

State of Minnesota

# STATE REGISTER

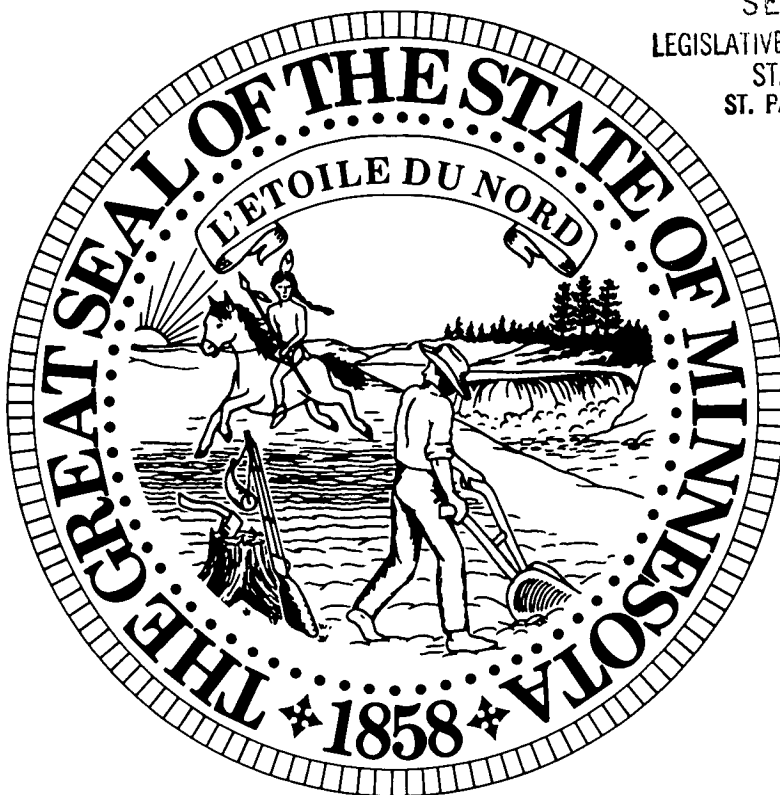
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# State Register

## 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
13	Monday 14 September	Monday 21 September	Monday 28 September
14	Monday 21 September	Monday 28 September	Monday 5 October
15	Monday 28 September	Monday 5 October	Monday 12 October
16	Monday 5 October	Monday 12 October	Monday 19 October

\*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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# Minnesota Rules

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## Amendments and Additions

### 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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# Proposed Rules

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

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

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

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

## Department of Human Services

### Proposed Permanent Rules Relating to Licensure of Chemical Dependency Rehabilitation Programs

#### Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 5, State Office Building, 100 Constitution Avenue, St. Paul, MN 55155 on Wednesday, October 28, 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 agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Phyllis A. Reha, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7611, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, 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.

*Minnesota Rules*, parts 9530.4100 to 9530.4450, govern the Department of Human Services' licensure of rehabilitation programs for chemically dependent individuals, including detoxification programs, primary rehabilitation programs, extended care programs and transitional programs. The proposed rules are applicable to all applicants and license holders, including both public and private organizations, that offer a rehabilitation program to five or more chemically dependent clients at one time. The proposed rules contain six major sections: definitions and scope, licensing provisions, administrative requirements, personnel requirements, client services provisions, and special requirements for programs serving adolescents.

The licensing provisions establish procedures that applicants and license holders must follow to obtain and retain a license from the Department of Human Services. These procedures are required by *Laws of Minnesota 1987*, chapter 333, to be codified as *Minnesota Statutes*, sections 245A.01 to 245A.16, the human services licensing act.

The proposed rules governing program administration include requirements for a policy and procedure manual, requirements for a governing body, and requirements for program evaluation. The provisions governing program evaluation include the requirement that programs other than detoxification programs, obtain follow up information from clients. This requirement is consistent with *Minnesota Statutes*, section 254B.05, and *Minnesota Rules*, part 9530.7030, which requires all chemical dependency treatment providers to participate in the Drug and Alcohol Abuse Normative Evaluation System or a comparable client information system to be eligible to receive payments from the Consolidated Chemical Dependency Treatment Fund.

The rules governing personnel requirements establish both minimum staff qualifications and minimum staff to client ratios. The

rules also establish minimum standards for personnel policies and procedures, and for maintaining personnel files. The rule provisions related to client services establish minimum standards for the following client services: admission, information and referral, and discharge policies; policies and procedures which guarantee client rights; health monitoring services; medical services; protective procedures; client records; rehabilitation services; and individual treatment plans. *Laws of Minnesota 1987*, chapter 333, section 9, to be codified as *Minnesota Statutes*, section 245A.09, requires the commissioner to adopt rules establishing basic licensing standards, including standards for adequate staff, standards for program services, and health standards.

The additional requirements for programs serving adolescents include chemical dependency counselor qualifications and staffing ratios and academic program requirements.

The agency's authority to adopt the proposed rules is contained in *Laws of Minnesota 1987*, chapter 333, section 9, to be codified as *Minnesota Statutes*, section 245A.09, subdivision 1. Authority for specific provisions in the rules is also contained in *Minnesota Statutes*, chapters 13, 144, 253B, 254A, and 626, and *Laws of Minnesota 1987*, chapter 333, to be codified as *Minnesota Statutes*, sections 245A.01 to 245A.16.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Phil Brekken, Department of Human Services, Chemical Dependency Program Division, 444 Lafayette Road—2nd Floor, St. Paul, Minnesota 55155; (612) 296-4611.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Phil Brekken, Department of Human Services, Chemical Dependency Program Division, 444 Lafayette Road—2nd Floor, St. Paul, Minnesota 55155; (612) 296-4611. A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Phil Brekken, Department of Human Services, Chemical Dependency Program Division, 444 Lafayette Road—2nd Floor, St. Paul, Minnesota 55155; (612) 296-4611.

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 agency 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 Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and 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 the 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: 14 September 1987

Sandra S. Gardebring  
Commissioner

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# Proposed Rules

## Rules as Proposed (all new material)

### 9530.4100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9530.4100 to 9530.4450, the following terms have the meanings given them.

Subp. 2. **Adolescent.** "Adolescent" means an individual under 18 years of age, defined as a child under Minnesota Statutes, section 260.015, subdivision 2.

Subp. 3. **Applicant.** "Applicant" means an individual, organization, partnership, voluntary association, corporation, or other public or private organization that submits an application for licensure under parts 9530.4100 to 9530.4450.

Subp. 4. **Chemical.** "Chemical" means alcohol, solvents, and other mood altering substances, including controlled substances as defined in Minnesota Statutes, chapter 152.

Subp. 5. **Chemical abuse.** "Chemical abuse" means a pattern of inappropriate and harmful chemical use as defined in subpart 14. Chemical abuse includes inappropriate and harmful patterns of chemical use that are linked to specific situations in an individual's life such as loss of a job, death of a loved one, or sudden change in life circumstances. Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

Subp. 6. **Chemical dependency.** "Chemical dependency" means a pattern of pathological use as defined in subpart 18, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use. Chemical dependency includes a pattern of pathological use as defined in subpart 17, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal, which has been interrupted by a period of incarceration or hospitalization.

Subp. 7. **Chemical dependency counselor.** "Chemical dependency counselor" means a staff person of a rehabilitation program who meets the qualifications specified under part 9530.4270, subpart 4.

Subp. 8. **Client.** "Client" means an individual who seeks or obtains chemical dependency rehabilitation services.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative. If the commissioner enlists an agency to assist in determining whether a license application meets the requirements of parts 9530.4100 to 9530.4450, under Laws of Minnesota 1987, chapter 333, section 17, subdivision 1, to be codified as Minnesota Statutes, section 245A.16, subdivision 1, the agency shall be included as a designated representative of the commissioner.

Subp. 10. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 11. **Detoxification program.** "Detoxification program" has the meaning given it in Minnesota Statutes, section 254A.08, subdivision 2.

Subp. 12. **Health assessment.** "Health assessment" means the process of evaluating a client's physical condition to determine the level and type of care required and the immediacy of service needs, in accordance with part 9530.4320.

Subp. 13. **Individual treatment plan.** "Individual treatment plan" means a written plan of treatment developed by a chemical dependency counselor, in consultation with the client, on the basis of the client's evaluation results and reviewed at scheduled intervals in accordance with part 9530.4410, subparts 2 to 4.

Subp. 14. **Inappropriate and harmful use.** "Inappropriate and harmful use" means use of a chemical that exceeds social or legal standards of acceptability, the outcome of which is characterized by three or more of the following:

- A. weekly use to intoxication;
- B. inability to function in a social setting without becoming intoxicated;
- C. driving after consuming sufficient chemicals to be considered legally impaired under Minnesota Statutes, section 169.121, whether or not an arrest takes place;
- D. excessive spending on chemicals that results in an inability to meet financial obligations;
- E. loss of friends due to behavior while intoxicated; or
- F. chemical use that prohibits the individual from meeting work, school, family, or social obligations.

Subp. 15. **Intoxicated individual.** "Intoxicated individual" means an individual who has a blood alcohol content of 0.10 or greater, or whose mental or physical functioning is substantially impaired as a result of the physiological presence of a chemical.

Subp. 16. **License.** "License" has the meaning given it in Laws of Minnesota 1987, chapter 333, section 2, subdivision 8, to be codified as Minnesota Statutes, section 245A.02, subdivision 8.

Subp. 17. **License holder.** "License holder" means the individual, corporation, partnership, voluntary association, or other public or private organization legally responsible for and licensed to operate a rehabilitation program.

Subp. 18. **Pathological use.** "Pathological use" means the compulsive use of a chemical characterized by three or more of the following:

- A. daily use required for adequate functioning;
- B. an inability to abstain from use;
- C. repeated efforts to control or reduce excessive use;
- D. binge use, such as remaining intoxicated throughout the day for at least two days at a time;
- E. amnesic periods for events occurring while intoxicated; and
- F. continuing use despite a serious physical disorder that the individual knows is exacerbated by continued chemical use.

Subp. 19. **Program design.** "Program design" means the number and type of client services a program provides, the methods used to achieve desired client outcomes, and the schedule of program services.

Subp. 20. **Program director.** "Program director" means the individual designated by the license holder to be responsible for all operations of a rehabilitation program, and who meets the qualifications specified under part 9530.4270, subpart 2.

Subp. 21. **Protective procedure.** "Protective procedure" means an action taken by a staff person of a rehabilitation program to protect a client from harming self or others. Protective procedures must be used in accordance with part 9530.4340, and include the following actions in order of increasing restrictiveness:

- A. Restriction, which means the restriction of a client to the facility by locking doors, or by other means such as deprivation of appropriate clothing.
- B. Seclusion, which means the seclusion or temporary placement of a client, without client consent, in an environment preventing social contact.
- C. Physical restraint, which means the restraint of a client by use of equipment to limit movement of limbs, or use of physical means to limit the body of movement.
- D. Chemical restraint, which means the restraint of a client through the use of sedating medication or major tranquilizers.

Subp. 22. **Rehabilitation program.** "Rehabilitation program" means a program of chemical dependency rehabilitation provided in a residential facility and offering a program of rehabilitation services to five or more chemically dependent clients on a 24-hour basis. A rehabilitation program must be at least one of the following four types of programs:

A. A Category I rehabilitation program is a licensed detoxification program that provides short-term care for the purpose of detoxifying and evaluating intoxicated clients and that provides clients access into appropriate care and treatment according to an individual client's needs.

B. A Category II rehabilitation program is a licensed chemical dependency rehabilitation program that provides intensive, primary therapeutic services to clients who do not require detoxification. Category II programs provide at least 30 hours a week per client of chemical dependency services including group and individual counseling, client education, and other services specific to chemical dependency rehabilitation.

C. A Category III rehabilitation program is a licensed chemical dependency rehabilitation program that offers an extended, long-term combination of in-house chemical dependency services and community ancillary resources. Category III programs provide an average of 15 hours a week per client of chemical dependency services including group and individual counseling, client education, and other services specific to chemical dependency rehabilitation.

D. A Category IV rehabilitation program is a licensed chemical dependency rehabilitation program that is offered in a halfway house or transitional semi-independent living arrangement with an emphasis on aftercare, community ancillary services, and securing employment. Category IV programs provide at least five hours a week per client of rehabilitation services which may include group counseling, employment counseling, and individual counseling.

Subp. 23. **Rehabilitation services.** "Rehabilitation services" means a medically necessary group of services arranged and provided

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## Proposed Rules

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by a rehabilitation program to address the individual needs of a chemically dependent client. The goal of rehabilitation services is to alter the client's pattern of chemical use by assisting the client in recognizing the harmful effects of chemicals on themselves and others, to develop the skills necessary to avoid inappropriate and harmful chemical use, and to identify alternative methods of meeting the needs previously met by chemical use.

Subp. 24. **Target population.** "Target population" means that portion of chemically dependent individuals with specific, identified characteristics that a rehabilitation program proposes to serve.

### 9530.4110 SCOPE.

Subpart 1. **Applicability.** Parts 9530.4100 to 9530.4450 apply to all applicants and license holders offering a rehabilitation program to five or more chemically dependent clients at one time.

Parts 9530.4100 to 9530.4450 must be read in conjunction with Laws of Minnesota 1987, chapter 333, sections 1 to 17, to be codified as Minnesota Statutes, sections 245A.01 to 245A.16.

Subp. 2. **Inapplicability.** Parts 9530.4100 to 9530.4450 do not apply to rehabilitation programs located within a hospital, licensed under Minnesota Statutes, sections 144.50 to 144.56, except hospitals that accept funds under Minnesota Statutes, chapter 254B.

### 9530.4120 LICENSING OF PROGRAMS.

Subpart 1. **License required.** A rehabilitation program may not operate in Minnesota unless it has a current valid license or provisional license as required by Laws of Minnesota 1987, chapter 333, sections 1 to 17, to be codified as Minnesota Statutes, sections 245A.01 to 245A.16.

Subp. 2. **Licensing information available.** The commissioner shall furnish a copy of parts 9530.4100 to 9530.4450 and other pertinent materials, including an application form and instructions for obtaining a license, upon written request.

Subp. 3. **Contents of application.** An applicant shall submit the following to the commissioner prior to issuance of a license:

A. an application, on a form supplied by the commissioner, which includes the applicant's name and address, the name of the rehabilitation program, the location of the facility, the category of license applied for, proposed program capacity, and target population;

B. documentation of compliance with all applicable building codes, fire and safety codes, health rules, as specified under subpart 5, zoning ordinances, and other applicable rules and regulations or documentation that an appropriate waiver has been granted. The granting of a waiver does not constitute a modification of any requirement of parts 9530.4100 to 9530.4400;

C. documentation that it has completed an assessment of need for a new or expanded program in accordance with part 9530.6800;

D. a copy of its admission and discharge policies and criteria;

E. the number of hours of counseling provided, and other rehabilitative client services;

F. a list of its governing body, and documentation that its program director and other direct service staff meet the qualifications specified under part 9530.4270;

G. a completed consent form as required under Minnesota Statutes, section 13.05, subdivision 4, from the applicant and the applicant's employees to authorize the disclosure of arrest, conviction, or criminal history records;

H. documentation that its medical services comply with part 9530.4320;

I. documentation of insurance coverage, including bonding, sufficient to cover all client funds, property, and interests and all grants awarded to the program;

J. a client fee schedule;

K. a plan for funding that meets the total projected program costs for a period of at least one year in addition to start-up costs;

L. a program evaluation plan that complies with part 9530.4230, subpart 1;

M. a program abuse prevention plan that complies with part 9555.8200; and

N. a nonrefundable licensing fee.

Subp. 4. **Reapplication.** Application for a license must be made in accordance with subpart 3 at least 90 days before the date of expiration of the current license or when a program proposes to make any of the changes identified in subpart 6. An applicant for relicensure must also submit a program evaluation report that complies with part 9530.4230, subpart 3.

Subp. 5. **Health facility licenses.** Rehabilitation programs must have the following licenses:

A. Category I programs must have at least a supervised living facility class B license, in accordance with parts 4665.0100 to 4665.9900, from the Minnesota Department of Health.

B. Category II and III programs must have a supervised living facility class A or B license, in accordance with parts 4665.0100 to 4665.9900, from the Minnesota Department of Health.

C. Category IV programs must have a supervised living facility class A or B, in accordance with parts 4665.0100 to 4665.9900, or a board and lodging license, in accordance with parts 4625.0100 to 4625.5000, issued by the Minnesota Department of Health.

Subp. 6. **Change in license terms.** A license holder must apply to the commissioner and a new license must be issued before the license holder:

- A. increases the licensed capacity;
- B. changes Minnesota Department of Health licensure status;
- C. changes program location;
- D. changes, sells, or transfers ownership or responsibility for the operation of the program;
- E. changes the total number of hours of rehabilitation services provided; or
- F. changes staffing patterns or ratios, affecting the amount of program services offered.

Changes in employees must be reported to the commissioner within ten days of the change. License holders must submit a completed consent form, as required under Minnesota Statutes, section 13.05, subdivision 4, from each new employee to authorize the disclosure of arrest, conviction, or criminal history records.

Subp. 7. **Access by commissioner.** A rehabilitation program is subject to review, with or without notice, by the commissioner in accordance with Laws of Minnesota 1987, chapter 333, section 4, to be codified as Minnesota Statutes, section 245A.04, subdivision 5. The commissioner's right to access shall include complete access to all clients and staff, and to all client, staff, financial, and administrative program records to determine whether the rehabilitation program meets the standards of parts 9530.4100 to 9530.4400. The commissioner may review and copy records in compliance with Minnesota Statutes, sections 13.46, and 254A.09; and Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987.

#### **9530.4130 NEGATIVE LICENSING ACTIONS.**

Negative licensing actions shall be taken in accordance with Laws of Minnesota 1987, chapter 333, sections 3 to 9, to be codified as Minnesota Statutes, sections 245A.03 to 245A.09.

#### **9530.4200 POLICY AND PROCEDURES MANUAL.**

Each license holder shall develop a written policy and procedures manual. The manual must contain the following materials:

- A. a statement of program philosophy and goals that complies with part 9530.4210;
- B. a program design, as defined in part 9530.4100, subpart 19;
- C. a program evaluation plan in accordance with part 9530.4230, subpart 1;
- D. personnel policies that comply with part 9530.4250;
- E. admission, information and referral, and discharge policies that comply with part 9530.4300;
- F. policies and procedures that protect client's rights as required under part 9530.4310;
- G. a health monitoring plan, as prescribed under part 9530.4320;
- H. a medical services plan that complies with part 9530.4330;
- I. a protective procedures policy that complies with part 9530.4340, if the program elects to use protective procedures; and
- J. policies and procedures for maintaining clients' records under part 9530.4350.

#### **9530.4210 MANUAL STATEMENT OF PROGRAM PURPOSE AND GOALS.**

The manual must contain a complete statement describing the rehabilitation program's purpose and goals. The statement must include a description of the geographical area to be served, the type of services offered, and the target population to be served.

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### 9530.4220 GOVERNING BODY OF PROGRAM LICENSE HOLDER.

The license holder must have a governing body that is accountable for and has authority over the policies and activities of the rehabilitation program. The license holder must document that the program director reports to the governing body or its designated representative at least four times per year. In the case of a program owned by a sole proprietor or partnership, the sole proprietor or partners are the governing body for the purposes of this requirement. In the case of a program owned by a corporation, the corporation's board of directors is the governing body for the purposes of this requirement. The license holder must provide the department with a list of names and titles of the members of its governing body. A program operating within Minnesota with headquarters outside of the state shall have a duly authorized license holder within this state.

