

State of Minnesota

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STATE REGISTER

Department of Administration—Documents Division



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STATE REGISTER

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

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

Volume 12 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
18	Monday 19 October	Monday 26 October	Monday 2 November
19	Monday 26 October	Monday 2 November	Monday 9 November
20	Monday 2 November	Monday 9 November	Monday 16 November
21	Monday 9 November	Monday 16 November	Monday 23 November

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

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Department of Administration**

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Minnesota Documents Division**

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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Minnesota Rules

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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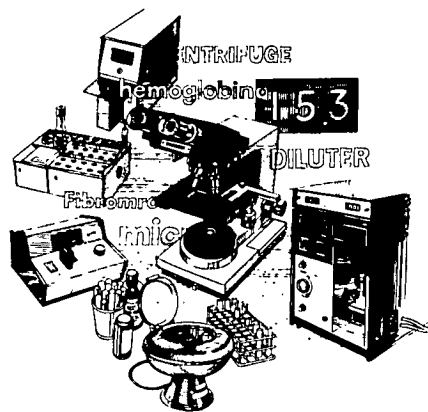
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Proposed Rules

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 Commerce

Proposed Permanent Rules Relating to Credit Life Insurance

Notice of Hearing

Notice is given that a public hearing will be held pursuant to *Minnesota Statutes* Section 14.14, subdivision 1 (1984), in the above-entitled matter in the Large Hearing Room, 500 Metro Square Building, St. Paul, Minnesota 55101, on December 10, 1987 at 9:00 a.m. and continuing until all persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements, briefs or written material may be submitted within the comment period described in this notice without appearing at the hearing by sending them to Administrative Law Judge, Jon Lunde, 5th Floor, Flour Exchange Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7645. The rule hearing procedure is governed by *Minnesota Statutes* Section 14.14-14.20 and by *Minnesota Rules* Parts 1400.0200-1400.1200, as amended (Amended Rules published at 9.SR.2276). Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

The Commissioner proposes to adopt amendments to the rules relating to the sale of credit life insurance. Authority for the adoption of these rules is contained in *Minnesota Statutes* Section 62B.12 and Section 45.023. A text of the proposed rules follows this notice in the *State Register*.

The proposed rules, if adopted, will govern the sale of credit life insurance—with particular emphasis on the rates charged.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Department of Commerce and is available at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all of the evidence and arguments which the Department 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 Department of Commerce or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Pursuant to *Minnesota Laws 1983*, chapter 188 codified as *Minnesota Statutes* Section 14.155, subdivision 2, the impact on small business has been considered in the promulgation of the rules. The rules will affect small businesses in respect to the accident and health insurance they provide their employees, members or subscribers. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in greater detail in the Statement of Need and Reasonableness.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to explain the purpose or intended operation of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rule may be modified.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to extend 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period will be available for review at the Office of Administrative Hearings. Following the five to twenty day comment period, there will be a three day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three day period. The written response will be added to the record of the proceeding.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available after which date the Department of Commerce 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 the 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 Department of Commerce at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Section 10A.01, 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 telephone (612) 296-5148.

One free copy of this Notice and the proposed rules may be obtained by contacting Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-5689. Additional copies will be available at the door on the date of the hearing.

Dated: October 16, 1987

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2760.0300 RATE LIMITATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Decreasing term credit life.** For decreasing term credit life insurance, a single premium of ~~60~~ 40 cents per annum per \$100 of initial insured indebtedness. A premium payable monthly at the rate of ~~92~~ 61.5 cents per \$1,000 of outstanding unpaid insured indebtedness will be deemed the actuarial equivalent of the foregoing rate. The premium rate standard set forth is applicable to a plan of death benefits with or without requirements for evidence of insurability:

A. that contains no exclusions, or no exclusions other than for suicide, flight in nonscheduled aircraft, war, or military service; and

B. contains no age restrictions, or only age restrictions making ineligible for the coverage debtors 65 or over at the time the indebtedness is incurred, or debtors who will have attained age 66 or over on the maturity date of the indebtedness.

Subp. 3. **Level amount credit life.** For level amount term credit life insurance, a single premium of ~~\$1.11~~ 73.8 cents per annum per \$100 of initial insurance. A premium payable monthly at the rate of ~~92~~ 61.5 cents per \$1,000 of initial insurance will be deemed the actuarial equivalent of the foregoing rate. The premium rate standard set forth is applicable to a plan of death benefits, with or without requirements for evidence of insurability that:

A. contains no exclusions, or no exclusions other than for suicide, flight in nonscheduled aircraft, war, or military service; and

B. contains no age restrictions, or only age restrictions making ineligible for the coverage debtors 65 or over at the time the indebtedness is incurred, or debtors who will have attained age 66 or over on the maturity date of the indebtedness.

Subp. 4. **Decreasing term joint credit.** For decreasing term joint credit life insurance, a single premium of ~~\$1~~ 66.7 cents per annum per \$100 of initial insured indebtedness. A premium payable monthly at the rate of ~~\$1.54~~ 102.6 cents per \$1,000 of initial

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

Proposed Rules

joint credit life insurance will be deemed the actuarial equivalent of the foregoing rate. The premium rate standard set forth above is applicable to a plan of death benefits, with or without requirements for evidence of insurability that:

A. contains no exclusions, or no exclusions other than for suicide, flight in nonscheduled aircraft, war, or military service; and

B. contains no age restrictions, or only age restrictions making ineligible for the coverage debtors 65 or over at the time the indebtedness is incurred, or debtors who will have attained age 66 or over on the maturity date of the indebtedness.

Subp. 5. to 9. [Unchanged.]

Subp. 10. [See repealer.]

Subp. 10a. New policies. This part applies to all individual credit insurance policies sold after the date which is 30 days after the notice of adoption of this part is published in the State Register, and to all debtors enrolled under group certificates or policies issued or renewed after that date.

Subp. 11. [Unchanged.]

