### Successful business means successful sales

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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

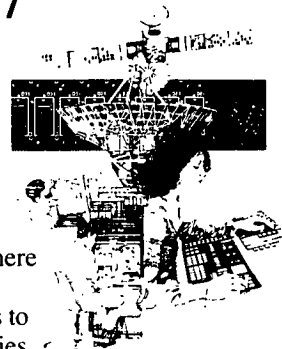


**UPDATED:** Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code # 40-2, \$68.50.

**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.

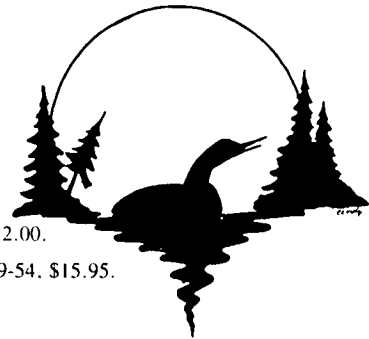
**The Loon: Voice of the Wilderness**, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

**Loon Calendar 1988**, beautiful photographs and scenes. Code #15-40, \$6.95.

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

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

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



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## Minnesota's future environment

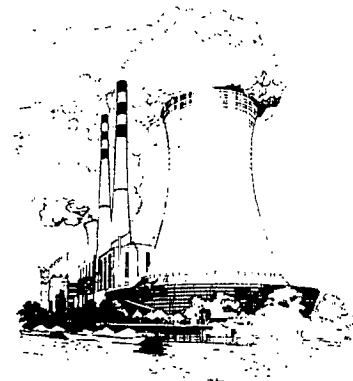
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

### 1986 Pollution Control Laws

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

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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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Career Opportunity Bulletin, 6 mos.	\$ 15.00	90-4	State Register, 3 mos. trial can be	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	converted to a full subscription for \$90		
Human Services Bulletin List	\$ 30.00	90-7	at end of trial		
PERB (Public Employee Relations Board) Awards	\$285.00	90-9	Tax Court/Property Decisions	\$210.00	90-11
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be		
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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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## 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, \$12.00.

**Edible Mushrooms**, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

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