### 9530.4230 PROGRAM EVALUATION.

Subpart 1. **Evaluation plan.** The license holder of a Category II, III, or IV program shall submit a program evaluation plan with its application for license. The plan must include the goal or goals of the program, measurable objectives that address anticipated changes in client behavior, and measurable objectives that address program activities that facilitate clients' achievement of desired outcomes. The plan must specify what information will be collected to measure the achievement of the program objectives, and how the information will be collected, analyzed, and used to improve client outcomes.

Subp. 2. **Follow-up data for Category II, III, and IV programs.** The license holder of a Category II, III, or IV program shall obtain follow-up data after a client discontinues the program, regardless of the client's discharge status. The data must be collected on either a six-month or 12-month basis. The data must be collected from 100 percent of the discharged clients or 100 clients, whichever is less. The clients must be selected proportionately from clients who complete the program and clients who do not complete the program.

Documentation of at least two efforts to locate a client for follow-up shall be made on each client until 100 clients have been contacted or until attempts have been made on 100 percent. Follow-up contacts should ascertain, for each client:

- A. changes in chemical use patterns, including the longest period of abstinence from all chemical use;
- B. participation in services identified in the client's aftercare plan;
- C. hospital admissions that occurred following discharge;
- D. arrests, convictions, and incarcerations that occurred following discharge;
- E. work or school problems associated with chemical use that occurred following discharge; and
- F. admissions to detoxification or chemical dependency treatment programs that occurred following discharge.

Subp. 3. **Participation in the Drug and Alcohol Abuse Normative Evaluation System.** A program that participates in the Drug and Alcohol Abuse Normative Evaluation System meets the requirements of subpart 2, items A to F.

Subp. 4. **Evaluation report.** The license holder shall submit an evaluation report with its application for relicensure. The report shall include summary data on the age, race, and sex of all clients admitted and summary data on whether clients discharged from the program completed the program or left before completion.

Category II, III, and IV programs must also include a summary of data collected pursuant to subparts 1 and 2, and documentation verifying the use of the evaluation findings to improve client outcomes.

Upon written request, a license holder shall submit additional information that the commissioner reasonably requires to meet statutory duties.

### 9530.4250 PERSONNEL POLICIES AND PROCEDURES.

Subpart 1. **Policy requirements.** The license holder shall have written personnel policies, and shall make them available to each employee when hired. Personnel policies must:

- A. comply with federal, state, and local regulations regarding employment;
- B. assure that employee retention, promotion, job assignment, or pay are not affected by a good faith communication between an employee and the Minnesota Department of Health, the Minnesota Department of Human Services, or the local agencies for investigation of complaints regarding a client's rights, health, or safety concern;
- C. contain job descriptions for each position specifying responsibilities, degree of authority to execute job responsibilities, standards of job performance related to the specified job responsibilities, and qualifications;
- D. provide for job performance evaluations, based on the standards of job performance, to be conducted on a regular and continuing basis, with a written annual review;
- E. describe the employees' conditions of employment, including their benefits, hours of work, and methods of promotion;



F. describe the behavior which constitutes grounds for disciplinary action, suspension, or dismissal, including policies on mental health and chemical use problems, policies prohibiting personal involvement with clients in violation of Minnesota Statutes, chapter 148A, and policies prohibiting client abuse as specified under Minnesota Statutes, sections 626.556 and 626.557;

G. include a chart or description of organizational structure indicating lines of authority and responsibilities;

H. describe a grievance procedure for use by staff that allows the aggrieved party to bring the grievance to the highest level of authority in the operation of the program; and

I. include a program of orientation for all new staff based on a written plan that, at a minimum, must provide for training related to the specific job functions for which the employee was hired, program policies and procedures, the needs of clients to be served, and the areas identified in subpart 2, items A to D.

Subp. 2. **Staff development plan.** The license holder shall have a written staff development plan. The staff development plan shall identify training adapted to the needs of the program's target population. The plan must specify training requirements for counselors in current treatment concepts and methods.

The license holder must assure that each staff person working directly with clients receives at least 20 hours of continuing education annually. All training completed must be recorded in individual personnel files. The training must include the following areas in a twelve-month period:

A. confidentiality rules and regulations and how they specifically pertain to clients;

B. protective procedures;

C. clients' rights, including rights of persons admitted according to the Minnesota Commitment Act, Minnesota Statutes, chapter 253B; and

D. reporting of abuse of vulnerable adults and maltreatment of minors as specified under Minnesota Statutes, sections 626.556 and 626.557, and parts 9555.8000 to 9555.8500 and 9560.0250 to 9560.0300.

#### **9530.4260 PERSONNEL FILES.**

Each license holder shall maintain a separate personnel file for each employee. At a minimum, the file must contain the following:

A. an application for employment completed and signed by the employee which includes the employee's qualifications for employment;

B. names and addresses of all previous employers for the past five years;

C. documentation of orientation;

D. a record of training and education activities completed by the employee during employment; and

E. an annual job performance evaluation.

#### **9530.4270 STAFF QUALIFICATIONS.**

Subpart 1. **Qualifications applying to all employees working directly with clients.** All employees working directly with clients must meet the following qualifications:

A. the employee must be 18 years of age or older;

B. the employee must not have had a felony conviction or have been incarcerated as a result of a felony conviction in the last three years; and

C. the employee must document two years of freedom from chemical use problems.

Subp. 2. **Program director qualifications.** In addition to the requirements specified under subpart 1, the personnel file of a program director must document that the program director meets the criteria established in items A to C.

A. The program director must document at least one year of work experience in direct service to individuals with chemical use problems or one year of work experience in the management or administration of direct services to individuals with chemical use problems.

B. The program director must either:

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## Proposed Rules

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- (1) have at least a baccalaureate degree; or
- (2) document three years of general work experience in administration or personnel supervision in human services.

C. The program director must know and understand the implications of parts 9530.4100 to 9530.4450.

**Subp. 3. Chemical dependency counselor supervisor qualifications.** In addition to the requirements specified under subpart 1, the personnel file of a chemical dependency counselor supervisor must include documentation that the individual meets the criteria established in items A to C:

A. The individual is competent in the areas specified in subpart 4, and the competency is documented in accordance with subpart 5.

B. The individual has three or more years experience in the provision of individual and group counseling to chemically dependent clients.

C. The individual knows and understands the implications of parts 9530.4100 to 9530.4450.

**Subp. 4. Chemical dependency counselor qualifications.** In addition to the requirements specified under subpart 1, the personnel file of a chemical dependency counselor must include documentation of the individual's competency in the following areas:

A. knowledge of chemical abuse and dependency;

B. chemical use assessment, as defined in part 9530.6605, subpart 8, including client interviewing and screening;

C. case management, including treatment planning, general knowledge of social services and appropriate referrals, and record keeping, reporting requirements, and confidentiality rules and regulations that apply to chemical dependency clients; and

D. individual and group counseling, including crisis intervention.

**Subp. 5. Documentation of chemical dependency counselor qualifications.** The department will accept one of the following as adequate documentation that a chemical dependency counselor is competent in the areas required under subpart 4:

A. the individual has at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology, has successfully completed 30 hours of classroom instruction in each of the areas identified in subpart 4, items A and B, and has successfully completed 480 hours of supervised experience as a chemical dependency counselor, either as a student or as an employee; or

B. the individual has documented the successful completion of the following:

(1) 60 hours of classroom training in the subject area identified in subpart 4, item A;

(2) 30 hours of classroom training in the subject area identified in subpart 4, item B;

(3) 160 hours of classroom training in the subject areas identified in subpart 4, items C and D; and

(4) completion of 480 hours of supervised experience as a chemical dependency counselor, either as a student or as an employee; or

C. the individual is certified by the Institute for Chemical Dependency Professionals of Minnesota, Inc., as a chemical dependency counselor or as a chemical dependency counselor reciprocal, through the evaluation process established by the Certification Reciprocity Consortium Alcohol and Other Drug Abuse, Inc., and published in the Case Presentation Method Trainer's Manual, copyright 1986. This manual is incorporated by reference. It is available at the State Law Library, Ford Building, 117 University Avenue, Saint Paul, MN 55155. It is not subject to frequent change; or

D. the individual successfully completed three years of supervised work experience as a chemical dependency counselor before January 1, 1988.

After January 1, 1993, chemical dependency counselors must document that they meet the requirements of item A, B, or C in order to comply with this subpart.

**Subp. 6. Family counselor qualifications.** In addition to the requirements in subpart 1, the personnel file of a family counselor must document:

A. that the individual has at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology, or meets the requirements of subpart 5, item B or C;

B. that the individual has at least 30 hours of classroom instruction in family dynamics; and

C. that the individual has had at least 150 hours of supervised experience as a family counselor, either as a student or as an employee.

**Subp. 7. Technician qualifications.** In addition to the requirements in subpart 1, the personnel file of a technician employed by a Category I program must include documentation of the individual's competency in the following areas:

A. knowledge of client rights and staff responsibilities as outlined in parts 9530.4200 to 9530.4370;

B. knowledge of and ability to perform basic health assessment procedures including:

(1) blood pressure, pulse, temperature, and respiration readings;

(2) interviewing to obtain relevant medical history and current health complaints; and

(3) visual assessment of client health status;

C. knowledge of and ability to perform basic first aid procedures, including cardiopulmonary resuscitation and first aid for seizures, trauma, and fainting; and

D. knowledge of and ability to perform basic client care functions, including monitoring client hygiene and assisting clients unable to provide self-care, and monitoring client behavior as it relates to health status.

Individuals who do not possess all of the qualifications specified in this subpart may be hired as technicians only if the license holder has a written training program that provides training in the areas specified in items A to D within 30 days of the date of hiring.

### **9530.4280 STAFFING REQUIREMENTS.**

Subpart 1. **Program director required.** Each rehabilitation program must have a program director. The program director must be under contract or employed full time by the license holder.

Subp. 2. **Chemical dependency counselor supervisor requirements.** Every rehabilitation program must employ a chemical dependency counselor supervisor who meets the requirements under part 9530.4270, subpart 3. A single individual may be simultaneously employed as the program director, chemical dependency counselor supervisor, and as a chemical dependency counselor if the individual meets the qualifications for each position. If a chemical dependency counselor is simultaneously a chemical dependency counselor supervisor or program director, that individual shall be considered a 0.5 full-time equivalent chemical dependency counselor for purposes of meeting the staffing requirements under subparts 4 to 6.

Subp. 3. **Responsible staff person.** Each program director shall, during all hours of operation, designate a staff member who is present in the facility as responsible for the program.

A technician in training may not be the designated responsible staff person.

Subp. 4. **Category I staffing requirements.** A Category I program shall provide one full-time equivalent chemical dependency counselor for each 15 clients being served by the program. This may be provided by part-time, full-time, or contracted staff or staff from another agency guaranteed by interagency contract.

A Category I program must have one technician on duty at all times for each ten clients in the program. For the purpose of establishing this ratio, all health care personnel whose qualifications meet or exceed those for technicians under part 9530.4270, subpart 7, may be counted as technicians. An individual may not be counted as both a technician and a chemical dependency counselor.

Subp. 5. **Category II staffing requirements.** Each Category II program shall provide one full-time chemical dependency counselor for each 12 clients.

Subp. 6. **Category III and IV staffing requirements.** Each Category III and IV license holder shall provide one full-time chemical dependency counselor for each 24 clients.

### **9530.4300 ADMISSION, INFORMATION AND REFERRAL, AND DISCHARGE POLICIES.**

Subpart 1. **Admission policy.** Each license holder shall have a written admission policy. A copy of the admission policy must be submitted to the commissioner with the application for a license. This policy must be posted in the area of the facility where clients are admitted. The admissions policy shall also designate which staff members are authorized to admit and discharge clients.

The license holder must have a written policy that requires that no client be discriminated against during admission, discharge, or the provision of program services in accordance with Minnesota Statutes, sections 253B.04, subdivision 1, and 363.03.

Subp. 2. **Admission criteria for Category I programs.** A Category I program is limited to admitting clients who are identified by the physician in accordance with part 9530.4330, subpart 3, item A, and who meet the criteria of at least one of the following:

A. clients who appear to be intoxicated;

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B. clients experiencing physical, mental, or emotional problems due to withdrawal from alcohol or another drug;

C. clients held under Minnesota Statutes, section 253B.07, subdivision 6;

D. clients who have been committed under Minnesota Statutes, chapter 253B, and who are in need of temporary placement;  
or

E. clients who are being held as chemically dependent under Minnesota Statutes, section 253B.05, subdivisions 1 and 2.

Subp. 3. **Admission criteria for Category II, III, and IV programs.** The license holder of a Category II, III, or IV program shall maintain in the client files documentation that each client has been assessed as being chemically dependent, the client has been placed in accordance with parts 9530.6600 to 9530.6655, or the client meets the criteria for placement in parts 9530.6600 to 9530.6655.

Subp. 4. **Individuals not served by program.** The following individuals shall not be admitted:

A. An individual in need of emergency medical care not provided by the program.

B. An individual who poses a substantial likelihood of physical harm to self or others, as demonstrated by an attempt or threat to physically harm self or others, if the behavior is beyond the behavior management capabilities of the program and staff.

C. An individual not meeting the program's admission criteria.

All denials under item A or B must be reported to a law enforcement agency with proper jurisdiction and referred to an agency capable of admitting the individual.

Subp. 5. **Discharge and transfer policies.** Each license holder shall have a written policy that specifies conditions under which a client shall be discharged. The policy shall include the following:

A. specific objectives a client must meet before obtaining a staff approved discharge;

B. client behavior that constitutes reason for a discharge at staff request;

C. procedures, consistent with Minnesota Statutes, section 253B.16, subdivision 2, that staff must follow when a client who has been committed under Minnesota Statutes, chapter 253B, is to be discharged;

D. procedures staff must follow when a client leaves against staff or medical advice and when the client may be dangerous to self or others; and

E. other community resources to be used if the client is determined to be inappropriate for continued stay in the program.

### 9530.4310 POLICIES AND PROCEDURES WHICH GUARANTEE CLIENT RIGHTS.

Subpart 1. **Client rights; explanation.** Clients shall have, in addition to rights defined in parts 9530.4300 to 9530.4410, all applicable rights established in Minnesota Statutes, sections 144.651, 626.556, and 626.557; and chapters 254A and 253B. The license holder shall give each client on admission a written statement of client rights and responsibilities, approved by the commissioner for rehabilitation programs governed by parts 9530.4100 to 9530.4450. Program staff shall explain to all clients their rights and responsibilities. A list of client rights and responsibilities must be posted in a place accessible to the clients.

Subp. 2. **Grievance procedure.** Each license holder and applicant shall have a written procedure for hearing, considering, and responding to client grievances. The procedure shall be given to clients or their representatives on admission. The procedure must include direct client access to the program director. The procedure must include program staff assistance in the development and processing of the grievance. The procedure shall be posted in a place accessible to the clients and shall include the telephone number and address of the Department of Human Services, Licensing Division, and the Department of Health, Office of Health Facility Complaints. The procedure must also be available to former clients of the program. The procedure must provide an initial response from the facility to a client or former client within three days of the facility's receipt of the grievance.

Subp. 3. **Client property management.** Each license holder and applicant shall establish a written procedure for the management of the personal property of clients admitted to the program. The procedure must include:

A. A written record of each personal property item held in trust by the program, signed by the staff and the client, or by two staff members in cases of client noncooperation.

B. A procedure whereby clients may retain control of all possessions that do not present a danger to self or others, or are not medically contraindicated, except that the facility may establish policies regarding the use of personal property to assure that program activities and the rights of other patients are not infringed, and may take temporary custody of property as a consequence of a violation of the policies.

C. A client fund account maintained separately from program fund accounts, or a policy statement that client funds will not be supervised by the program.

D. A procedure for abandoned property whereby there is a written agreement between the client and the program, and the program retains client property after client discharge as follows:

- (1) Client property must be retained for a minimum of seven days in a Category I program.
- (2) Client property must be retained for a minimum of 30 days in a Category II or III program.
- (3) Client property must be retained for a minimum of 60 days in a Category IV program.

E. A procedure whereby all property held in trust is returned to the client upon discharge, regardless of discharge status, with the following exceptions:

(1) drugs, drug paraphernalia, and drug containers that are forfeited under Minnesota Statutes, section 152.19 shall be destroyed by staff;

(2) weapons, explosives, and other property which may cause serious harm to self or others shall be given over to the custody of a local law enforcement agency, and the client shall be notified of the transfer and of the right to reclaim any licit property transferred; and

(3) legal chemicals which have been determined harmful by a physician after examining the client, except when approved for continued use by the client's personal physician.

Subp. 4. **Photographs of client.** All photographs, video tapes, and motion pictures of clients taken on program premises or by program personnel are considered a client record. Photographs for identification and recordings by video and audio tape for the purpose of enhancing either therapy or staff supervision may be required of clients, but may only be available for use as communications within a program. Clients must be informed when their actions are being recorded by camera or tape, and have the right to deny any taping or photography except as authorized by this subpart.

Subp. 5. **Visitors.** Clients shall be allowed to receive visitors. Clients shall be allowed to receive visits at all reasonable times from their personal physician, religious advisor, county case manager, parole or probation officer, and attorney. A client's right to receive visitors other than a personal physician, religious advisor, county case manager, parole or probation officer, or attorney may be subject to reasonable written visiting rules and hours established by the license holder for all clients. The program director may impose limitations as necessary for the welfare of the client provided the program director documents the limitations and reasons in the client's individual treatment plan.

#### **9530.4320 HEALTH MONITORING SERVICES.**

Subpart 1. **Health monitoring plan.** Each license holder shall have a written plan for monitoring the client's health that is consistent with the requirements of the license holder's Minnesota Department of Health license. The health monitoring plan must be approved by a licensed physician, must establish sequential health monitoring procedures, must specify the staff responsible for monitoring clients' health, and must address items A to G:

A. measurement of client vital signs, including pulse, blood pressure, respiration, and temperature;

B. a visual assessment of client health status;

C. obtaining current health complaints and relevant medical history by client interview;

D. recording assessment information and findings in the client file;

E. ongoing stabilization of vital signs;

F. ongoing identification of injuries that jeopardize a client's physical functions;

G. criteria for determining when it is necessary to transfer a client to a hospital licensed under Minnesota Statutes, sections 144.50 to 144.56; and

H. client's ongoing nutritional needs.

Category I programs must provide items A and B within one hour of a client's admission. Category II, III, and IV programs must provide items A and B within 72 hours of a client's admission.

Subp. 2. **Category I health monitoring procedures.** In addition to providing the health monitoring procedures required under subpart 1, each Category I rehabilitation program must also provide at least hourly observation of a client by a technician.

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Subp. 3. **Category II, III, and IV health monitoring procedures.** In Category II, III, and IV programs the information gained through the health monitoring procedures required under subpart 1 must be included in the individual treatment plan, in accordance with part 9530.4370, subpart 3, item B.

### 9530.4330 MEDICAL SERVICES.

Subpart 1. **Medical services description.** With each application for a license, an applicant shall submit a complete description of the medical services offered by the license holder including nursing services, dietary services, medication dispensing services, and emergency physician services.

Subp. 2. **Emergency physician services.** Each license holder or applicant shall have available one or more licensed physicians, or a medical clinic, to provide emergency medical services. A schedule that lists the names, telephone numbers, and call days of the emergency physicians shall be posted near a telephone accessible to program staff. The license holder or applicant shall record an alternate source for medical consultation and services if the physician under contract with the license holder is not available in a medical emergency.