REPEALER. Minnesota Rules, part 2760.0300, subpart 10, is repealed.

Department of Commerce

Proposed Permanent Rules Relating to Credit Unions

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 52.05.

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

Any person may make a written request for a public hearing 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 hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

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

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

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

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)**2675.6400 SMALL GROUP ELIGIBILITY**

Subpart 1. **Small group identification.** A small group is one that:

- A. has a common bond as defined in Minnesota Statutes, section 52.05, subdivision 1;
- B. cannot feasibly form and maintain a credit union with its own membership; and
- C. has 25 of its residents sign a petition making application to join another credit union.

Subp. 2. **Application procedure.** Residents of this state may apply in writing by including the following information:

- A. the basis on which the undersigned residents or individuals represent the small group;
- B. a description of the basis of common bond affinity of the members of the petitioning group consistent with Minnesota Statutes, section 52.05, subdivision 1;
- C. a count or reasonable estimate of the potential numbers of the group, the basis on which the potential number was determined, and certification that the group is not part of an existing group or an existing credit union;
- D. identification of any existing credit union to which portions of petitioners belong or any common employer which qualifies them for membership in an existing credit union;
- E. if the members of the group are part of a common bond of an existing credit union, a waiver or consent from the board of directors of the existing credit union that states that the credit union has no objection to the applicants' certification as a small group eligible to petition another existing credit union for membership; and
- F. a statement that the group will not permit its members to be used as a means to circumvent the common bond requirement in Minnesota Statutes, chapter 52.

Subp. 3. **Groups with fewer than 1,500 potential members.** Groups with fewer than 1,500 potential members will be considered too small to be feasible as a separate credit union unless:

- A. the group desires to form its own credit union;
- B. the group cannot obtain an agreement from an existing credit union to be a part of it; or
- C. the group is being used by itself or a third party as a means to circumvent the common bond requirements of Minnesota Statutes, section 52.05, subdivision 1.

Subp. 4. **Groups with more than 1,500 potential members.** A group with more than 1,500 potential members will also be considered as a small group if it otherwise can comply with subpart 2.

Subp. 5. **Approval.** Upon receipt of a complete application from a group, the commissioner shall, within 30 days of receipt of the complete application, approve or disapprove it. If disapproved, the commissioner shall provide the applicants with a written explanation on which the denial was based. The commissioner may ask for additional information or statements at any time before the application is considered complete.

Subp. 6. **Subsequent action by an existing credit union.** An existing credit union, to qualify for approval of a bylaw amendment to include a small group in its field of membership, must demonstrate:

- A. that the small group potential membership is located within a reasonable distance from the credit union;
- B. if the geographical relationship is not otherwise reasonable, that the existing credit union and representatives of the small group have a plan of operation to facilitate the servicing of the members; and
- C. that no existing credit union within the geographic distance of the small group is as capable of serving the small group potential membership in terms of benefits, affinity of membership, asset mix, or service.

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Proposed Rules

Department of Commerce

Proposed Permanent Rules Relating to Real Estate Broker Education Courses

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 82.28.

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

Any person may make a written request for a public hearing 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 hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

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

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

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

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2800.2100 COURSE COMPLETION CERTIFICATES FOR SALESPERSON'S AND BROKER'S LICENSE.

Applicants for a salesperson's license shall submit to the commissioner, along with their application for licensure, a copy of the course completion certificate for courses I, II, and III.

Applicants for a broker's license shall submit to the commissioner, along with their application for licensure, a course completion certificate for the broker's course.

Students are responsible for maintaining copies of course completion certificates.

2800.5100 PRELICENSE EDUCATION.

An approved course of prelicense education shall consist of three 30-classroom-hour courses to be designated as course I, course II, and course III. Pursuant to *Minnesota Statutes*, section 82.22, subdivision 6, each applicant for a salesperson's license or sales-

person is required to complete all courses successfully. Courses I, II, and III must be taken in sequence and may not be taken concurrently.

Pursuant to Minnesota Statutes, section 82.22, subdivision 6, paragraph (d), each applicant for a broker's license is required to complete a broker's course consisting of 30 hours within six months prior to the date of application.

2800.5600 LIMITATIONS ON COURSE SUBSTITUTIONS.

No course may be substituted for course I or the broker's course. Written requests for substitutions for courses II and III shall be granted if the request is submitted no later than 30 days prior to the date upon which that education is due to be completed, if:

A. the salesperson is engaged exclusively in a specialized field, such as property management, and the course proposed to be substituted for course II or III provides the student with at least 30 hours of instruction in that field; or

B. the salesperson demonstrates successful completion of a course that is substantially similar to course II or III.

2800.5700 LIMITATION ON USE TOWARD CONTINUING EDUCATION COURSES.

Courses I and II may not be taken for credit toward a licensee's continuing education requirements.

Any course III or broker's course may be taken for credit toward a licensee's continuing education requirements if the licensee has not previously received credit for that course or a substantially similar course.

2800.5900 COMPLETION OF INITIAL EDUCATION.

Successful completion of courses I, II, and III and the broker's course includes full-time classroom attendance throughout the course, completion of required assignments or reading materials if applicable, and passage of an examination designed by the sponsor that is sufficiently comprehensive to measure the student's knowledge of all aspects of the course.

Rules as Proposed (all new material)

2800.6700 BROKER'S COURSE OBJECTIVE.

The objective of the broker's course is to provide the fundamental knowledge necessary to ensure that a new or existing broker operates in compliance with federal and state laws to assure the protection and interest of the consumer.

2800.6710 BROKER'S COURSE HOURS.

The broker's course consists of the following number of hours for each topic indicated, for a total of 30 hours:

- A. agency, 7-1/2 hours;
- B. planning, 7-1/2 hours;
- C. personnel, five hours;
- D. accounting, five hours; and
- E. legal liability, five hours.

2800.6720 BROKER'S COURSE CURRICULUM.

Subpart 1. **Generally.** The broker's course curriculum is based on the outline contained in subparts 2 to 5.