Subp. 3. **Category I physician contract.** In addition to the requirements under subpart 2, each Category I license holder or applicant shall have a licensed physician available for medical supervision. Each program must require and record annually a physician's approval of the following procedures and practices before they may be used:

A. admission criteria and admission health assessment procedures and discharge health standards and health assessment procedures; and

B. procedures for routine medical monitoring of clients, including:

(1) frequency of client observations; and

(2) scope of medical services to be provided by the facility, including physical indicators for physician or hospital referral and procedures for referral; and

C. formulation of standing orders regarding what medication, if any, will be administered to clients requiring withdrawal regimen.

Subp. 4. **Category II and III medical services.** In addition to the requirements under subpart 2, the license holder or applicant of a Category II or III program shall have available a licensed physician and a licensed nurse for necessary medical care for all clients in the program. The license holder or applicant shall document the availability of a psychiatrist or a licensed psychologist to provide, at the discretion of the program director, psychiatric and psychological evaluation services for clients of the program. The license holder or applicant shall also document the availability of a family counselor to provide, at the discretion of the program director, family counseling services.

Subp. 5. **Administration of prescription medications.** Each license holder that elects to provide for the administration of prescription medications shall have a staff member employed for this function who is licensed to practice nursing under Minnesota Statutes, chapter 148. Oral prescription medications, if administered within the facility, must be stored, recorded, and administered by an individual having a medication administration certificate from a training program approved by the Minnesota Department of Health or a license to practice nursing. Administration of medications by injection shall be limited to staff members with a license to practice nursing under Minnesota Statutes, sections 148.171 to 148.285 or 148.29 to 148.299, or a license to practice medicine under Minnesota Statutes, chapter 147. All medications administered must be recorded in the client file and signed, timed, and dated by the personnel administering the medication. This charting must include the dosage and route of medication.

Category I programs shall not permit self-administration of prescription medications.

### 9530.4340 PROTECTIVE PROCEDURES.

Subpart 1. **Protective procedures plan.** Each license holder or applicant shall have a written plan that establishes the procedures program staff must follow when responding to a client who is exhibiting behavior that is threatening to the safety of the client or others. The plan shall include procedures that prevent the client from harming self or others. The plan must also include emergency resources the program staff must contact when a client's behavior cannot be controlled by the procedures established in this plan.

Protective procedures may not be used to enforce facility rules or for the convenience of staff. Protective procedures may be used only in cases where a less restrictive alternative will not protect the client or others from harm, and where the client is in imminent danger of causing injury to self or others. If a program elects to use protective procedures, it must have a written policy that defines under what emergency conditions protective procedures such as physical restraints or seclusions will be used. The program's protective procedures must not violate the provisions of parts 9555.8000 to 9555.8500.

Subp. 2. **Review and use of protective procedures.** The protective procedures plan must be reviewed and approved by the program director, the governing body, and a licensed physician prior to implementation. Approval shall be reviewed annually by the

program director, a physician, and the governing body or its designated representative. Protective procedures must be employed only as authorized by Minnesota Statutes, chapter 253B, the Minnesota Commitment Act.

Each use of a protective procedure must be recorded in a central log and in the client file. The client record must include:

- A. a description of specific client behavior precipitating a decision to use a protective procedure, including date, time, and program staff present;
- B. the specific means whereby the client's behavior was limited;
- C. the time the protective procedure began, the time ended, and the time of each staff observation of the client during the procedure;
- D. the program staff authorizing the use of the protective procedure and the program staff directly involved in the protective procedure and observation process; and
- E. a brief description of the purpose for using a protective procedure, including less restrictive intervention means considered or employed prior to the decision to use a protective procedure, and a description of the behavioral results obtained through the use of the procedure.

Subp. 3. **Restriction.** Restriction must be employed only where a client's unauthorized departure must be prevented to avoid the client's harm to self or others.

Subp. 4. **Seclusion.** Seclusion must be employed solely for the purpose of preventing client harm to self or others. Seclusion facilities must be equipped in a manner which prevents clients from harming themselves with projections, windows, electrical fixtures, or hard objects useable for self-harm, and must allow the client to be readily observed without being interrupted. Seclusion must be authorized by the senior staff on duty, in accordance with written policies.

A client shall not be placed in seclusion for more than 12 hours. Clients in seclusion shall be observed every quarter hour for the duration of seclusion and shall be in continuous hearing range of program staff. Program staff shall have a process for removing the client to a more restrictive setting in the facility or the community if seclusion does not sufficiently assure client safety.

Seclusion areas may be used for other purposes, such as intensive observation, if the room meets normal standards of care for the purpose and if the room is not locked.

Subp. 5. **Physical restraint.** Physical restraint must be used only in cases where less restrictive means will not assure client safety. Clients in physical restraint shall be attended by a licensed nurse. Physical restraint must be authorized by the program director or a licensed physician prior to placing the client in restraint when possible, and within 30 minutes of initiation of restraint when the program director or a licensed physician is not present in the facility. Authorization for physical restraint must not exceed 12 hours. Restraint equipment must be designed, used, and maintained to ensure protection from self-harm with minimal client discomfort. The restraint equipment must be loosened sufficiently to allow motion every 15 minutes, and must remain loosened for not less than ten minutes out of every 60 minutes. Clients shall not remain in physical restraint for a total period of more than two hours.

Subp. 6. **Chemical restraint.** Chemical restraint must only be used in a facility with at least a supervised living facility class B license from the Minnesota Department of Health. Chemical restraint must be authorized by a licensed physician upon examination of a client prior to administration of any chemical restraint procedure. Clients under chemical restraint shall be attended by a licensed physician or by a licensed nurse who shall assess the health status of the client as directed by the authorizing physician.

#### **9530.4350 CLIENT RECORDS.**

Subpart 1. **Client records required.** License holders shall maintain a central file of client records on the program premises in which information and documents are maintained in a standardized manner. The content and format of client records must be uniform and entries in each case record must be signed and dated. Client records must be protected against loss, tampering, or unauthorized disclosure in compliance with Minnesota Statutes, section 254A.09; Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987; and, if applicable, Minnesota Statutes, chapter 13. License holders shall maintain a system for periodic review to ensure entries are current.

Subp. 2. **Category I client records.** Client records in Category I programs must include the following:

- A. a chemical use screening, and, if appropriate, a chemical use assessment completed in accordance with part 9530.4410, subpart 3, item B;

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- B. an individual abuse prevention plan that complies with part 9555.8300; and
- C. a record of referrals made in accordance with part 9530.4370, subpart 3.

Subp. 3. **Category II, III, and IV client records.** Client records in Category II, III, and IV programs must include the following:

- A. a chemical use evaluation, completed in accordance with part 9530.4410, subpart 3, item B;
- B. an individual abuse prevention plan that complies with part 9555.8300;
- C. short-term goals established in accordance with part 9530.4410, subpart 1;
- D. an individual treatment plan, completed in accordance with part 9530.4410, subpart 3;
- E. progress notes, in accordance with part 9530.4410, subpart 4;
- F. an aftercare plan, written in accordance with part 9530.4410, subpart 6; and
- G. a discharge summary, written in accordance with part 9530.4410, subpart 5.

### 9530.4370 CATEGORY I CLIENT SERVICES.

Subpart 1. **Chemical use assessment.** Each Category I license holder shall screen each client admitted to its program to determine if the client is chemically dependent or a chemical abuser. Each Category I license holder shall assure the provision of a chemical use assessment for each client admitted to its program who is determined to be chemically dependent or a chemical abuser. The chemical use assessment shall be conducted by a qualified assessor, as defined in part 9530.6605, subpart 4. Information obtained in the assessment and the findings of the assessor shall be recorded in the client's case file, and must include the following:

- A. the client's chemical use, including amounts of chemical use, frequency of use, and periods of voluntary abstinence;
- B. the client's age, sex, cultural background, sexual preference, and the geographic location of the client's home;
- C. specific behaviors exhibited by the client when under the influence of chemicals, such as verbal or physical fights, impaired social relationships, criminal behaviors, and other antisocial behaviors;
- D. the client's current family status; the client's family history including history of or presence of neglect, or emotional, physical, or sexual abuse; the client's level of family support; the effects of the client's chemical use on other family members and significant others; and chemical use, abuse, or dependency among other family members and significant others and its effect on the client;
- E. previous assessments or attempts at treatment of the client for chemical abuse or dependency, or mental illness;
- F. the client's mental disorders, documented by a psychiatrist, licensed consulting psychologist, or licensed psychologist, which may have contributed to the problem brought on by chemical misuse, or which in combination with chemical use, abuse, or dependency present serious health risks;
- G. the client's arrests or legal interventions related to chemical use;
- H. the ability of the client to seek, obtain, be trained for, or function appropriately in a work setting relative to the use, abuse, or dependency on chemicals;
- I. the ability of the client to function in an educational setting, and changes in the client's level of functioning relative to use, abuse, or dependency; and
- J. the appropriateness of an involuntary referral through the civil commitment process.

Subp. 2. **Client education.** The license holder of a Category I program shall provide clients with written materials concerning the effects of chemical abuse, and assistance regarding chemical abuse and chemical dependency problems.

Subp. 3. **Category I client referral.** A Category I license holder shall provide referrals to chemical dependency services to clients served in the detoxification program as indicated by the client's chemical use assessment. Referrals may also be made for economic, social, and health services as the individual client may require. Each referral must:

- A. be individualized and part of a comprehensive plan for service based on the chemical use assessment;
- B. recognize geographical, economic, educational, and employment status as factors affecting treatment planning; and
- C. be fully recorded in the individual client file.

### 9530.4380 CATEGORY II CLIENT SERVICES.

Each client in a Category II program shall be provided with a minimum of 30 hours per week of the rehabilitative services specified



in items A to E. The services shall be provided to each client in the amount specified in the client's individual treatment plan under part 9530.4410, subpart 3.

A. Individual and group counseling to assist the client in identifying and addressing problems related to chemical use and developing strategies for avoiding inappropriate chemical use after treatment.

B. Family counseling to assist the client in identifying the impact of inappropriate chemical use on others and to assist the client and family in identifying and changing behaviors that contribute to inappropriate chemical use.

C. Client education to provide information to the client concerning strategies for avoiding inappropriate chemical use and to provide the client with information concerning health problems related to chemical use and the changes in life style necessary for the client to regain and maintain health.

D. Therapeutic recreation to provide the client with an opportunity to participate in recreational activities without the use of mood altering chemicals and to learn to plan and select leisure activities that do not involve the inappropriate use of chemicals.

E. Health and medical services to assist the client in reaching and maintaining an acceptable level of health and physical fitness.

Other rehabilitative services may be provided as indicated in the client's individual treatment plan. Self-help groups may not be included in the required 30 hours of rehabilitative service.

#### **9530.4390 CATEGORY III CLIENT SERVICES.**

Each client in a Category III program shall be provided with an average of 15 hours per week of the rehabilitative services specified in items A to F. The services shall be provided to each client in the amount specified in the client's individual treatment plan under part 9530.4410, subpart 3.

A. Individual and group counseling to assist the client in identifying and addressing problems related to chemical use and developing strategies for avoiding inappropriate chemical use after treatment.

B. Family counseling to assist the client in identifying the impact of inappropriate chemical use on others and to assist the client and family in identifying and changing behaviors that contribute to inappropriate chemical use.

C. Client education to provide information to the client concerning strategies for avoiding inappropriate chemical use and to provide the client with information concerning health problems related to chemical use and the necessary changes in life style to regain and maintain health.

D. Therapeutic recreation to provide the client with an opportunity to participate in recreational activities without the use of mood altering chemicals and to learn to plan and select leisure activities that do not involve the inappropriate use of chemicals.

E. Health and medical services to assist the client in reaching and maintaining an acceptable level of health and physical fitness.

F. Living skills development to assist the client in learning basic skills necessary for independent living.

Other rehabilitative services may be provided as indicated in the client's individual treatment plan. Self-help groups may not be included in the required 15 hours of rehabilitative service.

#### **9530.4400 CATEGORY IV CLIENT SERVICES.**

Each client in a Category IV program shall be provided with a minimum of five hours per week of the rehabilitative services specified in items A to G. The services shall be provided to each client in the amount specified in the client's individual treatment plan under part 9530.4410, subpart 3.

A. Individual and group counseling to assist the client in identifying and addressing problems related to chemical use and developing strategies for avoiding inappropriate chemical use after treatment.

B. Family counseling to assist the client in identifying the impact of inappropriate chemical use on others and to assist the client and family in identifying and changing behaviors that contribute to inappropriate chemical use.

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## Proposed Rules

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C. Client education to provide information to the client concerning strategies for avoiding inappropriate chemical use and to provide the client with information concerning health problems related to chemical use and the necessary changes in life style to regain and maintain health.

D. Therapeutic recreation to provide the client with an opportunity to participate in recreational activities without the use of mood altering chemicals and to learn to plan and select leisure activities that do not involve the inappropriate use of chemicals.

E. Health and medical services to assist the client in reaching and maintaining an acceptable level of health and physical fitness.

F. Living skills development to assist the client in learning basic skills necessary for independent living.

G. Employment or educational services to assist the client in becoming financially independent.

Other rehabilitative services may be provided as indicated in the client's individual treatment plan. Self-help groups may not be included in the required five hours of rehabilitative service.

### 9530.4410 INDIVIDUAL TREATMENT PLANS FOR CATEGORY II, III, AND IV CLIENTS.

Subpart 1. **Individual short-term goals.** Short-term goals shall be written by a chemical dependency counselor or the staff member who admits a client. The short-term goals must be written in cooperation with the client. The client's short-term goals must be written within three days of the client's admission to the program. The short-term goals must address the client's immediate needs.

Subp. 2. **Individual treatment plans.** The chemical dependency counselor must complete an individual treatment plan with the client in a Category II, III, or IV program. The individual treatment plan must be completed within ten days of the client's admission in a Category II program and within 21 days of the client's admission in a Category III or IV program. The plan must be developed with information from the client, the program staff, appropriate representatives from outside social service and criminal justice agencies, and other appropriate resources. The plan must provide for involvement of the client's family at the earliest opportunity.

The client shall have an opportunity to have active, direct involvement in developing the individual treatment plan. The individual treatment plan must be signed by the client and the chemical dependency counselor, and the participation of others must be noted in the plan. The individual treatment plan and documentation related to it must be kept at the facility in the client's case file.

Subp. 3. **Plan contents.** An individual treatment plan must include items A to F

A. Documentation, if the client is receiving public assistance, that the client has received a chemical use assessment according to parts 9530.6600 to 9530.6655 prior to admission.

B. An evaluation of the client's chemical use problems. The evaluation must be completed within three days of admission. The evaluation shall be recorded in the individual client file, and must include consideration of the following:

(1) The client's chemical use history.

(2) The client's history, including the client's use of social services; cultural background; vocational and educational history, including reading ability; family relationship information; need for parenting skills education; and use of leisure time.

(3) The client's susceptibility to abuse or neglect according to part 9555.8300.

(4) The evaluation results written by a chemical dependency counselor and based on subitems (1), (2), and (3). If the evaluation information does not support a determination that the client is chemically dependent, or that the program services do not meet the client's assessed needs, the client shall be discharged and informed of any other services needed, as indicated by the evaluation.

C. A list of all health services required by the client, the frequency of health services to be provided, and the staff person or outside resource responsible for providing the health services.

D. Specific problems to be resolved by the client.

E. Specific, time-limited client goals in order of priority, and measurable objectives for meeting those goals.

F. Specific methods and resources, including which of the rehabilitative services in parts 9530.4380 to 9530.4400 will be provided and in what amount, to assist the client to achieve the desired outcome.

Subp. 4. **Plan review.** The program director shall assure the review of the client's progress in achieving individual treatment plan objectives. Progress notes must be entered in a client's file at least twice per week in Category II programs, and at least weekly in Category III and IV programs. Progress notes must indicate the type and amount of each rehabilitative service the client has received and must indicate whether the services have had the desired impact. All entries in client records must be legible, signed, and dated.

A client's progress in achieving each individual treatment plan objective must be reviewed with the client, and the client's participation in the review must be documented in his or her case file. Clients must be notified of the right to access plan reviews.

Subp. 5. **Aftercare plan.** A chemical dependency counselor shall develop a written aftercare plan before a client is discharged that identifies the client's need for services following discharge. The aftercare plan must:

- A. include a brief review of the client's problems, strengths, and needs while a client of the program, including program services provided;
- B. address the client's progress in achieving each of the goals identified in the individual treatment plan;
- C. identify the individuals, including at least the client and the chemical dependency counselor, who participated in the development of the aftercare plan;
- D. identify client goals and objectives for services following discharge, with specific timelines; and
- E. identify individuals or agencies who will be working with the client after transfer or discharge. A copy of the aftercare plan must be given to the client and, when allowed by state and federal data privacy laws and regulations, other relevant individuals or agencies at the time of the client's discharge.

Subp. 6. **Discharge summary.** A chemical dependency counselor shall write a discharge summary for each client who leaves against staff or medical advice. The summary must be completed within three days of the client's discharge and include at least the following information:

- A. a brief review of the client's problems, strengths, and needs while a client of the program, including program services provided; and
- B. the client's progress in achieving each of the goals identified in the individual treatment plan.

#### **9530.4450 ADDITIONAL REQUIREMENTS FOR PROGRAMS SERVING ADOLESCENTS.**

Subpart 1. **Programs serving adolescents.** In addition to the requirements of parts 9530.4100 to 9530.4410, all license holders of Category II, III, and IV programs that serve adolescents must meet the requirements of subparts 2 to 8.

Subp. 2. **Chemical dependency counselor qualifications.** In addition to the requirements specified under part 9530.4270, subparts 1 and 4, the personnel file of a chemical dependency counselor providing rehabilitation services to adolescents must document:

- A. that the individual has had an additional 30 hours of classroom instruction in adolescent development; and
- B. that the individual has had at least 150 hours of supervised experience as an adolescent chemical dependency counselor, either as a student or as an employee.

Subp. 3. **Staffing ratios.** A Category II license holder serving adolescents shall have at least one chemical dependency counselor for each eight adolescent clients. A Category III or IV license holder serving adolescents shall have at least one chemical dependency counselor for each ten adolescent clients.

Subp. 4. **Academic program requirements.** License holders who serve adolescent clients must provide an academic program for a minimum of 172 days per year as specified under item A or B.

A. The license holder shall enter into a cooperative agreement with the local school district for the provision of academic services to the adolescent clients in the program. The agreement must be included in the application for licensure, and shall include the following:

- (1) a provision, meeting the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987, between the program staff and the staff of the local school district regarding the sharing of client records and information;
- (2) a description of the methods to be used to ensure the coordination of individual treatment plans and individual academic plans;
- (3) a description of the space and equipment to be made available by the program or the school district for the academic instruction of clients;
- (4) the amount of time the program will make available for academic instruction and the specific schedule of when academic instruction will be provided; and
- (5) a description of the methods to be used to ensure that the staff of the local school district know and understand the license holder's policies and procedures developed in compliance with parts 9530.4310 and 9530.4340.

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B. License holders who do not make academic instruction available through the local school district, as specified in item A, must provide an academic program for adolescent clients that meets the Minnesota Department of Education requirements for private schools. Documentation that these requirements have been met must be included in the application for licensure.

Subp. 5. **Individual treatment plan requirements.** In addition to the requirements specified under part 9530.4410, subpart 2, individual treatment plans for adolescent clients must include the following:

A. objectives for improving the client's academic performance, including at least ten hours per week of supervised academic instruction; and

B. objectives for learning leisure activities that do not include chemical use.

Subp. 6. **Aftercare plan requirements.** In addition to the requirements specified under part 9530.4410, subpart 5, the aftercare plan for an adolescent client must address the client's progress in achieving academic objectives, and must include plans for participation in a self-help group.

**REPEALER.** Minnesota Rules, parts 9530.0100, 9530.0200, 9530.0300, 9530.0400, 9530.0500, 9530.0600, 9530.0700, 9530.0800, 9530.0900, 9530.1000, 9530.1100, 9530.1200, 9530.1300, 9530.1400, 9530.1500, 9530.1600, 9530.1700, 9530.2500, 9530.2600, 9530.2700, 9530.2800, 9530.2900, 9530.3000, 9530.3100, 9530.3200, 9530.3300, 9530.3400, 9530.3500, 9530.3600, 9530.3700, 9530.3800, 9530.3900, and 9530.4000 are repealed.

## Board of Optometry

### Proposed Permanent Rules Relating to Fees

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

Notice is hereby given that the State Board of Optometry intends to adopt permanent rules relating to the term and renewal of licenses, the recovery of the costs of disciplinary proceedings and fees. The Board intends to adopt these rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 148.53, 214.06, and 16A.128.

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

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

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

Burton H. Skuza, OD  
Executive Director  
Suite 103  
2700 University Avenue West  
St. Paul, Minnesota 55114  
Telephone: (612) 642-0594

The proposed rules 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 rules as noticed.

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

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

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of

the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Dr. Skuza at the above address.

Dated: 28 August 1987

Burton H. Skuza, OD  
Executive Director

### **Rules as Proposed**

#### **6500.1800 LICENSE EXAMINATION FEE.**

All applications for licensure by examination in this state shall be accompanied by a ~~\$50~~ \$75 fee. In the event the applicant fails to pass a part of the examination, upon application and the payment of an additional fee of ~~\$35~~ \$50, ~~he~~ the applicant may retake the examination at the time for which the board next schedules ~~such~~ examinations.

#### **6500.1900 LICENSE CERTIFICATE ISSUANCE FEE.**

Each applicant who meets all applicable requirements for licensure under the act and these rules shall be issued a license certificate by the board. The fee for this license certificate shall be \$12. Upon proof of loss or damage of an original license certificate and payment of an additional \$12 fee, a replacement certificate may be issued by the board.

Each applicant who meets all applicable requirements for use of drugs in patient care shall be issued a certificate by the board. The fee for this certificate is \$10. A replacement certificate may be issued by the board.

#### **6500.2100 RECIPROCIITY.**

Subpart 1. [Unchanged.]

Subp. 2. **Equivalency of state requirements.** In accordance with Minnesota Statutes, section 148.57, subdivision 2, another state's licensure requirements shall be deemed to be equivalent to Minnesota's if the state requires that each applicant:

A. to D. [Unchanged.]

A fee of ~~\$50~~ \$75 shall accompany every application for licensure by reciprocity.

#### **6500.2700 OPTOMETRIST EMERITUS REGISTRATION.**

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Renewal cycle or fees.** Being registered as an emeritus optometrist will not subject the person to the annual license renewal cycle or renewal fee.

Each applicant who meets all requirements for registration as emeritus optometrist shall be issued a certificate. The fee for this certificate is \$10. A replacement certificate may be issued by the board.

## **Board of Animal Health**

**Proposed Permanent Rules Relating to Importation of Swine into Minnesota (1700.2590 to 1700.3010); Pseudorabies Control (1705.2400 to 1705.2520); Sale of Livestock at Auction Markets, Consignment, Community, and other Sales (1715.0210 to 1715.0580); State-Federal Approved Markets for Swine (1715.0590 to 1715.0770); Public Stockyards (1715.1290 to 1715.1480)**

### **Notice of Hearing**

Notice is hereby given that a public hearing will be held pursuant to *Minnesota Statutes*, 1986, section 14.14, subd. 1, in the above-entitled matter in the State Office Building, Room 200, 435 Park Street, St. Paul, Minnesota, on November 13, 1987, commencing

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## Proposed Rules

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at 9:00 a.m. and continuing until all representatives of associations or other interested groups of persons have had an opportunity to be heard concerning the amendments of the proposed rules.

All interested persons will have an opportunity to participate. Statements may be made orally or in writing at the hearing and written material may be submitted and recorded in the hearing record by mailing the material to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South 4th Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7645, either before the hearing or within five working days after the close of the hearing unless the hearing examiner orders a longer period of time not to exceed 20 calendar days. All comments received during the comment period shall be available for review at the Office of Administrative Hearings. The board and interested persons may respond in writing within three business days after the initial submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. The proposed rules are subject to change as a result of the rule hearing process. The Board of Animal Health, therefore, strongly urges those who may be affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

*Minnesota Laws 1983, Chapter 367*, codified as *Minnesota Statutes* § 35.255, directed the Board of Animal Health to adopt rules to implement a program to control pseudorabies in swine, including pseudorabies testing of breeding swine and the restricted movement of feeder pigs. The proposed rules are intended to implement this statutory mandate and further the control of pseudorabies as recommended by the Pseudorabies Advisory Committee. The rules provide for perimeters within which quarantine feedlots must operate; zoning of the state and control of movement of feeder pigs; herd monitoring and sale of feeder pigs and swine marketing. A copy of the proposed rules is attached to this notice and additional copies of the proposed rules are now available from the Board of Animal Health. One free copy may be obtained by writing to the Minnesota Board of Animal Health, 90 West Plato Boulevard, Attention: Dr. W. J. Mackey, St. Paul, Minnesota 55107, telephone (612) 296-3592. Copies will also be available at the door on the date of the hearing.

Ultimately, the amendments of these rules should benefit all owners of swine, whether or not such owners are defined as a "small business" under the provisions of *Minnesota Laws 1983, Chapter 188*, through the control and eventual eradication of pseudorabies in Minnesota's breeding stocks. In the short run, however, these rules will have an impact upon small business in that they will require certain testing and reporting requirements which costs will be borne primarily by the owners of swine. The costs borne by the owners where testing is necessary under the rules will include the responsibility for the cost of such tests to be performed by veterinarians. In addition, certain restrictions on the movement of pseudorabies infected swine will have an impact upon all owners whose herds contain infected swine. Small businesses are therefore encouraged to participate in the proposed rules. In addition, the Board has taken into consideration of the requirements of *Minnesota Statutes* § 14.11 (1982), and has found and determined that the proposed rule will not require the expenditure of public monies by local public bodies and will not have a direct or substantial impact on agricultural land.

*Minnesota Statutes* Ch. 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* § 10A.01, subd. 11 (1979 Supp.) 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 traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5148.

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

Notice is hereby given that a statement of need and reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and 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.

## Proposed Rules

The rule hearing procedure is governed by *Minnesota Statutes*, 1986, 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1985). Any questions about procedure may be directed to the Administrative Law Judge.

Dated: 10 September 1987

Dr. Thomas J. Hagerty  
Executive Secretary  
Minnesota Board of Animal Health

### Rules as Proposed

#### IMPORTATION OF SWINE

##### 1700.2590 DEFINITIONS.

Subpart 1. Scope. The definitions in this part apply to parts 1700.2590 to 1700.3010.

Subp. 2. Imported breeding swine. "Imported breeding swine" means swine imported for the purpose of producing offspring, including swine of both sexes and all ages.

Subp. 3. Imported feeder swine. "Imported feeder swine" means swine imported into Minnesota for the purpose of feeding until sold to slaughter and does not include boars or post-parturient sows.

Subp. 4. Pseudorabies-monitored herd. "Pseudorabies-monitored herd" means a herd that has been tested negative on an official pseudorabies test of breeding swine within the past 12 months according to the following schedule:

<u>SOW HERD SIZE</u>	<u>NUMBER TO TEST</u>
<u>Up to ten sows</u>	<u>All</u>
<u>Over ten but less than 36 sows</u>	<u>Ten sows</u>
<u>More than 36 sows</u>	<u>30 percent, but no more than 30 sows</u>

##### 1700.2650 PERMITS.

Veterinarians examining feeder and breeding swine must secure a permit from the board for each certificate of veterinary inspection.

##### 1700.2700 REQUIREMENT FOR HEALTH CERTIFICATE OF VETERINARY INSPECTION.

All Swine imported into the state of Minnesota shall must be accompanied by a health certificate issued by an accredited veterinarian, except: feeding and slaughter swine consigned to a public stockyard; feeding feeder and slaughter swine consigned to a market operating under a permit from the board; and swine going directly to slaughter at a slaughtering establishment having federal inspection.

##### 1700.2800 CONTENTS OF HEALTH CERTIFICATE OF VETERINARY INSPECTION.

Health certificates: shall show the individual identification numbers of the swine; acceptable individual identification shall be ear tag, tattoo, registration number, approved ear notch system; shall show the date, name of the laboratory, and results of tests required in part 1700.2900; shall show the validated brucellosis-free herd number or other disease-free herd status if originating from such herds.

Certificates of veterinary inspection for feeder swine must list individual identification eartag numbers, the herd of origin, the destination, and one of the following statements: "these feeder swine originate from a pseudorabies-monitored herd," "these feeder swine originate from a pseudorabies qualified herd," "these feeder swine have all been tested for pseudorabies within 30 days before importation and found negative," or "these feeder swine originate from an officially designated low-prevalence pseudorabies area recognized by the board."

Certificates of veterinary inspection for breeding swine must show the individual identification number of each animal. Acceptable individual identification must be either eartag, tattoo, registration number, or approved ear notch system, the date of test, if tested, the validated and qualified herd number and date of last test, if not tested within 30 days before importation.

One copy of the health certificate approved by the animal health department of the state of origin shall must be forwarded to the Minnesota board of Animal Health.

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## Proposed Rules

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### 1700.2850 FEEDER SWINE.

Feeder swine must originate from monitored pseudorabies-negative herds, qualified pseudorabies-negative herds, or an officially designated low-prevalence pseudorabies area recognized by the board, or must be tested negative within 30 days, and must not be transported or confined with swine of unknown status.

### 1700.2900 BREEDING SWINE SIX MONTHS OF AGE AND OVER:

Breeding swine ~~six months of age and over~~ shall must be:

A. negative to the brucellosis buffered antigen test conducted at a state or federal laboratory within 30 days prior to importation, or originate from a validated brucellosis-free swine herd, or originate directly from a nonquarantined herd in a validated brucellosis-free state; and

B. negative to an official test for pseudorabies within 30 days prior to importation or originate from a qualified pseudorabies-negative swine herd.

Breeding swine must not be transported or confined with swine of unknown status.

### 1700.3010 RESTRICTION OF IMPORTED FEEDING SWINE.

Imported feeder swine are restricted to the premises where they are to be fed until they are sold for slaughter except that:

A. feeder swine imported for resale at a market are restricted to the premises of the buyer where they are to be fed until sold to slaughter; or

B. feeder swine imported for resale by a licensed livestock dealer must be sold to a feeding premises within 72 hours.

An owner of feeder swine may apply to the board for permission to move them to other premises if a request is made in writing and sufficient data is given to allow the board to make a decision.

## PSEUDORABIES CONTROL

### 1705.2400 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Breeding herd.** "**Breeding herd**" means all swine on one premises ~~which are at least six months old, which that~~ are maintained for breeding purposes, ~~which are.~~ These swine must be kept separated from all swine from other sources, and for which care personnel and equipment are must not be interchanged with other herds.

Subp. 3a. **Breeding swine.** "**Breeding swine**" are swine of any age that are maintained for the purpose of producing offspring. This includes all intact boars and sows.

Subp. 3b. **Feeder swine.** "**Feeder swine**" are immature swine that are bought, sold, loaned, or leased for feeding rather than breeding purposes until sold to slaughter. This does not include post-parturient sows or intact boars.

Subp. 4. [Unchanged.]

Subp. 5. **Isolation.** "**Isolation**" means maintenance of swine in a manner ~~which that~~ will ensure (1) that the swine have no physical contact with other domestic animals on the premises, (2) that all drainage of organic waste is handled to prevent it from having contact with any other ~~swine on the premises animals~~, and (3) that the swine are separated from other animals by a lot or road or are held in a confinement building.

Subp. 5a. **Low-prevalence pseudorabies area.** "**Low-prevalence pseudorabies area**" means a state or area that has met the standards of the National Pseudorabies Control Board by having a system of pseudorabies surveillance that detected no new cases of pseudorabies in the second year of surveillance.

Subp. 5b. **Monitored pseudorabies-negative herd.** "**Monitored pseudorabies-negative herd**" means a herd that is in compliance with part 1705.2474.

Subp. 6. and 7. [Unchanged.]

Subp. 8. **Qualified pseudorabies-negative herd.** "**Qualified pseudorabies-negative herd**" means a herd of swine which has been free of pseudorabies for the previous ~~±2~~ six months, in which all swine over six months old have been initially tested negative for pseudorabies, and for which the procedures in part 1705.2480 have been followed.

Subp. 8a. **Quarantined feedlot.** "**Quarantined feedlot**" means a feedlot that has been inspected by board personnel and approved to feed out quarantined feeder pigs in isolation from other domestic animals and sell those pigs directly to slaughter, in compliance with part 1705.2434.

Subp. 9. and 10. [Unchanged.]



Subp. 11. **Slaughter-only market.** "Slaughter-only market" means a federally approved slaughter market for swine in which all swine moving through the facility are consigned directly to a slaughter establishment or sold for direct reassignment to a ~~recognized~~ slaughter establishment.

Subp. 12. [Unchanged.]

#### **1705.2410 PSEUDORABIES TEST PROCEDURES.**

Subpart 1. **Blood sample.** Blood samples drawn in administering an official pseudorabies test must be drawn by an accredited veterinarian, and serological tests must be conducted by a laboratory approved to conduct pseudorabies tests by the United States Department of Agriculture or the board.

Subp. 2. [Unchanged.]

#### **1705.2430 INFECTED HERD QUARANTINE AND DISPOSAL PROCEDURES.**

Subpart 1. **Quarantine.** The board shall immediately quarantine a herd ~~which~~ that is affected with, ~~which~~ shows symptoms of, or ~~which~~ has been exposed to pseudorabies, as authorized by Minnesota Statutes, section 35.05.

Livestock other than swine ~~which are~~ infected with pseudorabies must be quarantined. The board shall lift the quarantine ~~24~~ ten days after the diagnosis of infection if there are no signs of pseudorabies in the quarantined livestock.

Subp. 2. **Epidemiological investigation.** When species of animals other than swine have been diagnosed as having pseudorabies, the state or federal district veterinarian shall conduct an epidemiological investigation of any swine on the premises. The investigation must include blood testing of ten percent of the swine over four months of age, made up of a minimum of ten head selected randomly. The owner shall pay the ~~laboratory~~ fees associated with this testing. If pseudorabies reactors are disclosed, or if the owner refuses to cooperate in carrying out the test, the swine herd must be quarantined in accordance with the quarantine procedures of this part.

Subp. 3. **Permitted disposal.** Livestock from an infected herd ~~may~~ must be disposed of pursuant to item A or B.

A. Market or breeding swine or other infected or exposed species may only be sold for slaughter via a federally approved slaughter market, public stockyard, packer buying station, or directly to a slaughter plant accompanied by a shipping permit or an owner's notice of shipment.

B. Feeder pigs may only be sold, loaned, leased, or moved for custom feeding to a quarantined feedlot accompanied by a shipping permit or an owner's notice of shipment. The quarantined swine feedlot must be a feedlot where purchased quarantined swine can be fed out in isolation from other domestic animals and where a state or federal veterinarian has determined that no breeding swine are on the premises, and the feedlot owner agrees to sell all the swine from the feedlot directly for slaughter accompanied by a shipping permit or owner's notice of shipment.

No person may sell swine ~~which that~~ are known to be infected with or have been exposed to pseudorabies, except directly to slaughter or, in the case of feeder pigs, to a quarantined feedlot. Quarantined animals may not be shown at public exhibitions.

#### **1705.2434 QUARANTINED FEEDLOT PROCEDURES.**

Subpart 1. **Qualifications.** Except as provided elsewhere in this part, the board shall grant a quarantined feedlot permit allowing a quarantined feedlot to obtain feeder pigs from quarantined herds and to feed them out if the feedlot meets the following qualifications:

A. Swine on the premises must be maintained in isolation from other domestic livestock, fed out, and sent directly to slaughter.

B. No breeding swine may be maintained on the premises.

C. Swine must be maintained so that they do not come in contact with neighbors' livestock or expose neighbors' livestock to pseudorabies.

D. Feeder swine must be vaccinated for pseudorabies at the owner's expense on or before arrival at a quarantined feedlot.

E. Dead hogs must be buried, burned, or rendered within 24 hours or held so that wildlife or other domestic animals cannot reach them.

F. Hogs must be sold directly to slaughter accompanied by a shipping permit or owner's notice of shipment. One copy must be sent to the board office.

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## Proposed Rules

G. Records of swine purchases and sales must be kept for one year and made available for inspection by board personnel.

Subp. 2. Location. After January 1, 1988, no quarantined feedlot may be established within the Minnesota northern zone established in part 1705.2472, subpart 1.

Subp. 3. Notification of neighbors. The board shall notify neighbors owning livestock within a one-mile radius of the establishment of a quarantined feedlot.

Subp. 4. Annual reapproval. The district veterinarian shall inspect each quarantined feedlot in the district at least annually and renew the quarantined feedlot permit if quarantined feedlot rules are being complied with. If the quarantined feedlot approval is canceled due to noncompliance, the feedlot remains under pseudorabies quarantine until the quarantine is released under part 1705.2440.

Subp. 5. Phasing out quarantined feedlots located near qualified herds. In order to protect Minnesota's swine bloodlines and the health of Minnesota swine, quarantined feedlots located near qualified pseudorabies-negative herds must comply with the following restrictions:

A. After January 1, 1988, a quarantined feedlot located within a one-mile radius of a qualified herd may no longer purchase and feed out quarantined swine.

B. After January 1, 1990, a quarantined feedlot located within a two-mile radius of a qualified herd may no longer purchase and feed out quarantined swine.

C. Quarantined feedlots that are not within a two-mile radius of a qualified herd as of January 1, 1988, are not subject to the restrictions of this subpart should a neighboring herd become subsequently qualified.

### **1705.2440 RELEASE OF QUARANTINE.**

Subpart 1. **Methods.** Swine herd quarantine release may be accomplished by any of the methods in items A to E D.

A. The entire herd may be sold to slaughter accompanied by a shipping permit or owner notice of shipment. The premises must be cleaned and disinfected under the direction of the board. The quarantine must be released 30 days after completion of the cleaning and disinfection. If cleaning and disinfection are not done, the hog facility may stand empty for 12 months and the quarantine must then be released.

B. All swine positive to an official test may be removed from the premises. All remaining swine in the breeding herd must then pass a negative official test at least 30 days after the removal of the infected swine and a second negative official test of the breeding herd at least 30 days after the first negative official test before the quarantine is released. Herds must be released from quarantine if they have passed one negative test of their breeding herd after January 1, 1987.

C. Progeny may be weaned, isolated from a quarantined herd under direction of the board, and pass two negative official tests of 100 percent of these pigs at least 30 days apart. The second test must be on pigs older than five months. If all tests are negative, the quarantine must be released.

D. Herd quarantines may be released by other herd testing schedules approved by the United States Department of Agriculture and the board as being consistent with the eradication goals of parts 1705.2400 to 1705.2520.

Subp. 2. **Mistaken tentative diagnosis Vaccination titres.** When an epidemiological evaluation and herd history establish that a tentative diagnosis of pseudorabies is the result of a vaccination reaction, the quarantine must be released. The epidemiological evaluation must be conducted under the direction of the district veterinarian and must include all the items in items A to D.

A. [Unchanged.]

B. The attending veterinarian shall submit a signed statement that he or she has not seen signs or symptoms of pseudorabies in the herd.