Subp. 2. **Agency.** The agency course must include:

- A. Agency relationships:
 - (1) parties; and
 - (2) law of agency.
- B. Listing agreement:
 - (1) parties;
 - (2) essential elements;
 - (3) types;

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Proposed Rules

- (4) compensation/anti-trust; and
- (5) termination.

C. Broker's financial responsibilities:

- (1) trust account:
 - (a) deposit and release;
 - (b) recordkeeping; and
 - (c) rules/legal requirements; and
- (2) closing:
 - (a) overview HUD-1 settlement statement; and
 - (b) broker's role and responsibilities.

D. Anti-discrimination:

- (1) federal;
- (2) state;
- (3) local; and
- (4) affirmative fair housing.

E. Compensation:

- (1) rates/anti-trust;
- (2) agency representation (broker/salesperson-client/customer); and
- (3) license terminations and transfer.

F. Brokering authority includes:

- (1) loan brokers;
- (2) property management;
- (3) business brokerage;
- (4) residential; and
- (5) commercial.

G. Licensing:

- (1) dates;
- (2) prelicense education; and
- (3) continuing education.

Subp. 3. **Planning.** The planning course must include:

A. Business plan:

- (1) situation analysis:
 - (a) population and growth potential;
 - (b) employment demand;
 - (c) housing market;
 - (d) economic base;
 - (e) available mortgage money;
 - (f) local government; and
 - (g) commercial real estate demand;
- (2) mission statement:
 - (a) market to be served;
 - (b) scope and size of company;

- (c) resources needed;
- (d) benefit to consumer; and
- (e) goals;
- (3) objectives:
 - (a) long term; and
 - (b) short term;
- (4) strategies:
 - (a) reaching long-term objectives; and
- (5) tactics: reaching short-term goals consistent with long-term objectives.

B. Legal organization:

- (1) make certain corporate name has been properly searched and registered with the state of Minnesota;
- (2) S corporation (important to file within 75 days of actual incorporation);
- (3) partnerships, pros and cons; one of the single biggest reasons for the new real estate offices failing is partnerships;
- (4) sole proprietorship;
- (5) franchises, pros and cons; and
- (6) ownership and control:
 - (a) legal relationship with nonlicensed owners;
 - (b) legal relationship with licensed owners; and
 - (c) staff relationships:
 - (i) managers and designated brokers;
 - (ii) independent contractors; and
 - (iii) employees.

C. Insurance:

- (1) why needed;
- (2) general insurance coverage for liability and equipment;
- (3) errors and omissions:
 - (a) carriers;
 - (b) policy considerations:
 - (i) deductible per transaction;
 - (ii) rates, based on volume or number of transactions; and
 - (iii) renewal option;
 - (c) warranty programs; and
 - (d) errors and omissions coverage.

D. Other broker specialties:

- (1) property management;
- (2) relocation;
- (3) mortgage banking;
- (4) insurance;
- (5) residential;

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Proposed Rules

- (6) business brokerage;
- (7) loan brokers;
- (8) securities/investment advisors; and
- (9) others.

Subp. 4. **Personnel.** The personnel course must include:

A. Licensee and employee relationships:

- (1) independent contractors;
- (2) employees;
- (3) health and life insurance;
- (4) reviews;
- (5) job description;
- (6) wages and hours;
- (7) withholding/FICA;
- (8) insurance:
 - (a) unemployment compensation;
 - (b) workers' compensation; and
 - (c) health and life;
- (9) employment of minors;
- (10) reviews;
- (11) human rights; and
- (12) company guidelines and procedures manual.

B. Management:

- (1) approaches to management;
- (2) developing support through management; and
- (3) participating in professional organizations and community service.

C. Selection of competent associates:

- (1) develop profile of sales associate;
- (2) sources, internal and external;
- (3) interviewing process:
 - (a) purpose of interview/job expectations; and
 - (b) review work history;
- (4) qualification considerations; and
- (5) legal considerations when hiring.

D. Training and continuing education:

- (1) benefits;
- (2) objectives;
- (3) methods;
- (4) aids and material;
- (5) new agent training versus experienced agent training;
- (6) who trains;
- (7) evaluation:

- (a) measuring performance; and
- (b) feedback;
- (8) reasons to counsel; and
- (9) counseling guidelines.
- E. Termination responsibilities:
 - (1) when termination should take place;
 - (2) voluntary, they terminate you;
 - (3) involuntary, you terminate them;
 - (4) who does the terminating;
 - (5) the exit interview;
 - (6) responsibilities of management; and
 - (7) develop termination checklist, for example:
 - (a) pending transactions;
 - (b) forwarding address; and
 - (c) turn in license to the Commerce Department.

Subp. 5. Accounting. The accounting course must include:

- A. Financial considerations:
 - (1) accounting system, cash or accrual: delegate someone to set up bookkeeping system;
 - (2) checking accounts:
 - (a) trust account;
 - (b) commission account; and
 - (c) general operating account;
 - (3) budgets:
 - (a) cash budgets;
 - (b) capital expenditure budgets; and
 - (c) reserve and expense budgets;
 - (4) balance sheets:
 - (a) assets, current versus fixed;
 - (b) liabilities, current versus long term; and
 - (c) owner's equity;
 - (5) income and expense statements:
 - (a) types;
 - (b) measures; and
 - (c) break-even analysis; and
 - (6) associate compensation:
 - (a) compensation plan; and
 - (b) accounting/tracking.

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Proposed Rules

B. Dealing with banks:

- (1) initial balance sheet on new firm;
- (2) personal financial statements;
- (3) two to three years previous federal tax returns; and
- (4) market or business plan.

C. Financial terminology:

- (1) revenue;
- (2) costs;
- (3) income and profits;
- (4) fixed and variable costs;
- (5) cash flow;
- (6) company dollar;
- (7) cash accounting; and
- (8) accrual accounting.

D. Government regulations:

- (1) IRS:
 - (a) reporting and deposits; and
 - (b) FICA; and
- (2) Minnesota Department of Revenue: reporting and deposits.

Subp. 6. **Legal liabilities.** The legal liabilities course must be five hours and include in the area of external public liabilities:

- (A) principles of agency;
- (B) common liability areas:
 - (1) contract;
 - (2) negligence;
 - (3) fraud; and
 - (4) securities/investment advice; and
- (C) insurance.

REPEALER. Minnesota Rules, part 2800.2175, is repealed.

Hazardous Substance Injury Compensation Board

Proposed Permanent Rules Relating to Death Benefits

Notice of Proposed Adoption of a Rule Without a Public Hearing

Notice is hereby given that the State Hazardous Substance Injury Compensation Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* Section 115B.34, subdivision 1(d) (1986).

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

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

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

Virginia L. Reiner
Hazardous Substance Injury Compensation Board
2700 University Avenue West, #115
St. Paul, Minnesota 55114
612/642-0455

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request by writing or telephoning the Board's office at the address or telephone number listed above.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, have an impact on agricultural land or an impact on small businesses.

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

Virginia L. Reiner
Executive Director
Hazardous Substance Injury Compensation Board

Rules as Proposed (all new material)

7190.1000 DEFINITIONS.

DEATH BENEFITS

Subpart 1. **Board.** "Board" means the Hazardous Substance Injury Compensation Board established by Minnesota Statutes, section 115B.26.

Subp. 2. **Claimant.** "Claimant" means a person who suffered an eligible personal injury as defined in Minnesota Statutes, section 115B.30, subdivision 1.

Subp. 3. **Value of household labor.** "Value of household labor" means the value determined by parts 7190.0100 to 7190.0108.

Subp. 4. **Wage.** "Wage" means the average gross weekly wage received by the claimant for the highest three of the five years immediately preceding death or the date of diagnosis of the injury causing the death, whichever is greater. If the claimant was self-employed, wage means the income of the claimant from the business for the highest three of the five years immediately preceding death or the date of diagnosis of the injury causing the death, whichever is greater. The claimant's dependents may request the board use the date of the exposure to the hazardous substance to calculate the wage, if the dependents document the date of exposure.

7190.1005 PAYMENT OF CLAIMS WHEN CLAIMANT DIES.

Subpart 1. **Death occurring during investigation.** If a claimant dies from an eligible injury during the investigation of the claim, the board shall amend the claim so that it seeks compensation for the claimant's estate for medical expenses and death benefits for the claimant's dependents. If the death of the claimant during the investigation is unrelated to the eligible injury, the board shall amend the claim to compensate the claimant's dependents for eligible losses due to the injury up to the date of death.

Subp. 2. **Death occurring during payout.** If a claimant who is receiving compensation from the board dies, the board shall pay the remaining compensation due the claimant to the dependents in the order of the subparts in part 7190.1015. If there are no dependents, the board shall pay the remaining compensation to the claimant's estate.

Subp. 3. **Death after award.** If a claimant has received compensation from the board for future loss of wages and household labor due to the injury that caused the death, the board shall not accept a claim for death benefits.

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Proposed Rules

7190.1010 PRIORITY FOR DEATH BENEFITS.

The board shall pay death benefits to eligible dependents of a claimant in the following order:

- A. allowances to presumed dependents;
- B. allowances to wholly supported established dependents in the order in part 7190.1015; and
- C. allowances to partially supported established dependents in the order in part 7190.1015.

7190.1015 ELIGIBLE DEPENDENTS.

Subpart 1. **Presumed dependents.** The board shall presume that the following persons are wholly supported dependents of the claimant:

- A. the spouse, unless it is shown that the spouse and claimant were voluntarily living apart at the time of the injury or death;
- B. a child under 18 years old;
- C. a child under 25 years old if regularly attending an accredited educational institution on a full-time basis; and
- D. a child 18 years old or older if physically or mentally incapacitated from earning.

Subp. 2. **Established dependents.** The board shall consider, in the following order, these persons as dependents of the claimant if the persons establish that the claimant contributed regularly to their support:

- A. a child 18 years old or older;
- B. a parent;
- C. a grandparent;
- D. a grandchild;
- E. a sibling; and
- F. a parent-in-law.

7190.1020 FACTORS GOVERNING AWARD OF DEATH BENEFITS.

Subpart 1. **Limitations.** The board shall award death benefits to presumed and established dependents until two-thirds of the claimant's wage is allocated. The board shall adjust any award of death benefits according to the limitations of Minnesota Statutes, sections 115B.34, subdivision 1, clause (d) and 115B.36. The benefit paid to established dependents shall not exceed the actual contribution by the claimant to their support.

Subp. 2. **Initiation.** The board shall calculate death benefits from the onset of disability leading to the death of the claimant or from the date of death, taking into consideration when the claimant's financial capability to provide reasonable support for the dependents diminished.

Subp. 3. **Determination of dependents.** The board shall determine the eligibility of a dependent based on the facts existing on the date of the board's decision.

Subp. 4. **Lump sum payment.** When the board chooses to pay death benefits in a lump sum, it shall discount benefits awarded for future years to current value according to Minnesota Statutes, section 604.07, subdivision 4, clauses (1) and (2).

Subp. 5. **Installment payment.** When the board chooses to pay death benefits in installments, it shall adjust future payments by the cost of living rate for the current year according to Minnesota Statutes, section 604.07, subdivision 4, clause (2).

Subp. 6. **Collateral sources.** In calculating the total award of death benefits, the board shall subtract from the award losses recouped by the dependents from any government survivor program.

7190.1025 ELIGIBLE ALLOWANCES FOR PRESUMED DEPENDENTS.

Subpart 1. **Spouse, no dependent children.** If the claimant leaves a spouse and no dependent children, the board shall pay to the spouse for ten years one-half of the claimant's wage and one-half the value of the claimant's household labor.