C. and D. [Unchanged.]

Subp. 3. **~~21-day~~ Ten-day period for release.** A quarantine on livestock other than swine must be released ~~24~~ ten days after the diagnosis or exposure if there are no signs of pseudorabies in the herd.

Subp. 4. **Owner's expense.** Pseudorabies tests conducted on a quarantined premises are at the owner's expense, unless state funds are available for this purpose.

Subp. 5. [Unchanged.]

### **1705.2450 PSEUDORABIES TRACE TO SOURCE ~~HERD~~ OR DESTINATION HERDS.**

Subpart 1. **Information furnished.** The owner of a herd in which pseudorabies has been diagnosed shall furnish the following information to the board:

A. a list of sources of purchases of feeding feeder or breeding swine during the preceding year 12 months; and

B. a list of sales of ~~feeding feeder~~ or breeding swine during the preceding year 12 months.

Subp. 2. **Pseudorabies diagnosed in recently purchased swine.** If pseudorabies is diagnosed in breeding or ~~feeding feeder~~ swine which have been purchased from or sold to, another swine producer within the preceding 12 months, the board shall require a pseudorabies test of ten percent of the breeding herd of the seller or buyer or ten percent of the progeny over four months of age of a vaccinated herd.

Subp. 3. [Unchanged.]

Subp. 4. **Owner's expense.** Testing pursuant to subpart 2 or 3 must be done at the swine owner's expense, unless state funds are available for this purpose.

#### **1705.2460 INTRASTATE MOVEMENT OF BREEDING SWINE.**

Subpart 1. **Health certificate.** No person may sell, lease, exhibit, or loan breeding swine within the state of Minnesota except to slaughter unless the swine are accompanied by a health certificate or test chart provided by the seller which includes:

A. identification by a ~~yellow~~ metal eartag, tattoo, brand, or ear notch recognized by a breed association; and

B. [Unchanged.]

Subp. 2. [Unchanged.]

Subp. 3. **Restricted-movement identification.** Restricted-movement breeding swine must be identified at the swine concentration point by a ~~yellow~~ metal eartag in the right ear.

Subp. 4. to 8. [Unchanged.]

#### **1705.2470 INTRASTATE MOVEMENT OF FEEDER PIGS.**

Subpart 1. [Unchanged.]

Subp. 2. **Restricted-movement identification.** Restricted-movement feeder pigs must be identified at the swine concentration point by a ~~one-half inch diameter hole punched in the right ear or by a yellow metal eartag. The choice of identification is made by the management of the swine concentration point.~~

Subp. 3. **Restricted-movement certificate.** Restricted-movement feeder pigs bearing a ~~yellow~~ metal eartag must be moved from the swine concentration point to the herd of destination accompanied by a certificate explaining the restricted-movement feeder pig status. A copy of this restricted-movement certificate must be retained for two years at the swine concentration point and one copy must be submitted to the board. ~~Feeder pigs bearing the one-half inch ear punch need not be accompanied by a certificate.~~ At the herd of destination all restricted-movement feeder pigs must be maintained in isolation from breeding swine until they are sold for slaughter. They may not be used for breeding purposes or resold for breeding purposes except pursuant to subpart 6.

Subp. 4. [Unchanged.]

Subp. 5. **Sale of restricted-movement feeder pigs.** Restricted-movement feeder pigs may be sold as market hogs through any livestock marketing channel. They may not, however, be sold through a marketing facility at which breeding stock ~~is or~~ pseudorabies-monitored feeder pigs are sold unless the facility maintains separate chutes, pens, and scales for breeding swine.

Subp. 6. [Unchanged.]

#### **1705.2472 CONTROL AND ERADICATION OF PSEUDORABIES.**

Subpart 1. **Zoning of state.** For purposes of controlling the spread of pseudorabies and eventually eradicating the disease, the state is divided into two zones, a northern zone and a southern zone. The northern zone includes the counties of Washington, Ramsey, Hennepin, Wright, Meeker, Kandiyohi, Chippewa, Swift, Big Stone, and all counties to the north of them. The southern zone includes all counties not included in the northern zone. If at a later date the board decides to expand the northern zone, it may do so.

The board shall use a phased approach to pseudorabies control and shall begin the following control activities on the following dates:

A. January 1, 1988, statewide voluntary feeder pig herd monitoring;

B. July 1, 1988, new restrictions on feeder pig importation included in the importation rules, parts 1700.2590 to 1700.3010;

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## Proposed Rules

C. January 1, 1989, mandatory feeder pig herd monitoring in the northern zone; and

D. January 1, 1990, mandatory feeder pig herd monitoring in the southern zone.

Subp. 2. Phased-in control of intrastate movement of feeder pigs. After January 1, 1989, in the northern zone and after January 1, 1990, statewide, feeder swine bought, sold, leased, loaned, or traded, including those moved for contract feeding, must comply with the feeder swine movement regulations in this subpart. The current feeder swine movement requirements in part 1705.2470 remain in effect until those dates.

A. Feeder swine moving in the covered areas must originate from one of the following source herds:

- (1) pseudorabies-monitored herd;
- (2) qualified pseudorabies-negative herd;
- (3) pseudorabies-controlled vaccinated herd; or
- (4) low-prevalence pseudorabies area.

B. If feeder pigs do not originate from a source in item A, subitems 1 to 4, the feeder pigs sold must be tested negative within 30 days before sale.

C. Proof of the monitored status of the herd of origin of all feeder pigs sold through a swine concentration point must be submitted to the sales management by the owner or the dealer who brings them in for sale.

D. All feeder pigs from monitored herds sold through a swine concentration point must be identified by the sale management with a green eartag in the right ear.

E. While in transit through marketing channels, all feeder pigs from monitored herds must be maintained so that they are not exposed to swine of unknown pseudorabies status or maintained in facilities or trucks contaminated by those swine. Failure to do so causes them to lose their monitored status.

F. In order to prevent the spread of pseudorabies into the northern zone and into qualified pseudorabies-negative herds, the board shall take the following actions:

- (1) The board shall establish no quarantined feedlots in the northern zone after January 1, 1988.
- (2) The board shall establish no new quarantined feedlots within a two-mile radius of a qualified herd in Minnesota.
- (3) After January 1, 1989, only monitored feeder pigs may be moved into the northern zone.

### 1705.2474 MONITORED PSEUDORABIES-NEGATIVE HERD PROCEDURES.

Subpart 1. Initial herd certification. In order to be certified as a monitored pseudorabies-negative herd, a representative sample of the breeding herd must be tested annually and be negative for pseudorabies. Testing must be done at the owner's expense unless state funds are available for this purpose. The sample must include all herd boars and 30 percent of additions to the breeding herd since the last herd monitoring test. The sample sizes must be as follows:

- A. in herds of ten sows or less, all must be tested;
- B. in herds of 11 to 35 sows, ten must be tested; or
- C. in herds of 36 sows or more, 30 percent or 30 head, whichever is less, must be tested.

Subp. 2. Proof of herd status. All swine producers or dealers selling feeder pigs in Minnesota shall provide to the buyer proof of the monitored pseudorabies-negative status of the herd of origin upon request. That proof must include one of the following:

- A. a current monitored pseudorabies-negative herd identification card or other proof of a current herd monitoring test;
- B. a qualified pseudorabies-negative herd number; or
- C. a pseudorabies-controlled vaccinated herd number.

Livestock dealers selling monitored feeder pigs shall furnish the buyer with the producer's monitored herd number if so requested.

Subp. 3. Annual remonitoring. In order to continue to sell feeder pigs in Minnesota, pseudorabies-monitored herds must have an annual negative test of a representative sample of the breeding herd on a date within 30 days of the anniversary date of the original monitoring test as required in subpart 1.

Subp. 4. Monitoring of pseudorabies-vaccinated herds. Pseudorabies-vaccinated herds may gain monitored herd status by testing negative by one of the following methods:

A. Maintaining a number of unvaccinated sentinel animals, barrows, or gilts in the breeding herd for a minimum of 60 days and testing them. The number of animals tested must be equal to the number required in unvaccinated herds.

B. Leaving a number of unvaccinated breeding animals within the herd and testing them annually. The number of animals tested must be equal to the number required in unvaccinated herds.

C. Using a subunit or other vaccine on the breeding herd that will stimulate a blood titre that can be differentiated from the field virus titre by annual testing of a representative sample.

D. Using a killed vaccine at least six months before testing the breeding herd, and annual testing of a representative sample.

E. Use of another herd monitoring method approved by the board.

#### **1705.2476 PSEUDORABIES SURVEILLANCE AND CONTROL OF SPREAD.**

Subpart 1. Purpose. In order to determine the extent of the pseudorabies problem in Minnesota and to locate the pseudorabies-infected herds, the surveillance and control programs in this part must be implemented.

Subp. 2. Slaughter plant surveillance. The board will cooperate with the United States Department of Agriculture in its efforts to develop a program of pseudorabies testing cull boars or sows at all slaughter plants and to identify them back to the herds of origin. All herds determined to be pseudorabies-positive must be quarantined under parts 1705.2430 to 1705.2450.

Subp. 3. Feeder pigs monitoring. The board shall require a program of testing of a representative sample of the breeding herds of all swine herds selling feeder pigs in Minnesota as required in part 1705.2474. All herds determined to be pseudorabies-positive must be quarantined.

Subp. 4. Circle testing around all qualified herds. The board shall require a test of a representative sample of swine in herds within a one-mile radius of all Minnesota qualified pseudorabies-negative herds. The test sample size must be as follows:

A. In herds of ten sows or less, all must be tested.

B. In herds of 11 to 35 sows, ten must be tested.

C. In herds of 36 sows or more, 30 percent or 30 head, whichever is less, must be tested.

D. In herds where the sows are vaccinated or in finishing herds, a number of market hogs over four months of age must be tested. The number to be tested must be the same as the number of sows tested in unvaccinated herds.

If positive titres are disclosed on this test, or the owner refuses to allow the herd to be tested, the herd must be considered to be an infected herd and must be quarantined. This circle testing must be done at state expense if the funds are available.

Subp. 5. Cleanup of herds disclosed to be positive near qualified herds. In order to protect Minnesota's swine bloodlines, all herds that are disclosed to be pseudorabies-positive within a one-mile radius of all qualified herds must:

A. begin a board-approved herd cleanup plan within a six-month period or vaccinate all breeding swine with an approved pseudorabies vaccine on a continuing basis; and

B. vaccinate all unmonitored feeder pigs coming into finishing herds.

Subp. 6. Circle testing around quarantined herds. The board shall require a test of a representative sample of swine in herds within a one-mile radius of the following herds:

A. all pseudorabies quarantined herds in the northern zone; and

B. all new pseudorabies quarantined herds in any part of the state disclosed to be infected following the effective date of part 1705.2476.

The test sample size must be the same as that in subpart 3. If positive titres are disclosed on this test, or the owner refuses to test, the herd must be considered an infected herd and placed under quarantine. This testing must be done at state expense if the funds are available.

#### **1705.2480 QUALIFIED PSEUDORABIES-NEGATIVE HERD PROCEDURES.**

Subpart 1. **Qualifications.** To qualify a herd for qualified pseudorabies-negative herd status:

A. the herd must have been free of pseudorabies for the previous ~~12~~ six months;

B. and C. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

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Subp. 4. **Qualification canceled, regained.** The board shall cancel qualified pseudorabies-negative herd status if any swine show a positive test or are diagnosed as having pseudorabies, if herd additions are made contrary to subparts 5 and 6, or for failure to comply with subpart 3.

Swine herds which have lost their qualified pseudorabies-negative herd status may regain that status by being free of pseudorabies for a period of ~~12~~ six months and by following the herd qualification procedure ~~outlined~~ in subpart 1.

Subp. 5. to 8. [Unchanged.]

### 1705.2500 COMMUNITY NOTIFICATION OF PSEUDORABIES INFECTION.

Within 14 days of declaration of a quarantine or approval of quarantined feedlot status, the ~~district veterinarian board~~ board shall notify livestock owners within a one-mile radius of the infected herd or quarantined feedlot. The ~~district veterinarian board~~ board shall also notify the clerk of the township board of the affected township in writing.

### 1705.2510 EXHIBITION OF SWINE.

Subpart 1. **Conditions for exhibition.** Swine may be exhibited at fairs, livestock exhibitions, or consignment sales if they are in compliance with item A or B.

A. All swine exhibited or sold, except at exhibitions described in item B, must be accompanied by a health certificate or test chart showing:

(1) a negative pseudorabies test within 30 days ~~prior to~~ before the start of the exhibition or origination from a qualified pseudorabies-negative herd or a pseudorabies-controlled vaccinated herd; ~~and~~

(2) a statement that the swine did not originate from a herd that has had pseudorabies during the previous ~~12~~ months.

B. [Unchanged.]

Subp. 2. to 5. [Unchanged.]

### 1705.2520 TRANSPORTATION OF PSEUDORABIES-INFECTED OR -EXPOSED ANIMALS.

Subpart 1. [Unchanged.]

Subp. 2. **Cleaning vehicle.** A vehicle must be cleaned by thorough removal of all litter, manure, and refuse, and disinfected by the use on ~~all~~ partitions, floors, interior walls, and the vehicle chassis of a disinfectant approved by the United States Department of Agriculture.

Provision must be made for the disposition of all manure, litter, and refuse removed from vehicles into an area where other livestock cannot come in contact with it.

## SALE OF LIVESTOCK AT AUCTION MARKETS, CONSIGNMENT, COMMUNITY, AND OTHER SALES

### 1715.0210 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Brucellosis reactor.** "Brucellosis reactor" means (a) a nonvaccinated bovine animal ~~which that~~ which that shows standard plate test complete agglutination in a 1:100 dilution or higher, ~~or which is positive to the brucellosis eard test~~; or (b) a vaccinated female bovine animal of dairy breed 20 months of age or over or any vaccinated female bovine animal of beef breed 24 months of age and over, ~~which that~~ which that shows standard plate test complete agglutination in a 1:200 dilution ~~or higher, or which is positive to the brucellosis eard test~~.

Subp. 4. **Brucellosis suspect.** "Brucellosis suspect" means (a) a nonvaccinated bovine animal ~~which that~~ which that shows standard plate test agglutination in the 1:50 dilution or higher which is not classed as a brucellosis reactor; or (b) an officially vaccinated female bovine animal over 20 months of age if of dairy breed, or over 24 months of age if of beef breed, ~~which that~~ which that shows any standard plate test agglutination in the 1:100 dilution which is not classed as a brucellosis reactor.

Subp. 5. [Unchanged.]

Subp. 6. **Health Certificate of veterinary inspection.** "~~Health Certificate of~~ Health Certificate of veterinary inspection" means a certificate issued by an accredited veterinarian certifying that after a physical examination the livestock described are free from visible signs or symptoms of contagious, infectious, or communicable disease, and stating the origin of the livestock, the name and address of the consignee and consignor, and the description and identification of the livestock.

Subp. 7. to 10. [Unchanged.]

Subp. 11. Completely separate facilities for swine. "Completely separate facilities for swine" means pens, alleys, loading and

unloading chutes, scales, and sales rings that are separated by at least six feet or by solid partitions. Slaughter swine facilities must not drain into other swine facilities.

Subp. 12. Monitored feeder swine. "Monitored feeder swine" means the offspring of a monitored pseudorabies-negative herd complying with part 1705.2474.

Subp. 13. Breeding swine. "Breeding swine" means swine that are used or will be used to produce offspring.

**1715.0280 EXAMINATION OF ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION.**

The official veterinarian shall examine the ~~health~~ certificates of veterinary inspection for all animals for which a ~~health~~ certificate of veterinary inspection is required and prohibit the animals' sale if the ~~health~~ certificate of veterinary inspection does not meet the requirements of the board.

**1715.0290 ~~TESTING FOR BRUCELLOSIS AND PSEUDORABIES~~ SEROLOGICAL TESTS.**

The official veterinarian shall, when required, test cattle for brucellosis and anaplasmosis and swine for pseudorabies.

**1715.0300 IDENTIFICATION TAGS.**

If cattle are required to be identified by eartag, the official veterinarian shall use only official identification tags bearing the Minnesota prefix. Swine must be identified with metal eartags that include the letters "Minn" on the reverse side.

**1715.0305 CERTIFICATES; PERMITS; QUARANTINES.**

The official veterinarian shall issue restricted-movement certificates, shipping permits, and quarantines if ~~they are~~ as required.

**1715.0370 CONSIGNMENT OF LIVESTOCK ORIGINATING IN OTHER STATES.**

Livestock originating in other states may not be accepted for consignment unless they have been imported into Minnesota in compliance with Minnesota law and all rules of the board governing the importation of livestock, and are accompanied by required ~~health~~ certificates of veterinary inspection.

**1715.0390 STATEMENTS AND ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION.**

Persons delivering livestock to a sale shall furnish the sales management statements signed by owners of all animals in the consignment originating at points in Minnesota as provided in part 1715.0380 and ~~proper~~ health certificates of veterinary inspection for all animals originating in other states. The statements and ~~health~~ certificates of veterinary inspection must be submitted to the official veterinarians by the sales management for the veterinarian's approval before the animals are sold.

**1715.0420 TEST RECORDS.**

The official veterinarian shall furnish to the sales management a record of test for all cattle tested. The test record must be available for examination by any purchaser before the cattle are offered for sale. The test records of all cattle giving a positive reaction must show the names and addresses of all owners during the preceding 30 days. All cattle passing through a sale on a valid ~~health~~ certificate of veterinary inspection or valid official record of test must be reported.

**1715.0450 BRUCELLOSIS REACTORS.**

Brucellosis reactors ~~shall~~ must be placed in isolation pens and not allowed to move from the market until the official veterinarian has identified them as reactors and a permit has been issued for their removal to a designated place of slaughter where the federal government maintains inspection service or to public stockyards in accordance with part 1705.0120.

**1715.0460 BRUCELLOSIS SUSPECTS.**

Brucellosis suspects and all bovine animals that have been in contact with reactors more than 24 hours or in contact less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge must be placed in isolation pens that permit no contact with other livestock and may not move from the market until the official veterinarian has issued a permit for their removal. The brucellosis suspects and contact animals must be returned to the farm of origin under quarantine issued by the official veterinarian in accordance with part 1705.0220 or identified with the letter "S" on the left jaw and sold for immediate slaughter to a slaughtering establishment where the federal government maintains inspection service, or shipped to public stockyards under permit issued by the official veterinarian in accordance with part 1705.0210.

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### 1715.0550 SALE OF SWINE.

Subpart 1. **Order of sale in mixed market facilities.** Slaughter swine must be sold after feeder and breeding swine in markets that do not use completely separate facilities for slaughter swine. No feeder or breeding swine may be sold through slaughter swine facilities until the facilities are cleaned and disinfected.

Subp. 2. Breeding swine. Breeding swine must:

- A. be negative to a pseudorabies test less than 30 days ~~prior to~~ before sale or originate from a qualified pseudorabies-negative herd or a pseudorabies-controlled vaccinated herd;
- B. be identified by a ~~yellow metal~~ an eartag, tattoo, brand, or ear notch recognized by a breed association; ~~and~~
- C. be sold through completely separate facilities if nonmonitored feeder pigs are sold at the market; and
- D. leave the sale with a restricted-movement certificate if the sales premises is used to sell feeder pigs, market hogs, or other untested swine.