Subp. 2. **Spouse, one dependent child.** If the claimant leaves a spouse and one dependent child, the board shall pay to the spouse for ten years, for the benefit of the spouse and child, three-fifths of the claimant's wage and three-fifths the value of the claimant's household labor. If the child is not dependent for ten years, the board shall pay to the spouse one-half the claimant's wage and one-half the value of the claimant's household labor in the years remaining after the child is no longer dependent. If the child is dependent for more than ten years, the board shall pay to the spouse for the child one-half of the claimant's wage and one-half the value of the claimant's household labor until the child is no longer dependent.

Subp. 3. **Spouse, two or more dependent children.** If the claimant leaves a spouse and two or more dependent children, the

board shall pay to the spouse for ten years, for the benefit of the spouse and children, two-thirds of the claimant's wage and two-thirds the value of the claimant's household labor. If no child remains dependent for ten years, the board shall pay to the spouse one-half the claimant's wage and one-half the value of the claimant's household labor in the years remaining after the last child is no longer dependent. If a child is dependent for more than ten years, the board shall pay to the spouse, for the benefit of the child, one-half of the claimant's wage and one-half the value of the claimant's household labor.

Subp. 4. **Dependent children, no spouse.** If the claimant leaves a dependent child and no spouse, the board shall pay to the guardian of the child 55 percent of the claimant's wage and 55 percent of the value of the claimant's household labor; and for two or more children, the board shall pay to the guardian of the children two-thirds of the claimant's wage and two-thirds the value of the claimant's household labor until the last child is no longer dependent.

7190.1026 ELIGIBLE ALLOWANCES FOR ESTABLISHED DEPENDENTS.

Subpart 1. **Parents.** If the claimant leaves both parents wholly dependent on the deceased, the board shall pay to both parents jointly for ten years, 45 percent of the claimant's wage. If only one parent survives, the board shall pay to that parent for ten years 35 percent of the claimant's wage. If the claimant lived in the same household as both parents immediately before death, the board shall pay for ten years, 45 percent of the value of the claimant's household labor to both parents jointly. If the claimant lived in the household of one parent immediately before death, the board shall pay 35 percent of the value of the claimant's household labor to that parent for ten years.

Subp. 2. **Other established dependents.** If the claimant leaves a child, grandparent, grandchild, sibling, or parent-in-law wholly dependent, the board shall pay to that dependent for ten years, 30 percent of the claimant's wage. If the claimant leaves more than one of them, the board shall pay 35 percent of the claimant's wage divided among them in equal shares.

Subp. 3. **Partial support.** If an established dependent regularly received only partial financial support from the claimant, the board shall adjust the eligible allowance in subparts 5 and 6 according to the following formula:

$$b = A \times c/w$$

where: b is the benefit to be awarded;

A is the eligible allowance to the dependent;

c is the amount of weekly contribution to the dependent by the claimant; and

w is the wage of the claimant.

Subp. 4. **Cessation of compensation.** The board shall cease compensation upon the death of any dependent or upon marriage of any dependent other than the spouse. The cessation of compensation to any dependent does not affect the compensation paid to any other dependent.

Department of Public Safety

Driver and Vehicle Services Division

Withdrawal of Previously Proposed Permanent Rules Relating to Driver License Revocation

Notice of Withdrawal of Rules

Notice is hereby given that the proposed rules relating to driver license revocation as published in the *State Register* on September 7, 1987 at pages 409 and 410 (CITE 125.R.409) are withdrawn.

Secretary of State

Proposed Permanent Rules Relating to Bonding of Vendors

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Secretary of State proposes to adopt the above-entitled rules without a public hearing. The Secretary

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Proposed Rules

has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, sections 14.21 to 14.28.

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

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the Secretary of State will proceed according to the provisions of *Minnesota Statutes*, sections 14.13 to 14.18.

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

Jeffrey Sigurdson
Election Procedures Assistant
180 State Office Building
St. Paul, MN 55155-1299
(612) 296-2805

Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 206.57. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Election Division upon request.

The Elections Division has considered the effect on small businesses, as required by *Minnesota Statutes* 14.115 (1986) and has determined that the effect will be minimal as the bonding requirements apply only to those businesses that sell or support voting equipment or programs in Minnesota. Further the Elections Division believes that small businesses will benefit from reduced bonding requirements in that the bonding with the state will eliminate the need to bond with each county the business has dealings with. Also pursuant to *Minnesota Statutes*, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor will the adoption of these rules result in additional spending by local public bodies in excess of \$100,000 per year, for the first two years following the adoption of these rules.

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

The rules proposed for adoption are as follows:

Rules as Proposed

8220.0650 APPROVAL OF MACHINES OR SYSTEMS.

Subpart 1. **Certification.** If, from the reports of the demonstration and testing, the secretary of state determines that the machine or system complies with Minnesota statutes and parts 8220.0050 to 8230.4250 and can be used safely at elections, the secretary of state shall issue to the vendor a certification of the machine or system for use in Minnesota. The certification must be limited to specific hardware and software configurations and may not extend to models or configurations not examined. The certification may include stipulations or special procedures for use of the machine or system. No certification may be issued until the vendor has:

A. and B. [Unchanged.]

C. certified that the vendor will immediately notify the secretary of state of any modifications to the machine or system and will not offer for sale or provide for use in Minnesota any modified machine or system if the secretary of state advises the vendor that, in the opinion of the secretary, the modifications constitute a significant change requiring that the machine or system be reexamined; ~~and~~

D. deposited with the secretary of state a copy of all programs, documentation, and source code. If the vendor considers this data proprietary, the secretary of state shall maintain the integrity and security of the data; and

E. deposited with the secretary of state a bond in the amount of \$5,000 conditioned on the vendor offering the machine or system for sale in the manner required by parts 8220.0050 to 8230.4450 and any conditions under which the machine or system is certified for use in Minnesota. The form of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the machine, system, or program is discontinued in Minnesota.

Subp. 2. [Unchanged.]

Subp. 3. Forfeiture of bond. If the secretary of state determines that a vendor has offered for sale or use at an election a voting machine or system in a manner other than that required by parts 8220.0050 to 8230.4450 or any conditions under which the machine or system was certified, the bond required by subpart 1, item E, must be forfeited. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. No machine or system may be subsequently offered for sale or use at any election until the vendor has submitted an additional bond in the amount of \$5,000. The secretary of state shall notify each official on the user list of any receipt, forfeiture, or restoration of these bonds.

8220.0800 PROGRAM PREPARATION BONDS.

Subpart 1. Amount of bonds. Each vendor preparing programs for use with an electronic voting system shall deposit a bond with the secretary of state in the amount of \$5,000. The form of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the machine, system, or program is discontinued in Minnesota.

Subp. 2. Forfeiture of bonds. If the secretary of state determines that a program used with an electronic voting system was not prepared in the manner required by parts 8220.0050 to 8230.4450 and the written instructions of the official responsible for preparation of the ballots, all or part of the bond required in subpart 1 may be forfeited. The secretary of state shall determine if all or part of the bond must be used to compensate the election jurisdiction for any actual costs incurred as a result of the improper program. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. At the discretion of the secretary of state, the bond posted by the vendor as required by part 8220.0650 may also be used for compensation to the election jurisdiction. The secretary of state shall notify each official on the user list of any receipt, forfeiture, or restoration of these bonds.

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the Secretary of State will proceed according to the provisions of *Minnesota Statutes*, section 14.13 to 14.18.

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

Grace Haukoos
Election Division Director
180 State Office Building
St. Paul, MN 55155-1299
(612) 296-9217

Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 206.57. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Election Division upon request.

You are advised, pursuant to *Minnesota Statutes*, section 14.115 "Small business consideration in rulemaking", that the proposed

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Proposed Rules

rules will not have an impact on small business in Minnesota. Also, pursuant to *Minnesota Statutes*, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor will the adoption of these rules result in additional spending by local public bodies in excess of \$100,000 per year, for the first two years following the adoption of these rules within the meaning of that law.

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

The rules proposed for adoption are as follows:

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

- A. the name or description of the municipality or unorganized territory;
- B. the date of the election and the dates that ballots will be mailed;
- C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;
- D. the times, places, and manner in which voted ballots can be returned;
- E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;
- F. the place and time for counting of ballots; and
- G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot, as provided in Minnesota Statutes, sections 203B.04 and 203B.06. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot

may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in
.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

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I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both

.....
(date)

.....
(legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

- a. any eligible voter of the county where you reside;
- b. a notary public;
- c. a United States postmaster, assistant postmaster, postal supervisor, or clerk of a postal contract station; or
- d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

.....
(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of

.....
(name of township or territory)

that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

.....
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

.....
(date)

.....
(legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title if witness is an official)

Department of Commerce

Proposed Permanent Rules Relating to Petroleum Tank Release Compensation Board

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Petroleum Tank Release Compensation Board intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. The statutory authority to adopt the rule is *Minnesota Statutes* § 115C.07 subd. 3.

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

Any person may make a written request for a public hearing 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 hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Heidi Almquist
Executive Director
Petroleum Tank Release Compensation Board
500 Metro Square Building
St. Paul, MN 55101
(612) 297-3238

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

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

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

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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 Heidi Almquist.

Rules as Proposed (all new material)

2890.0010 DEFINITIONS.

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

Subp. 2. **Agency.** "Agency" means the Pollution Control Agency.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subp. 4. **Corrective action.** "Corrective action" means an action taken to minimize, eliminate, or clean up a release to protect the public health and welfare or the environment.

Subp. 5. **Person.** "Person" means an individual, partnership, association, public or private corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state.

Subp. 6. **Responsible person.** "Responsible person" means a person who is an owner or operator of a tank at any time during or after the release.

2890.0020 BOARD MEETINGS; TIME, PLACE, NOTICE.

Subpart 1. **Regular meetings.** A regular meeting of the board must be scheduled at least four times a year. A scheduled meeting may be canceled if there is insufficient business. A meeting may be called by the chair or by written request of three board members. Written notice of the meeting as to time and place must be given to board members at least five days before a regular meeting. Between regular meetings, business may be conducted by mail.

Subp. 2. **Special meetings.** The chair shall attempt to give five days' notice before a special meeting. The board may waive the five-day notice requirement.

2890.0030 VICE-CHAIR.

A vice-chair shall be elected by the board. The vice-chair shall preside at regular and special meetings in the absence of the chair and perform other duties assigned by the board.

2890.0040 CONDUCT OF MEETINGS.

Subpart 1. **Quorum.** A quorum shall consist of three board members.

Subp. 2. **Proxies.** An absent member may assign a proxy, in writing, to another board member. Proxies shall count toward a quorum.

Subp. 3. **Minutes.** Meetings shall be tape recorded and minutes prepared by staff.

Subp. 4. **Parliamentary procedure.** Except as specifically provided by statute or negotiation, Robert's Rules of Order shall govern questions that may arise at a meeting of the board.

2890.0050 CONFLICT OF INTEREST.

A member of the board who has a direct or indirect financial or employment interest relating to a matter before the board, which interest is reasonably likely to affect impartiality or judgment in the matter, shall make known the interest and shall refrain from participating in, or voting upon, the matter. The abstention of a board member or members shall not prevent the remaining members from conducting a legal vote.

2890.0060 REIMBURSEMENT OF COSTS.

Subpart 1. **Generally.** Each responsible person who has taken corrective action in response to a release reported on or after June 4, 1987, may apply to the board for partial reimbursement of eligible costs.