~~Subp. 2-~~ 3. Feeder pigs. Feeder pigs and all ~~other~~ swine other than breeding or slaughter swine must:

- A. be identified by a ~~yellow metal~~ an eartag ~~or a one-half inch diameter hole punched in the right ear and a green eartag if from a monitored herd; and~~
- B. leave the sale with a restricted-movement certificate if identified with a yellow metal eartag; and
- C. originate from:
  - (1) a qualified pseudorabies-negative herd;
  - (2) a pseudorabies-controlled vaccinated herd;
  - (3) an officially designated low-prevalence pseudorabies area recognized by the board;
  - (4) another place with a record of a negative pseudorabies test within 30 days before the sale; or
  - (5) a monitored pseudorabies-negative herd complying with part 1705.2474 effective January 1, 1989, in the northern zone as defined in part 1705.2472, subpart 2, and effective January 1, 1990, in the southern zone as defined in part 1705.2472, subpart 2.

When nonmonitored and monitored feeder pigs are sold at the same sale, completely separate facilities must be used.

### 1715.0560 SALE OF HORSES.

The official veterinarian shall report the consignors' names and addresses, the buyers' names and addresses, description of horses, and the results of the ~~AGID (agar gel immunodiffusion)~~ test for EIA (equine infectious anemia) if a test is required.

### 1715.0570 HORSES RECEIVED FROM OUT OF STATE.

Horses received from out of state must be retained on the sale premises until found negative to the ~~AGID~~ test for EIA performed at a laboratory approved by the United States Department of Agriculture. This part does not apply to:

- A. horses entering the sale with a valid ~~health~~ certificate of veterinary inspection indicating a negative ~~AGID~~ test for EIA within the past 12 months at an approved laboratory;
- B. suckling foals accompanying dams negative to ~~AGID~~ test for EIA as in item A;
- C. horses sold for slaughter purposes if the buyer is a licensed livestock dealer, the official veterinarian applies a paint brand letter "S" at least six inches high on the hip, and the buyer completes and signs a declaration of intent to slaughter; and
- D. horses sold to be transported immediately to a state which does not require a negative ~~AGID~~ test for EIA and accompanied by a ~~health~~ certificate of veterinary inspection issued by the official veterinarian for shipment to that state.

### 1715.0580 REACTORS TO ~~AGID~~ TEST FOR EIA.

Reactors to the ~~AGID~~ test for EIA must be destroyed, consigned for slaughter under permit, or returned to the premises of origin under permit and in compliance with Code of Federal Regulations, part 75.4(e)(1-3) and the rules of the board.

### STATE-FEDERAL APPROVED MARKETS FOR SWINE

### 1715.0590 DEFINITIONS.

Subpart 1. **Scope.** The following words and terms shall be defined as follows where used in these rules definitions in this part apply to parts 1715.0590 to 1715.0770.

Subp. 2. **Board.** "Board" ~~shall mean~~ means the Minnesota Board of Animal Health acting by and through the executive secretary and executive officer.



Subp. 3. **Health Certificate of veterinary inspection.** "~~Health Certificate of veterinary inspection~~" ~~shall mean~~ means a document issued by an accredited veterinarian on the official form of the state of origin, after a physical examination, certifying that the swine described show no visible symptoms of contagious, infectious, or communicable disease, and ~~shall include~~ including the name and address of the consignee.

Subp. 4. **Official veterinarian.** "Official veterinarian" ~~shall mean~~ means a graduate veterinarian licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, and authorized by the board to act as its representative at the market.

Subp. 5. **Owner.** "Owner" ~~shall mean~~ means the legal owner of the swine referred to or ~~his~~ the owner's agent.

Subp. 6. **PRV.** "PRV" ~~shall mean~~ means pseudorabies virus.

Subp. 7. **Recognized slaughtering establishment.** "Recognized slaughtering establishment" ~~shall mean any~~ means a point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

Subp. 8. **Sales management.** "Sales management" ~~shall mean~~ means the person or persons organizing and conducting ~~such a~~ state-federal approved swine market.

Subp. 9. **Sales premises.** "Sales premises" ~~shall mean~~ means the premises where a market is conducted and ~~shall include~~ includes but ~~is not be~~ limited to sales rings, pens, alleys, land, or building contiguous to sales rings where swine may be brought ~~to~~, unloaded, and confined ~~prior to~~ before and after sales, before delivery to the purchaser.

Subp. 10. **State-federal approved swine market.** "State-federal approved swine market" ~~shall mean any point~~ means a sales premises where swine have been assembled for sale that has been approved by state and federal agencies under Code of Federal Regulations, title 9, part 76.18.

Subp. 11. **Completely separate facilities for swine.** "Completely separate facilities for swine" means pens, alleys, loading and unloading chutes, scales, and sales rings that are separated by at least six feet or by solid partitions. Slaughter swine facilities must not drain into other swine facilities.

#### 1715.0620 SUSPENSION OF APPROVAL.

Approval may be suspended by either the executive secretary ~~and executive officer~~ of the board or the deputy administrator veterinary services, APHIS, USDA for just cause pending a hearing to show cause why the approval should not be revoked.

#### 1715.0630 REMOVAL OF MARKET FROM APPROVED LIST.

A market may be removed from the approved list by the deputy administrator veterinary services, APHIS, USDA when it is determined by the executive secretary ~~and executive officer~~ of the board of ~~Animal Health~~ or the federal veterinarian in charge of the animal health programs in Minnesota that the operators of the market fail to meet the standards mutually agreed upon by the cooperating state and federal officials, upon written request of the market management, or if no swine have been sold for three consecutive months.

#### 1715.0640 PERMITS.

~~No~~ A person or persons ~~shall purport to~~ may not operate or conduct a state-federal approved market for swine in Minnesota, unless ~~he~~ the person has obtained a permit from the board. State-federal approved swine markets ~~shall~~ must be approved by state and federal agencies cooperatively. Application for a permit ~~shall~~ must be made on forms furnished by the board. Permits ~~shall~~ be are valid until June 30 following the date of issue.

#### 1715.0705 SALE OF SWINE.

Subpart 1. **Slaughter swine.** Slaughter swine must be sold after feeder and breeding swine in markets that do not use completely separate facilities for slaughter swine. No feeder or breeding swine may be sold through slaughter swine facilities until the facilities are cleaned and disinfected.

Subp. 2. **Breeding swine.** Breeding swine must:

A. be negative to a pseudorabies test less than 30 days before sale or originate from a qualified pseudorabies-negative herd or a pseudorabies-controlled vaccinated herd;

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B. be negative to a brucellosis test less than 30 days before sale or originate from a validated brucellosis-free swine herd if originating from a state that is not validated brucellosis-free;

C. be identified by an eartag, tattoo, brand, or ear notch recognized by a breed association;

D. be sold through completely separate facilities if nonmonitored feeder pigs are sold at the market; and

E. leave the sale with a restricted-movement certificate if the sales premises is used to sell feeder pigs, market hogs, or other untested swine.

Subp. 3. Feeder pigs. Feeder pigs and all other swine other than breeding or slaughter swine must:

A. be identified by an eartag;

B. leave the sale with a restricted-movement certificate;

C. originate from a qualified pseudorabies-negative herd;

D. originate from a pseudorabies-controlled vaccinated herd;

E. originate from an officially designated low-prevalence pseudorabies area recognized by the board;

F. enter the market with a record of a negative pseudorabies test within 30 days before sale; or

G. originate from a monitored pseudorabies-negative herd complying with part 1705.2474, effective January 1, 1989, in the northern zone and January 1, 1990, in the southern zone as defined in part 1705.2472, subpart 2.

When nonmonitored and monitored feeder pigs are sold at the same sale, completely separate facilities must be used. The eartags used to identify monitored feeder pigs must be green in color.

### 1715.0760 MOVEMENTS INTO MARKETS.

Subpart 1. **Swine under quarantine.** Swine under quarantine ~~shall~~ must not be allowed entry, except under permit from the board.

Subp. 2. **Swine from Minnesota markets.** Swine from markets in Minnesota may enter ~~provided~~ if they are accompanied by a ~~health~~ health certificate of veterinary inspection issued by an accredited veterinarian.

Subp. 3. and 4. [See Repealer.]

Subp. 4a. Breeding swine from other states. Breeding swine originating from other states may only enter the market if there is a certificate of veterinary inspection and a permit meeting the requirements of part 1715.0705, subpart 2.

Subp. 4b. Feeder pigs from other states. Feeder pigs originating from other states may only enter the market if there is a certificate of veterinary inspection and a permit meeting the requirements of part 1715.0705, subpart 3.

Subp. 5. **Slaughter swine.** Slaughter swine may enter for sale for slaughter purposes only.

### 1715.0770 MOVEMENTS FROM MARKETS.

Subpart 1. **Swine on market premises.** All swine on market premises ~~shall~~ must be inspected by the official veterinarian ~~prior~~ to before sale.

Subp. 2. **Swine infected with contagious, infectious, or communicable disease.** Swine ~~when~~ found by the official veterinarian to be infected with or show symptoms of a contagious, infectious, or communicable disease ~~shall~~ must be placed in ~~the~~ isolation ~~pen(s) pens.~~ pen(s) pens. All swine from isolation ~~pen(s) shall pens~~ must be shipped for slaughter only to some point where the federal government maintains inspection. Shipment ~~shall~~ must be ~~made~~ in accordance with federal regulations governing the interstate shipments of swine.

Subp. 3. **Swine sold for slaughter.** Swine may be sold for slaughter purposes ~~provided~~ if the purchaser signs a statement of intent to slaughter and ~~provided~~ such the swine are tattooed in accordance with parts ~~1720.1640 1720.1710 to 1720.1700 1720.1730.~~

Subp. 4. **Identification.** All swine except swine sold for slaughter must be individually identified by ear tag or other acceptable identification.

Subp. 5. [See Repealer.]

Subp. 6. **Swine sold to persons in other states.** Swine sold to persons in other states must leave the market with a ~~health~~ health certificate of veterinary inspection and meet the state of destination requirements.

Subp. 7. **Health Certificate of veterinary inspection.** All Breeding swine ~~six months of age and over in Minnesota~~ that originate in other states; ~~removed to destinations in Minnesota;~~ must be accompanied by a health certificate of veterinary inspection showing individual identification, date of tests, name of laboratory, and results of test tests for brucellosis ~~by the eard test and PRV by the serum neutralization test.~~

**PUBLIC STOCKYARDS****1715.1290 REVOCATION OF PERMIT.**

The ~~executive secretary and executive officer~~ may suspend ~~the~~ a permit issued under part 1715.1280 for just cause for a period of not more than 30 days pending a hearing before the board to show cause why the permit should not be revoked.

**1715.1315 SWINE AREAS.**

Facilities used by breeding and feeder swine must be separate from facilities used by slaughter swine.

**1715.1370 EXPOSED CATTLE.**

Upon disclosure of brucellosis reactors all other cattle in the a consignment ~~shall~~ must be considered exposed and must be sold for immediate slaughter or returned to the farm of origin under quarantine. If sold for immediate slaughter, a shipping permit ~~shall~~ must be issued and each exposed animal ~~shall~~ must be permanently branded with the letter "S" on the left jaw. ~~Cattle that have been in contact with such a consignment 24 hours or more shall be considered exposed cattle and shall be handled in the same manner. Commencing January 1, 1982,~~ Any cattle in contact with a reactor ~~shall~~ must be considered exposed.

**1715.1400 REMOVAL OF LIVESTOCK.**

~~No~~ Livestock ~~shall~~ may not be removed from the premises until released by the veterinary services contractor or ~~his~~ a representative.

Cattle removed for purposes other than slaughter must be accompanied by a ~~health~~ health certificate of veterinary inspection meeting Minnesota importation requirements if they originate from other states, or Minnesota sale requirements if they originate from Minnesota, or state of destination requirements if exported.

**1715.1440 REMOVING CATTLE TWO YEARS OF AGE.**

Cows and bulls two years of age and over ~~not offered for sale~~ ~~shall~~ must be backtagged or tested and found negative to brucellosis and if originating from other states negative to anaplasmosis before removal from the stockyards.

**1715.1450 SALE OF SWINE.**

Subpart 1. Slaughter swine. Swine Sows and boars sold for slaughter ~~shall~~ must be identified to the herd of origin as required in parts 1720.1680 to 1720.1730.

~~Swine removed for breeding or further feeding purposes must be accompanied by a health certificate indicating: eartag number; negative brucellosis buffered antigen (BBA) test for sows and boars six months of age and over; and any other requirements of a state of destination.~~

Subp. 2. Breeding swine. Breeding swine must:

A. be negative to a pseudorabies test less than 30 days before sale or originate from a qualified pseudorabies-negative herd or a pseudorabies-controlled vaccinated herd;

B. be either negative to a brucellosis test less than 30 days before sale or originate from a validated brucellosis-free swine herd if originating from a state that is not validated brucellosis-free;

C. be identified by an eartag, tattoo, brand, or ear notch recognized by a breed association; and

D. leave the sale with a restricted-movement certificate if the sales premises is used to sell feeder pigs, market hogs, or other untested swine.

Subp. 3. Feeder pigs. Feeder pigs and all other swine other than breeding or slaughter swine must:

A. be identified by eartag, and if from a monitored herd be identified by a green colored eartag;

B. leave the sale with a restricted-movement certificate; and

C. originate from:

(1) a qualified pseudorabies-negative herd;

(2) a pseudorabies-controlled vaccinated herd;

(3) an officially designated low-prevalence pseudorabies area recognized by the board;

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(4) another place with a record of a negative pseudorabies test within 30 days before sale; or

(5) a monitored pseudorabies-negative herd complying with part 1705.2474, effective January 1, 1989, in the northern zone as defined in part 1705.2472, subpart 2, and effective January 1, 1990, in the southern zone as defined in part 1705.2472, subpart 2.

**Subp. 4. Report.** The veterinary services contractor shall supply a report to the board each week listing the names and addresses of sellers and buyers of feeder and breeding swine. The board may ask for further reports.

### 1715.1480 SHEEP, GOATS, HORSES, MULES, AND OTHER SPECIES.

Sheep, goats, horses, mules, and other species may only be removed when after a health certificate of veterinary inspection certifying compliance with the state of destination requirements have has been met prepared by the veterinary services contractor.

**EFFECTIVE DATE.** Parts 1700.2590; 1700.2650; 1700.2850; 1700.3010; and the amendments to parts 1700.2700; 1700.2800; and 1700.2900 are effective July 1, 1988.

**REPEALER.** Minnesota Rules, parts 1700.3000; 1715.0600; 1715.0700; 1715.0760, subparts 3 and 4; 1715.0770, subpart 5; 1715.1460; and 1750.1470 are repealed.

## Emergency Rules

### Proposed Emergency Rules

According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

### Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

### Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

## Department of Labor and Industry

### Proposed Emergency Rules Relating to Cost of Medical Records Copies

#### Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the State Department of Labor and Industry intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 176.135, subdivision 7. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Ray Bohn, Commissioner  
Department of Labor and Industry  
444 Lafayette Road  
St. Paul, Minnesota 55101

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

A free copy of the proposed emergency rule is available by contacting Julie Kress at 296-2342.

The proposed emergency 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 emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Julie Kress.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 21 September 1987

Ray Bohn  
Commissioner

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

#### **5219.0010 [Emergency] PURPOSE.**

This chapter is intended to provide a schedule of reasonable charges for copies of health care provider records or reports substantiating the nature of a medical bill and its relationship to the work injury. The privacy of medical reports or records under other provisions of law is not to be affected by this chapter.

#### **5219.0020 [Emergency] SCOPE.**

This chapter is applicable to charges for copies from health care providers as defined in *Minnesota Statutes*, section 176.011, subdivision 24.

#### **5219.0030 [Emergency] COST OF MEDICAL RECORDS.**

Reasonable charges for copies of existing medical records or reports obtained from health care providers under *Minnesota Statutes*, section 176.135, subdivision 7, are as follows for each patient:

- A. \$20 for up to 20 pages;
- B. 50 cents a page for the next 32 pages; and
- C. 25 cents a page for all remaining pages.

## **Department of Human Services**

### **Proposed Emergency Amendments to Permanent Rules and Emergency Rules Relating to Foster Care Difficulty of Care Payments**

#### **Notice of Intent to Adopt an Emergency Rule**

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 256.82, subdivisions 3 and 3a. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

**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.

## Emergency Rules

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All persons have 25 days or until 4:30 p.m. on October 23, 1987 after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Marian Eisner  
Minnesota Department of Human Services  
4th Floor, Centennial Office Building  
658 Cedar  
St. Paul, MN 55155  
Telephone (612) 297-2711

The proposed rule establishes a unified statewide system of difficulty of care payments for all children in foster care. Under the previous system, in place since 1984, each county established its own system of payments. The payments are to be made to foster care providers in addition to the basic maintenance rates. The rule provides a method of assessing the difficulty of care of children, and sets a single payment rate. The rule also provides that, for children currently in foster care, the difficulty of care payment will not be reduced as a result of the rule. The proposed rule affects children placed in foster care, foster care providers, and county governments.

The rule repeals *Minnesota Rules*, part 9560.0650, subpart 2, Additional maintenance needs; amends subpart 3, Agency contract care; and adds parts 9560.0651, Difficulty of care assessments and payments, 9560.0652, Definitions, 9560.0653, Difficulty of care payments, 9560.0654, Difficulty of care assessments, 9560.0655, Difficulty of care payment rate, and 9560.0656. Documentation.

A free copy of the proposed emergency rule is available by contacting Marian Eisner at the address noted above.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Marian Eisner at the address noted above.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

The adoption of this rule will increase aggregate local public body spending by over \$100,000 in the year following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the year immediately following adoption of the rule.

Dated: 11 September 1987

Sandra S. Gardebring, Commissioner

### FISCAL NOTE

#### **Proposed *Minnesota Rule*, parts 9560.0650 to 9560.0656 CHILD FOSTER CARE DIFFICULTY OF CARE PAYMENTS**

#### **Statutory Authority**

*Minnesota Laws 1987*, Chapter 235, amended *Minnesota Statutes*, section 256.82, subdivision 3, and added subdivision 3a. This law directs the Commissioner to annually establish "difficulty of care payments for all children in foster care." Since 1984, each county has established its own system of difficulty of care payments (DOC). The new law and rule will create a single unified system statewide.

#### **Description**

Difficulty of Care is funded by county child welfare funds, and federally reimbursed for Title IV-E eligible children at 53.98% for FFY 88. Currently, approximately 30% of children in substitute care are Title IV-E eligible. There is no direct state participation in Difficulty of Care payments, although CSSA block grants may be used.

#### **Local Social Services Agency Costs**

To determine the fiscal impact of the proposed rule amendment on local social services agencies, the Department issued Request Bulletin #87-68H on July 30, 1987, requiring each agency to review their Rule 1 foster care cases and submit a report projecting total annual net changes in cost based on the new criteria and rates. Agencies with less than 25 children in Rule 1 foster care were

to review all cases; agencies with 25 or more children in Rule 1 foster care were to use a random sample of 10% of their cases in preparing the report.

Reports were to be submitted by August 21, 1987.

Fifty three responses, representing fifty seven counties were received by August 28, 1987.

Of the responses:

1. Nineteen counties, including Ramsey and Hennepin reported no change in their DOC costs based on the new rates.
2. Twenty five responses representing 29 counties reported the following increases:
  - Six reports (8 counties) indicated an increase of less than \$1000 each.
  - Eight counties reported an increase of between \$1000 and \$3,500 each.
  - Four counties, LeSueur, Olmsted, Stearns and Washington each reported increases of \$4000 to \$9000.
  - Seven reports representing 9 counties reported increases of over \$10,000 per year.

Anoka	129,131
FMW	11,390
Koochiching	15,792
Mower	16,149
Otter Tail	14,592
St. Louis	55,000
Sherburne	18,558

3. Nine counties reported a decrease in costs based on the new rates. However, the statute requires that children currently in care be maintained at their current level where possible. Title IV-E reimbursement will be maintained at the current rate for those children in care when the rule is promulgated.