Subp. 2. **Conditions for reimbursement.** A reimbursement may not be made unless the board determines that:

A. the commissioner has determined that the corrective action has adequately addressed the release and that the release no longer poses a threat to public health and welfare or the environment;

B. at the time of the release the tank was in compliance with state and federal rules and regulations applicable to the tank, including rules or regulations relating to financial responsibility.

C. the agency was given notice of the release as required by Minnesota Statutes, section 115.061;

D. the responsible person, to the extent possible, fully cooperated with the agency in responding to the release; and

E. if the responsible person is an operator, the person exercised due care with regard to operation of the tank, including maintaining inventory control procedures.

Subp. 3. **Multiple responsible persons.** If there is more than one responsible person who incurs eligible corrective action costs for a single release or at a single corrective action site, each responsible person must apply separately for reimbursement. The reimbursement available to each applicant shall be 75 percent of the applicant's total eligible costs greater than \$10,000 and less than \$100,000.

2890.0070 ELIGIBLE COSTS.

Costs associated with the following corrective actions may be eligible for reimbursement from the fund:

A. Emergency response and initial site hazard mitigation. Costs may include, but are not limited to, those necessary to abate acute risks to human health, safety, and the environment.

B. Temporary site hazard control measures. Costs may include, but are not limited to, temporary provision of drinking water and housing, initial abatement of vapors, and removal of free product.

C. Investigation and source identification including, but not limited to, collecting and analyzing soil samples, testing the groundwater, testing adjacent drinking water supplies, tank integrity testing, and engineering services.

D. Development of a corrective action plan in accordance with the commissioner's requirements.

E. Clean-up of releases including, but not limited to, removal, treatment, or disposal of surface and subsurface contamination and provision of a permanent alternative water supply. Clean-up must be performed in accordance with a corrective action plan approved by the commissioner.

F. Removal or closure in place of the tank that is the source of the release.

It is the responsibility of the applicant to prove the reasonableness of all incurred eligible costs.

2890.0080 INELIGIBLE COSTS.

All costs associated with actions that do not minimize, eliminate, or clean up a release to protect the public health and welfare or the environment are ineligible costs. Ineligible costs include, but are not limited to, any costs related to the permanent repair or replacement of a tank, upgrading tanks, loss of income, attorney's fees, permanent relocation of residents, decreased property values, reimbursement for the responsible person's own time spent in planning and administering a corrective action plan, aesthetic improvements, or any work performed that is not in compliance with safety codes including but not limited to Occupational Safety and Health Administration requirements, well codes, and fire codes.

2890.0090 APPLICATION PROCESS.

Subpart 1. **Applications.** A person who requests compensation from the fund shall complete, sign, and submit to the board a written application. The application shall be made on a form prescribed by the board and shall contain at least the following:

A. the name of the responsible person making the application;

B. a description of the site of the release;

C. a copy of the corrective action plan and the commissioner's approval of the plan; and

D. an itemized list of all corrective actions taken, the eligible costs associated with the actions, and the name of the engineer, contractor, or subcontractor who performed the action.

Subp. 2. **Time of application.** The application and all accompanying documentation must be received by the board's office 30 days before a board meeting in order for reimbursement to be considered at that meeting. The board may waive the 30-day requirement, if it finds that undue financial hardship to the applicant will result if action is delayed until the next regular meeting.

Subp. 3. **Subsequent applications.** An eligible responsible person who has already obtained partial reimbursement from the board and who has incurred additional or continuing eligible costs due to the same release may reapply if:

A. the amount of the person's original reimbursement was less than 75 percent of the eligible costs between \$10,000 and \$100,000.

B. the eligible costs submitted on a subsequent application are not related to any new releases at the site. The total reimbursement

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to a responsible person for a release shall not exceed 75 percent of the total eligible costs between \$10,000 and \$100,000 regardless of the number of applications for reimbursement submitted by the responsible person.

Subp. 4. **Signatures.** An application must be signed as follows:

A. for a corporation, by a principal executive officer of at least the level of vice-president or the duly authorized representative or agent of the executive officer if the representative or agent is responsible for the overall operation of the facility that is the subject of the application or a person whom the board of directors designates by means of a corporate resolution;

B. for a partnership, sole proprietorship or individual, by a general partner, the proprietor, or individual respectively; or

C. for a municipality, state, federal, or other public agency, by either a principal, executive officer, or ranking elected official.

Subp. 5. **Certification.** A person who signs an application for reimbursement shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that I have the authority to submit this application on behalf of"

Subp. 6. **Report of the commissioner.** Upon notification by the board's staff that a complete application has been received, the commissioner shall, in a timely manner, provide the board with a written report on the applicant's compliance or noncompliance with Minnesota Statutes, section 115C.09, subdivision 2, paragraph (b), clauses (1) to (5). The report shall include documentation supporting the commissioner's findings. The commissioner shall file the report with the board no later than 15 days after notification.

In addition, the board may, as it deems necessary, request additional information from the commissioner or can request participation of agency staff at a board meeting. All responses to requests for information shall be delivered in a timely manner. The board may delegate these powers to its staff.

2890.0100 REVIEW AND DETERMINATION.

Subpart 1. **Review.** The board's staff shall review all applications. If the staff finds that the application is incomplete or otherwise deficient, the staff shall promptly advise the applicant of the incompleteness or deficiency. Further processing of the application affected by the deficiency shall be suspended until the applicant has supplied the necessary information or otherwise corrected the deficiency. A complete application and the corresponding report of the commissioner constitutes the written record.

Subp. 2. **Staff recommendation.** After a reimbursement application is complete and the commissioner has provided the information relevant to the application, the board's staff shall make a recommendation as to the eligibility of the applicant and the costs specified in the application.

Subp. 3. **Board determination.** The board shall determine the amount of the reimbursement based on those costs it finds are eligible, actually incurred, and reasonable. The determination shall be made on the basis of the written record. The board may also allow supplemental information explaining the application to be presented orally. The board may establish a fair and reasonable limit on time allowed for oral testimony.