The projected net increase in county costs is \$220,905, calculated as follows:

Increase in DOC payments (per survey responses)	\$ 308,564
Less Title IV-E reimbursement: 30% of substitute care population x 53.98% federal reimbursement	49,967
	\$ 258,597

Potential decrease for new children in care in counties reporting a decrease in payment under the new rate:

Gross decrease	\$ 89,952
x 50%	44,976
(estimate based on Community Services Information System data of 25% of children in care for 6 months or less)	\$ 44,976
Less Title IV-E reimbursement (calculated as above)	7,284
	\$ 37,692
Projected increase	\$ 258,597
Projected decrease	37,692
Net increase	\$ 220,905

## Emergency Amendments to Rules as Proposed

### 9560.0650 MAINTENANCE STANDARDS.

Subpart 1. [Unchanged.]

Subp. 2. ~~Additional maintenance needs:~~ In addition to the basic maintenance standard, monthly payments for additional maintenance needs shall be made as determined by the local social services agency. The local county board shall establish difficulty of care payments for all children in foster care.

## Emergency Rules

Subp. 3. **Agency contract care.** When foster care is provided for a child by a provider licensed under parts 9545.0010 to 9545.0260 through contract with another a public or private agency, foster care maintenance payments and difficulty of care payments shall be determined according to the rate schedule schedules in subparts subpart 1 and 2 parts 9560.0653 to 9560.0655 [Emergency]. If the local social service services agency is contracting for administrative or social service services costs, the payments to the cooperating contracting agency shall be in an amount which is additional addition to the maintenance rate rates established in subparts subpart 1 and 2 parts 9560.0653 to 9560.0655 [Emergency].

Subp. 4. and 5. [Unchanged.]

## Emergency Rules as Proposed (all new material)

### 9560.0651 [Emergency] DIFFICULTY OF CARE ASSESSMENTS AND PAYMENTS.

Parts 9560.0652 to 9560.0656 [Emergency] provide criteria for assessing the difficulty of care of a child in foster care and the payment rate.

### 9560.0652 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9560.0653 to 9560.0656 [Emergency] have the meanings given them in this part.

Subp. 2. **Activities of daily living.** "Activities of daily living" means activities of basic self-care, including eating, dressing, grooming, hygiene, and toileting.

Subp. 3. **Mental retardation.** "Mental retardation" means the condition of a person with mental retardation as defined in part 9525.0015, subpart 20.

Subp. 4. **Mental illness.** "Mental illness" has the meaning given in Minnesota Statutes, section 245.462, subdivision 20.

### 9560.0653 [Emergency] DIFFICULTY OF CARE PAYMENTS.

The local social services agency shall make payments in addition to the basic maintenance standards of part 9560.0650, subpart 1. for children with mental, physical, or emotional handicaps who require additional supervision or assistance in behavior management, activities of daily living, management of medical problems, or interaction with the natural parents and the community. The local social services agency shall assess each child under this part and the difficulty of care levels in part 9560.0654 [Emergency].

### 9560.0654 [Emergency] DIFFICULTY OF CARE ASSESSMENTS.

Subpart 1. **General.** Within the highest appropriate level and the respective point range of subparts 2 to 7, a single point value shall be assigned based on the age of the child, the number of conditions requiring special care, and the degree of difficulty of caring for each condition.

Subp. 2. **Level A.** A child eligible for difficulty of care payments under part 9560.0653 [Emergency]:

- A. shall be assessed at level A if the child requires a moderate amount of additional supervision or assistance, including:
  - (1) care required by a moderate degree of dependency, passivity, or lack of responsiveness and ability to relate to others;
  - (2) moderate care for medical disorders;
  - (3) supervision because of a physical handicap, although the child is self sufficient;
  - (4) moderate help with activities of daily living beyond that ordinarily required for the child's age; or
  - (5) moderate assistance to the child in relating to the natural parents; and
- B. within level A, shall be assigned no fewer than one difficulty of care point and no more than 35 points.

Subp. 3. **Level B.** A child eligible for difficulty of care payments under part 9560.0653 [Emergency]:

- A. shall be assessed at level B if the child requires a significant amount of additional supervision or assistance, including:
  - (1) significant need for structure, guidance, and direction;
  - (2) significant need for motivational stimulation and skill development;
  - (3) additional care required by developmental delay, including mental retardation;
  - (4) significant care for medical disorders;
  - (5) help with activities of daily living significantly beyond that ordinarily required for the child's age;
  - (6) attention to school truancy or behavior problems;
  - (7) significant care for sexual acting out; or
  - (8) significant assistance to the child in relating to the natural parents; and



B. within level B, shall be assigned no fewer than 36 difficulty of care points and no more than 70 points.

Subp. 4. **Level C.** A child eligible for difficulty of care payments under part 9560.0653 [Emergency]:

- A. shall be assessed at level C if the child requires an extensive amount of additional supervision or assistance, including:
- (1) care required by extreme attention-seeking behavior, aggressive acting out, or unsocialized and withdrawn behavior;
  - (2) extensive care required by developmental delay, including mental retardation;
  - (3) extensive care for medical disorders or physical handicaps;
  - (4) extensive attention to school problems; or
  - (5) extensive assistance to the child in relating to the natural parents; and

B. within level C, shall be assigned no fewer than 71 difficulty of care points and no more than 105 points.

Subp. 5. **Level D.** A child eligible for difficulty of care payments under part 9560.0653 [Emergency]:

- A. shall be assessed at level D if the child requires an exceptional amount of additional supervision or assistance, including:
- (1) care required because the child is dangerous to himself or herself or others;
  - (2) exceptional care required by mental illness, developmental delay including mental retardation, or physical handicaps;
  - (3) exceptional care for medical disorders;
  - (4) exceptional care for activities of daily living such as lifting, feeding, or diapering;
  - (5) exceptional care for sexual acting out;
  - (6) exceptional assistance to the child in relating to the natural parents; or
  - (7) need for relief of the foster parent by another adult; and

B. within level D, shall be assigned no fewer than 106 difficulty of care points and no more than 140 points.

Subp. 6. **Level E.** A child eligible for difficulty of care payments under part 9560.0653 [Emergency]:

A. shall be assessed at level E if the child cannot be maintained in a typical family setting and requires highly skilled foster care, including:

- (1) care of extensive medical disorders; or
- (2) care of severely disturbed behavior, such as when the child extensively acts out sexually, or is dangerous to himself or herself or others; and

B. within level E, shall be assigned no fewer than 141 difficulty of care points and no more than 175 points.

Subp. 7. **Level F.** A child eligible for difficulty of care payments under part 9560.0653 [Emergency]:

A. shall be assessed at level F if the child has an extraordinary condition that requires supervision or assistance in excess of that of Level E under subpart 6; and

B. within level F, shall be assigned no fewer than 176 difficulty of care points and no more than 225 points.

**9560.0655 [Emergency] DIFFICULTY OF CARE PAYMENT RATE.**

Subpart 1. **Payment rate.** Except as provided by subpart 2, the local social services agency shall make payments to the foster care provider at the rate of \$3.70 per month for each point assessed under part 9560.0654 [Emergency].

Subp. 2. **Existing placements.** In a placement for which a difficulty of care payment was established and was being made prior to the effective date of parts 9560.0650 to 9560.0656, and the payment is greater than the payment which would be made under subpart 1, the local social services agency shall continue to pay the greater amount until the child's difficulty of care is reassessed at a different level or the placement terminates.

**9560.0656 [Emergency] DOCUMENTATION.**

Subpart 1. **Assessment instrument.** The local social services agency shall document the assessment of the difficulty of care under parts 9560.0653 [Emergency] and 9560.0654 [Emergency] using a written assessment instrument consistent with parts 9560.0653 [Emergency] and 9560.0654 [Emergency]. The case record shall include a description of each condition on which the assessment is based.

Subp. 2. **Approval of assessment instrument.** The assessment instrument required by subpart 1 must be approved by the commissioner.

**EFFECT OF EMERGENCY AMENDMENTS.** After the emergency amendments to part 9560.0650 expire, the permanent rule as it read prior to those amendments shall again be in effect, except as may be amended by permanent rule.

# 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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## Charitable Gambling Control Board

### Outside Opinion Sought Regarding Proposed Rules Governing Lawful Gambling and the Distribution of Lawful Gambling Equipment

Notice is hereby given that the Charitable Gambling Control Board is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing lawful gambling and to modify existing rules. The promulgation of these rules is authorized by *Laws of Minnesota 1984*, chapter 502, article 12, section 7, subdivision 4, codified as *Minnesota Statutes* 349.151, subdivision 4, which empowers the agency to license organizations and suppliers, collect taxes, receive reports from and inspect records of organizations and suppliers, register gambling equipment, provide for posting of rules of play and odds and/or house percentage on each form of lawful gambling, and otherwise regulate the conduct of lawful gambling in Minnesota.

Small businesses involved in lawful gambling or distributing lawful gambling equipment are advised that they may be impacted by rules adopted by the Charitable Gambling Control Board in that the rules will provide for license fees, record keeping and reporting, and other procedures and requirements to which small businesses may have to adhere.

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

Roger Franke  
Charitable Gambling Control Board  
1821 University Avenue, Room N-475  
St. Paul, MN 51504-3383

Oral statements will be received during regular business hours over the telephone at 612/642-0555 and in person at the above address.

Any written material received by the Charitable Gambling Control Board will become part of the record in the event that the rules are promulgated.

Roger Franke

## Department of Commerce

### Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

#### Housing Inspector

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415 on November 17, 1987 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on October 29, 1987, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

*Minnesota Statutes*, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the

180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

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

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

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

Anyone wishing to oppose activation beyond 180-days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

*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 an individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Dated: September 17, 1987

Michael A. Hatch  
Commissioner of Commerce

#### **62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.**

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

#### **62I.22 HEARING.**

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

## Official Notices

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**Subd. 2. NOTICE.** The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

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

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

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

**Subd. 6. CASE PRESENTATION.** The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

## Department of Finance

### Maximum Interest Rate for Municipal Obligations in September

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

Dated: 1 September 1987

Peter Sausen, Assistant Commissioner  
Cash and Debt Management

## Department of Human Services

### Long Term Care Management Division

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to the Rules Relating to the Determination of Payment Rates for Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the amendments to the rules relating to the determination of payment rates for intermediate care facilities for persons with mental retardation or related conditions. The adoption of the amendments is authorized by *Minnesota Statutes*, section 256B.501, subdivisions 1 to 3, which permit the agency to establish procedures and rules for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions.

The Department proposes to amend the following rule parts:

Part 9553.0030, subpart 4, Central, affiliated, or corporate office costs;

Part 9553.0035, new subpart—Habilitation service costs;

Part 9553.0040, subpart 6, Special operating costs;

Part 9553.0050, subpart 3, One-time adjustment to program operating cost payment rate; and

Part 9553.0075, subpart 1, Interim payment rate.

The State Department of Human Services requests information and opinions concerning the subject matter of these amendments. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Jane Delage  
Appeals and Regulations Division  
444 LaFayette Road  
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at 297-1488 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules 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 to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

## Labor and Industry

### Labor Standards Division

#### Notice of Certified Prevailing Wage Rates

On October 1, 1987 the commissioner will certify prevailing wage rates for highway/heavy and commercial construction projects in the following Minnesota counties: Blue Earth, Brown, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Jackson, Lac Qui Parle, LeSueur, Lincoln, Lyon, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Sibley, Steele, Wabasha, Waseca, Watonwan, Winona and Yellow Medicine.

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties the charge is \$25.00. A sales tax of 6% must be added to all orders.

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

Ray Bohn, Commissioner  
Department of Labor and Industry

## State Law Library

### County Law Libraries: Joint Notice of Filing Fees; Additions and Corrections to List Published in 12 S.R. 171

**Fillmore** County assesses a \$5.00 law library filing fee in conciliation court. **Kandiyohi** County does not assess the law library filing fee on defendants in conciliation court. **Wadena** County assesses a \$10.00 law library filing fee in civil and probate cases. Wadena also assesses \$10.00 on felonies and gross misdemeanors; \$5.00 on misdemeanors and petty misdemeanors. **Washington** County assesses a \$3.00 law library filing fee in conciliation court. Finally, note (b) pertains to the Criminal Convictions column.

## Minnesota Legislature

### Legislative Commission to Review Administrative Rules

#### Rules of Procedure of the Legislative Commission to Review Administrative Rules

The following Rules of Procedure were adopted by the Commission at its meeting on September 16, 1987.

Dated: 18 September 1987

Maryanne Hruby  
Director, LCRAR

# Official Notices

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## 1. RULES OF OPERATION

**1.1 [Enabling statute and rules.]** The commission is governed by its enabling statutes, *Minnesota Statutes*, sections 14.39 to 14.43, and by these rules.

**1.2 [Mason's Manual.]** Except as otherwise provided by these rules or established custom and usage, the rules of parliamentary procedure contained in "Mason's Manual of Legislative Procedure" govern the commission.

**1.3 [Suspension of rules.]** The concurrence of seven members of the commission is required to suspend, alter, or amend these rules.

## 2. MEMBERSHIP

**2.1 [Appointment.]** The commission consists of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives.

**2.2 [Resignation.]** A member of the commission may resign by providing notice to the chair. Upon receiving notice of the resignation, the chair shall promptly inform the appointing authority of the house in which the resigning member serves, and request the appointment of a replacement.

## 3. OFFICERS

**3.1 [Election and term.]** The commission shall elect its own officers including a chair and a vice-chair by majority vote of the members present. Officers serve for a term of two years. The office of the chair of the commission shall alternate between a member of the senate and a member of the house.

**3.2 [Chair and vice-chair.]** The office of the vice-chair of the commission shall alternate between a member of the senate and a member of the house. The vice-chair shall not be a member of the house in which the chair serves.

**3.3 [Subcommittees.]** The chair of the commission shall appoint the chair and members of any subcommittee, subject to the approval of the commission. The senate and the house shall be represented on all subcommittees. The majority and minority caucuses of each house shall be represented on all subcommittees. The chair of the commission shall be an ex officio member of all subcommittees. A subcommittee may perform the functions and exercise the authority as directed and delegated by the chair, subject to the approval of the commission.

## 4. MEETINGS

**4.1 [Call.]** The commission shall meet at the call of the chair or upon a call signed by two members of the commission or signed by five members of the legislature.

**4.2 [Open to public.]** All meetings of the commission, and of any subcommittee, are open to the public.

**4.3 [Notice.]** The chair of the commission and any subcommittee shall, as far as practicable, give three days' notice of any meeting. The notice must include the date, time, place, and agenda for the meeting.

**4.4 [Quorum.]** A majority of commission members constitutes a quorum. The commission may take testimony without a quorum present, but no question can be decided and no action can be taken in the absence of a quorum.

**4.5 [Roll-call vote.]** Any member may demand a roll-call vote on any motion before the commission or a subcommittee. Only upon a demand being made shall the roll be called and the vote of each member on the motion be recorded, together with the name of the members demanding the roll call.

**4.6 [Reconsideration.]** The commission may reconsider any action taken. A commission member need not have voted with the prevailing side in order to move reconsideration.

**4.7 [Minutes.]** The chair of the commission and any subcommittee shall cause minutes to be kept. The minutes must include:

- (a) The time and place of each hearing or meeting;
- (b) Commission members present;
- (c) The name of each person appearing, together with the name of the person, agency, or employee organization represented;
- (d) The language of each motion, the name of the members making the motion, and the result of any vote upon the motion, including the ayes and nays when a roll call is demanded; and
- (e) Other important matters related to the work of the commission or subcommittee.

Minutes shall be approved at the next regular meeting of the commission or subcommittee.

## 5. REPORTS

**5.1 [Acceptance or rejection.]** The substantive provisions or recommendations of any report to the commission from a subcommittee shall be accepted or rejected, in whole or in part, by a majority of commission members present.

**5.2 [Minority report.]** Any minority report shall be made separately from the majority report. A minority report to the commission from a subcommittee shall be considered before the majority report. If the minority report is adopted, the majority report shall not be considered. If the minority report is not adopted, the majority report shall then be considered.

## **6. PRELIMINARY ASSESSMENT**

**6.1 [Purpose.]** The initial meeting to investigate a complaint with respect to a rule shall be known as a preliminary assessment. The purpose of this meeting is to determine whether the complaint is meritorious and worthy of attention.

**6.2 [Conduct.]** The preliminary assessment may be conducted by the commission or any subcommittee.

## **7. PUBLIC HEARING.**

**7.1 [Commission action.]** If the commission or any subcommittee determines after a preliminary assessment that the complaint is meritorious and worthy of attention, the commission may hold a public hearing on the complaint. At the conclusion of the public hearing, the commission may take the following action:

(a) If the rules that are the subject of the hearing were adopted without a rulemaking hearing, request the office of administrative hearings to hold a public hearing and prepare a report summarizing the testimony received at the hearing.

(b) Direct the staff to continue to monitor the issues raised by the complaint.

(c) Refer the complaint to the appropriate policy committees.

(d) Request the agency issuing the rules to hold a public hearing on any recommendations made by the commission. The agency must give notice of the hearing as provided in *Minnesota Statutes*, section 14.14, subdivision 1. The hearing must be held not more than 60 days after receipt of the request or within any longer time period specified by the commission in the request.

(e) Request the speaker of the house and the president of the senate to refer the question of whether or not the given rule or rules shall be suspended to the appropriate committee or committees of the respective houses for the committees' recommendations. The recommendations are advisory only.

(f) Any other action the commission considers appropriate.

**7.2 [Majority vote required.]** All actions taken by the commission pursuant to paragraphs (a) to (f) shall be by majority vote of the commission members present.

**7.3 [Suspension of rules.]** The commission may, at a subsequent public hearing, suspend any rule complained of by an affirmative vote of at least six members. The commission shall direct the executive director to publish notice of the suspension in the *State Register*. The suspension takes effect five working days after the notice is published, but in no event may the suspension take effect until the committees' recommendations referred to in rule 7.1, paragraph (e) are received by the commission, or 60 days after referral of the question of suspension under rule 7.1, paragraph (e).

If a rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

## **8. ORDER OF BUSINESS**

**8.1 [Generally.]** The order of business at a duly called meeting of the commission is as follows:

1. Call to order.
2. Roll call.
3. Approval of the minutes of the last meeting.
4. Reports of subcommittees.
5. Unfinished business.
6. New business.
7. Announcements.
8. Adjournment.

# 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 #
5 year purchase—IBM equipment (PA)	September 30	Community College	Austin	27 139 88021
Bathing system (JG)	September 30	Regional Treatment Center	Faribault	55 303 12191
Office chairs (LP)	September 30	Community College	Austin	27 000 88016
Dining room furniture (LP)	September 30	Plant Management	St. Paul	02 307 81203, 02 307 81204
Audio visual equipment (PA)	September 30	Transportation	St. Paul	79 000 81536
Stockpile aggregate at Sandstone (BV)	October 1	Transportation	Duluth	79 100 03867
Stockpile aggregate at Finlayson (BV)	October 1	Transportation	Duluth	79 100 03866
Eighth floor remodeling—Capitol Square Bldg (JS)	October 1	Education	St. Paul	37 010 29280
A complete line of industrial, in- stitutional & hospital casters (EFS) rebid	October 1	Various	Various	Price Contract
Wood chips (JD)	October 2	Treatment Center	Moose Lake	55 103 04010
Diazo printer	October 2	Transportation	St. Paul	79 000 81823
Microfilm, 16MM, 35MM, 105MM & processing & diazo (DHO)	October 2	Various	Various	Price Contract
Photographic lamps (DO)	October 5	Various	Various	Price Contract
Photographic film processing (am- ateur & custom) (DO)	October 6	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 #
Pressure Sensitive stickers	September 29	Jobs & Training	St. Paul	1826
Property label die cut	September 29	Central Stores	St. Paul	1666
Catalog reprint	September 29	Metro State Univ.	St. Paul	1878



## State Contracts and Advertised Bids

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Explore Minnesota Snowmobiling book	September 29	Tourism Office	St. Paul	1122
Envelopes	September 29	Tourism Office	St. Paul	1121
Sales Tax Envelopes	September 29	Revenue	St. Paul	1366
Ski Lift Tickets & Nordic Passes	September 30	Iron Range Res. & Rehab. Bd.	Biwabik	1967
Carbon Interleaved Snapout Sets	October 2	Printing and Mailing	St. Paul	Price Contract
Window Envelope	October 2	Revenue	St. Paul	1365 67320 & 04734
Spring and Fall bulletins	October 2	Community College	Rochester	1531
Gonococcus specimen mailing container label	October 2	Health	Minneapolis	2009
Spring and Fall quarterly bulletins	October 7	Community College	Rochester	1530 27148 50131
Class schedule	October 7	State University	Winona	1556 26074 11937

## Department of Human Services

### Request for Proposals for the Development of a Signage Program for 444 Lafayette

The Department of Human Services is seeking proposals from qualified firms or individuals to develop and install a signage program which is consistent with the architecture and environment at 444 Lafayette, and which meets the Department's requirement to be accessible to its clientele.

#### Project Scope

The purpose of the project is to establish an effective sign program throughout the Department of Human Services offices located at 44 Lafayette, St. Paul, MN 55155. As of January 1, 1988, the Department will occupy approximately 140,000 square feet on four floors in the building. In the second phase of the consolidation process, the Department will occupy an additional two floors, or a total of approximately 220,000 square feet on six floors.

The project will include directory signage at all appropriate locations throughout the building, informational signage, identification of individual rooms as needed, and identification of individual workstations and offices. Accessibility and flexibility will be key signage criteria. Signage must be able to be easily reorganized within the building without costly redesign. Signs should be clear and specific enough to direct clientele who are not familiar with the agency or building.

#### Project Tasks

The contractor will be required to complete the following tasks:

- Consult with Department contacts and the architect to develop conceptual guidelines for the project, including definition of goals and project analysis.
- Identify all appropriate codes and ordinances which relate to accessibility.
- Prepare the conceptual design for review by Department contacts.
- Prepare three alternative programs for presentation to and approval by Department contacts and architect.
- Prepare specification and construction detail for the approved program, and coordinate bidding.
- Analyze bids, purchase the appropriate products, and arrange for installation.
- Coordinate the installation and inspect the system.
- Maintain the system for one year after completion.

#### Project Completion Dates

The first phase of the project must be completed before February 1, 1988, and the second phase completed on or before September 1, 1988.

This notice does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

## State Contracts and Advertised Bids

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Copies of the request for proposal and other information about this project are available from:

Linda Nelson  
Management Operations Division  
Department of Human Services  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 296-6633

All proposals must be submitted to Linda Nelson no later than 4:00 P.M. Monday, October 19, 1987.

## Office of Jobs Policy Coordination

### Request for Proposal for AFDC Self-Employment Demonstration Project

The Minnesota State Planning Agency through the Office of Jobs Policy Coordination is soliciting proposals from qualified consultants for a cooperative contract to serve as local service providers for a pilot Self-Employment Demonstration Project.

#### I. SCOPE OF THE PROJECT

The goal of the AFDC Self-Employment Investment Demonstration (SEID) Project is to assist recipients to move off welfare through the start-up and operation of a small business. The project is designed to provide business consulting, counseling and self-esteem training and direct financing for AFDC recipients. In order to participate in the project, recipients will be expected to participate in start-up training and complete a business plan that demonstrates the potential for economic self-sufficiency from the business.

The state is participating in a national multi-state demonstration project. Federal and state AFDC regulation waivers regarding self-employment income and resources will be available and staff training regarding services and project components will be provided to the local service providers under the national project. A state coordinator through the Office of Jobs Policy Coordination will be available to work with local service providers on all aspects of the project. The Corporation for Enterprise Development in Washington, D.C., is under contract to the Office of Jobs Policy Coordination to assist with the project.

Minnesota will have two demonstration sites for the pilot SEID project. One site will be in the multi-county metropolitan Twin Cities area and one site will be a multi-county site in Greater Minnesota. Applicants may propose to provide service to either/or both of the sites.

The target population for this pilot project is: 30 percent long-term single parent AFDC recipients (3 years or more), 15 percent unemployed parent households, and 55 percent AFDC population of single parent households.

AFDC-UP (unemployed parent-intact, two parent families) will not be allowed to participate if the federal 100 hour rule waiver is not approved. In that event, the participants will be 30 percent long-term AFDC single parent recipients and 70 percent general AFDC household population.

The local service providers will have two major functions. First, to provide the technical assistance needed by the project participants throughout the start-up phase of their new businesses. This technical assistance will include business planning, marketing, financial packaging, as well as counseling, problemsolving, support and networking opportunities. Second, to provide a loan fund for direct financing of businesses.

Applicants should be prepared to blend support service counseling and business development services for interested AFDC recipients. Program components should include orientation, training, assessments, individual consulting, management assistance and financing. Local service providers will also need to address issues such as self-confidence, business skills such as negotiating and sales, and personal support systems.

Provided funding is available, this is anticipated to be a four-year demonstration project. The goal for the first phase is to establish 176 businesses at the end of the first two years of the project. The first phase will be a 24-month period from January 1, 1988 through December 31, 1989.

#### II. PROJECT FUNDING

The State of Minnesota will fund a portion of the first phase of the project through a state SEID contract. Those funds will be combined with local (public or private) dollars including federal JTPA dollars to finance the project through December 31, 1989. Funding for the final two years will be contingent on the initial progress of the program and local community support.

The state SEID funds will be granted according to the following guidelines and requirements:

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## State Contracts and Advertised Bids

1. That between 106 and 123 businesses are started in the multi-county metropolitan site between January 1, 1988 and December 31, 1989.

2. That between 53 and 70 businesses are started in the multi-county Greater Minnesota site between January 1, 1988 and December 31, 1989.

3. That the state SEID funds will pay approximately 40 percent of the total technical assistance costs which are estimated to be \$1,660 per business start-up. The service provider will be responsible for providing approximately 60 percent of those technical assistance dollars through local private and public dollars.

4. That the state SEID funds will pay up to 50 percent of each business loan. That total anticipated cost for business loans is based on an average loan size of \$3,300 per business start-up.

5. That state SEID funds for the metropolitan site will range from \$71,020 to \$82,410 (depending on the number of business start-ups) for the project's technical assistance needs. The SEID contract for the loan fund will range from \$130,698 to \$151,659 (depending on the number of business start-ups) for the metropolitan site.

6. That the state SEID funds for the Greater Minnesota site will range from \$35,510 to \$46,900 (depending on the number of business start-ups) for the project's technical assistance needs. The SEID funds for the loan fund will range from \$65,349 to \$86,310 (depending on the number of business start-ups) for the Greater Minnesota site.

### III. THE REQUEST FOR PROPOSAL

To apply to serve as a local service provider for the SEID project, please request a complete RFP by calling Mary Ann Tueber at the Office of Jobs Policy Coordination, State of Minnesota, 375 Jackson Street, Suite 475, St. Paul, Minnesota 55101. The phone number is (612) 296-2226.

All proposals must be sent to and received by Connie Lewis, Office of Jobs Policy Coordination, no later than 4:30 p.m. on Monday, November 23, 1987. Late proposals will not be accepted. Six copies must be submitted. Proposals are to be sealed in mailing envelopes as packages with the respondent's name and address clearly written on the outside.

### IV. DEPARTMENT CONTACTS

Any questions regarding the RFP should be directed to Connie Lewis, Office of Jobs Policy Coordination. The phone number is (612) 332-2149.

## Minnesota Department of Natural Resources

### Notice of Availability of Contract for Provision of Public Relations Services

The Minnesota Department of Natural Resources (DNR) Conservation Corps solicits proposals for the provision of public relations services to include the following:

- 1) Develop 4-page quarterly newsletter. (November, February, May, August)

Responsibilities: writing, editing, photography (including development) design, camera-ready production, printing liaison with State printer, collating, circulation, and updating of mailing list.

- 2) Develop 6-8 page annual report.

Responsibilities: graphics generation plus those cited for newsletter above. Scheduled date for completion, June 1988.

- 3) Re-program promotional slide show and audio tape.

Responsibilities: using existing slide show format, update certain graphic slides and edit/reproduce audio tape. Scheduled date for completion, March 1988.

- 4) Develop 4-color recruitment poster.

Responsibilities: same as those cited for newsletter above. Scheduled date for completion, January 1988.

The contractor will consult (in person and via phone) with DNR staff in St. Paul and elsewhere in Minnesota.

In submitting a proposal, the costs associated with the provision of the services listed above should be individually itemized.

All proposals received by the contract manager on or before 4:00 p.m. September 30, 1987 will be considered.

The Department, by this Request for Proposal, does not promise to accept the lowest, or any other proposal and specifically

## State Contracts and Advertised Bids

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reserves the right to reject any or all proposals, to waive any formal requirements, to reject any provision in any proposal, to obtain new proposals, or to proceed to secure services otherwise.

To submit a proposal and for further information, contact:

Larry P. Fonnest, Director  
Office of Youth Programs  
Minnesota Conservation Corps  
Department of Natural Resources  
St. Paul, Minnesota 55155-4004  
(612) 296-6195

## State Board of Vocational Technical Education Department of Jobs and Training, State Job Training Office

### Notice of Request for Pre-proposals for JTPA-Education Coordination Services for Special Needs Groups

The State Board of Vocational Technical Education and the State Job Training Office are seeking pre-proposals to provide job training services to individuals having identified special needs. These individuals include youth and/or adults who are handicapped (physically, mentally or emotionally including chemically dependent), minorities (including migrant workers), displaced homemakers, limited English speakers, single parents, offenders/ex-offenders, high school dropouts, public assistance recipients or farmers in crisis. All pre and full proposals should be jointly developed by local Job Training Partnership Action (JTPA) service delivery area agencies and local education agencies. Proposals must also include input from special needs, community agencies. The training services, which will be provided under contract, are outlined in the Request For Proposals (RFP). A two-stage process will be used to select programs for funding consideration. The first stage requires bidders to submit two-page pre-proposals for Committee consideration. The committee will then select pre-proposals, and the appropriate agencies will then be invited to submit full proposals for funding consideration.

Bidders' conferences will be conducted from 9:00-12:00 on October 20, 1987 at Mankato Technical Institute; October 22, 1987 at Brainerd Technical Institute and October 27, 1987 at Normandale Community College. The purpose of these meetings will be to discuss the RFP process and to answer any questions. For further information on these meetings or on the proposal application, contact Steve Frantz (612/296-8493). The RFP application package should be requested from:

Art Vadnais  
State Board of Vocational Technical Education  
Suite 400, Gallery Professional Building  
17 W. Exchange Street  
St. Paul, Minnesota 55102  
(612) 296-3753

Funds will be available statewide for these projects to operate from July 1, 1988 to June 30, 1989. Pre-proposals should be presented to the local JTPA service delivery area administrator no later than Friday, December 4, 1987 for review and approval by the local Private Industry Council. Pre-proposals must be **received** by Art Vadnais at the above address by **4:30 on Wednesday, January 6, 1988**.

## 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.

## Department of Corrections

### Addendum to Request for Applications for Funding under the Justice Assistance Act

The Minnesota Department of Corrections (DOC) will begin accepting applications immediately to provide: 1) victim assistance, victim/witness or juror programs, and 2) juvenile restitution programs.

A total of \$205,750 is available in each category for the period from January 1, 1988 to September 30, 1988. An additional \$157,750 is also available in each category for the period from October 1, 1988 to September 30, 1989. Local/state units of government and non-profit organizations in Minnesota interested in applying may secure an application form and guidelines from: Gail Wik, Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, Minnesota 55104.

Applications for funding will be accepted until 4:00 pm, October 23, 1987.

## **Department of Public Service**

### **Energy Division**

#### **Notice of Availability of Community Energy Council Grant Funds**

Pursuant to *Minnesota Rules* 4160.5100-4160.5900 the Department of Public Service announces that it is accepting applications for community energy council grants from cities and counties, individually, collectively, or through the exercise of joint powers agreements. The maximum amount of a grant to an individual applicant is \$30,000 for the first year and \$15,000 for the second year. The maximum amount of a grant to a joint application for the first year is \$30,000 for the first applicant and \$24,000 for each additional applicant to a maximum of \$80,000. The maximum amount of a grant to a joint application for the second year is \$15,000 for the first applicant and \$12,000 for each additional applicant up to a maximum of \$48,000. All grants require at least a ten percent local match, and prospective applicants are advised that higher levels of local match have been necessary to score competitively in previous grant cycles.

The total amount of funds available is \$1,499,751. The source of these funds is Exxon oil overcharge funds and interest. These funds were announced in previous cycles, and represent the remaining balance. Funds are available to support a variety of local energy programs in different energy use sectors.

Applications must be received no later than 4:30 p.m. on Monday, October 28, 1987, at the address given below.

Application forms, program rules and other information can be obtained by contacting:

Mark Schoenbaum  
Department of Public Service  
900 American Center Bldg.  
150 E. Kellogg Blvd.  
St. Paul, MN 55101  
(612) 297-3602

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## **Announcements**

**Insect Alert:** The Minnesota Department of Agriculture has advised farmers in southwest and west central Minnesota to check field corn for possible infestations of European corn borer, a destructive enemy of Minnesota corn. High concentrations of the insect have been reported by inspectors of the Minnesota Department of Agriculture Plant Industry Division in Yellow Medicine, Cottonwood and Lyon counties. Dr. Dharma Sreenivasam, the division's plant pest survey supervisor, said farmers with corn borer infestations should begin combining the corn as soon as possible to prevent loss. "Wet weather and soggy conditions are hampering combining," he said, "but it is the only choice to avoid damage by the insect at this late date." European corn borer surveys are now in progress in the south central and southeastern portions of Minnesota.

**Deer Hunters Donate \$1,800 for DNR Enforcement Training:** The Minnesota Deer Hunters Association (MDHA), North Suburban Chapter, last week presented a cash donation of \$1,800 to the Department of Natural Resources (DNR), to be used exclusively for DNR Conservation Officer training across the state. The check, presented by DHA officers to DNR Commissioner Joe Alexander and DNR Enforcement Director Leo Haseman in the commissioner's office, is the first contribution to the Gerald Kittridge Memorial Scholarship fund created to provide increased natural resources enforcement training opportunities, explained Jerry Udean, MDHA President. "The donation of this money is not only an appropriate memorial to a man who always stressed the need for enforcement training," Haseman said, "but also serves a step in a new direction for this special training for many COs to come. Because of this newly-established scholarship fund, we will be able to do a better job of providing our service to the public. This is an area which Gerry felt strongly about, and we hope the association, and others like it, will continue with this kind of support in the future," Alexander added. Joining Udean in presenting the check to the department were MDHA North Suburban Treasurer Frank Flack and State Director Lloyd Sinclair. The check represents the entire resources of the MDHA North Suburban Chapter, according to Flack.

## Announcements

**Flandrau State Park's CCC/WPA Picnic:** This year marks the 50th anniversary of Flandrau State Park. A celebration is being planned in conjunction with the New Ulm Octoberfest. Flandrau State Park was originally called Cottonwood State Park but the name was changed in 1945. It now honors Charles E. Flandrau, a prominent lawyer and Indian agent of the Minnesota River country during the 1860s. The Civilian Conservation Corps (CCC) and the Works Progress Administration (WPA) played an important role in developing the park during the 1930s. Later, during the early 1940s the Flandrau group camp was used for a German prisoner camp. People who worked in the park for these programs came from all over Minnesota. On Oct. 17, the park staff will invite those people who were involved with the parks development or early history to a potluck luncheon picnic. Families are welcome. People are encouraged to bring any memorabilia from those days past to share with others. Those interested in attending the picnic should contact Flandrau State Park at (507) 354-3519 or stop by the park office. If you are unable to attend the picnic but have information on the early history of Flandrau State Park or the CCC/WPA, please contact the park or the Brown County Historical Society. Early notes which have already been uncovered discuss the harvesting of ice on the river, the building of the beach house and the planting of trees. Today, Flandrau State Park is busy with construction of a new swimming pool, restoration work on trails and a cooperative erosion control project with the city. For more information, contact: Archie Daleiden, park manager, (507) 354-3519.

### Subscription Services

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

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

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 20.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 15.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$210.00	90-11
Human Services Bulletin List	\$ 30.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards	\$285.00	90-9	Workers Compensation Decisions	\$ 89.50	
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Vol. 38 (limited quantity)	\$ 95.00	90-13
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	\$135.00	18-8	Vol. 39		

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

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

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### Physicians Directory 1985

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Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

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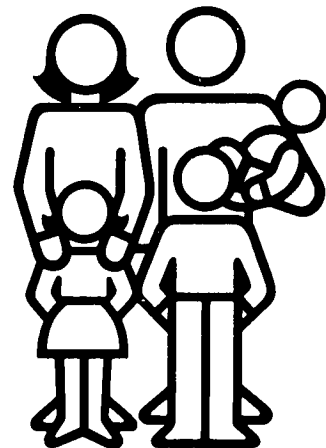
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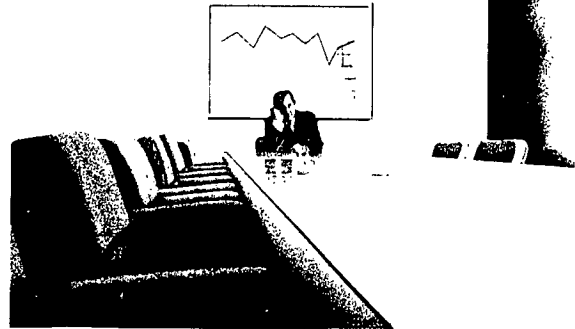


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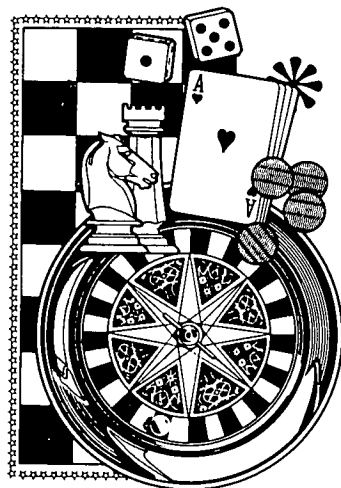
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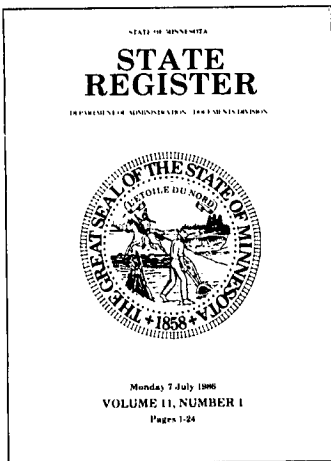
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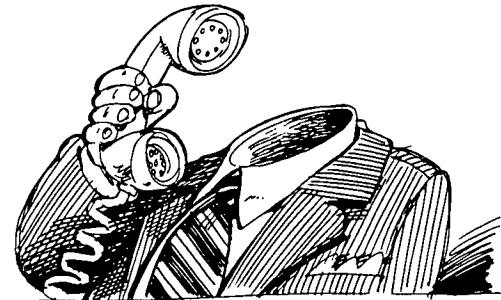
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