The applicant shall be notified in writing within ten days of the board's decision. If the board rejects any portion of the request for reimbursement, a statement of the reasons for rejection shall be included with the notification.

2890.0110 RIGHT TO APPEAL.

A decision of the board is to be considered a final order, decision, or judgment for purposes of Rule 103.3 of the Rules of Civil Appellate Procedure.

2890.0120 FUNDING OF MPCA ACTIONS.

In accordance with Minnesota Statutes, section 115C.10, subdivision 1, paragraph (a), the agency may apply to the board for money to pay for actions taken under Minnesota Statutes, section 115C.03, if all other state and federal funds appropriated for such actions have been exhausted. The application shall consist of a written statement of proposed corrective actions, an itemized estimate of costs for the proposed actions, and documentation that applicable state appropriations and federal awards have been exhausted by actions authorized under Minnesota Statutes, section 115C.03.

The board shall pay the agency the cost of the proposed actions if the board determines that:

A. applicable state and federal funds are exhausted;

B. the agency's proposed actions are authorized under Minnesota Statutes, section 115C.03; and

C. an adequate amount exists in the fund to pay for the proposed actions.

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Emergency Rules Relating to the Reinvest in Minnesota Program

The rules proposed and published at *State Register*, Volume 12, Number 4, pages 152-163, July 27, 1987 (12 S.R. 152) are adopted with the following modifications:

Rules as Adopted

8400.3100 [Emergency] DEFINITIONS.

Subp. 4a. **Altered wetland.** "Altered wetland" means a wetland that has been legally drained as determined by the Department of Natural Resources, dredged, filled, leveled, or otherwise sufficiently manipulated prior to December 23, 1985, to render the land suitable for agricultural crop production.

Subp. 10. **Converted wetland.** ~~"Converted wetland" means a wetland that has been legally drained, dredged, filled, leveled, or otherwise sufficiently manipulated to render the land suitable for agricultural crop production.~~

Subp. 10a. **Crop history.** "Crop history" means a sequence of agricultural crop production that includes at least one of the following activities on an annual basis: tillage, planting, or harvesting. For purposes of this part, land with a crop history includes acres devoted to "set-aside" and "conserving use" for United States Department of Agriculture programs.

Subp. 22a. **Highway windbreak; living snowfence.** "Highway windbreak" or "living snowfence" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.

Subp. 31b. **Present value.** "Present value" means the value today of an amount that would have been received later, discounted at ~~some~~ a discount or interest rate established by the commissioner.

Subp. 34a. **Restored wetland.** "Restored wetland" means a ~~converted~~ an altered wetland restored through legal and deliberate activities to a condition that meets the definition of a wetland in subpart 43.

Subp. 37. **Screening committee.** "Screening committee" means a group established and chaired by a district, composed of representatives of private, state, and local organizations or clubs, and state and federal agencies with an interest in the RIM reserve program. A screening committee must include The following must be invited to participate: representatives of the Department of Natural Resources, the Pollution Control Agency, the Agricultural Stabilization and Conservation Service, the Fish and Wildlife Service, and the Soil Conservation Service; ~~and the Department of Transportation if windbreaks are to be installed adjacent to highway rights-of-way.~~

Subp. 43. **Wetland.** "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a ~~predominance~~ prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Subp. 44. **Windbreak.** ~~"Windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.~~

8400.3400 [Emergency] ELIGIBLE LAND.

Land may be enrolled in the RIM reserve program if the land:

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Adopted Rules

C. consists of a converted wetland and cropland adjacent to the converted wetland to the ~~extend~~ extent of up to four acres of cropland for each acre of wetland restored; or

D. is land that with a ~~windbreak~~ living snowfence would be beneficial to resource protection.

In addition, enrolled land must have all of the following characteristics:

(3) is at least five acres in size, except for a ~~windbreak~~ living snowfence, or is a whole field as defined by the Agricultural Stabilization and Conservation Service;

The total enrolled land of a landowner in the RIM reserve program may not exceed 20 percent of the landowner's total agricultural land acreage in the state, if the landowner owns at least 200 acres of agricultural land as defined by Minnesota Statutes, section 500.24, subdivision 2. If a landowner owns less than 200 acres of agricultural land, the amount that may be enrolled in the conservation reserve is:

(a) all agricultural land owned, if 20 acres or less; or

(b) if the total agricultural land owned is more than 20 acres but less than 200 acres, 20 acres plus ten percent of the ~~balance of the agricultural land total~~.

In selecting land for enrollment in the program, highest higher priority must be given to permanent easements than to limited-term easements that are consistent with the purposes stated in part 8400.3150.

8400.3500 [Emergency] CONSERVATION EASEMENTS.

A district board may act, on behalf of the commissioner and state, to acquire conservation easements on eligible land. An easement may be permanent or for not less than 20 years. By signing an easement, a landowner agrees:

F. not to alter wildlife habitat and other natural features of the land, unless specifically approved by the commissioner, after consultation with the commissioner of natural resources;

H. to prohibit grazing of livestock unless specifically approved by the commissioner, after consultation with the commissioner of natural resources, in the case of severe drought or a local emergency;

8400.4000 [Emergency] CRITERIA FOR DISTRICT BOARD REVIEW.

The criteria for district board review are listed in this part.

F. The practice must comply with the technical requirements of the Field Office Technical Guide or other practice specifications approved by the commissioner. Technical review must be completed by a district technician or Soil Conservation Service employee who has applicable job approval authority or by district board-approved representatives from other agencies.

8400.4100 [Emergency] DISTRICT APPROVAL.

After completion of a priority determination and cost estimate, the district board shall either approve or deny the application. If it is approved, the district board shall instruct the chair or acting chair to sign the application. Once it is signed, the application becomes an agreement between the district and landowner and serves as the authorization to begin establishing permanent cover and, if required, other supporting practices. Practices begun before district board approval are ineligible for financial assistance. The requirements for permanent cover establishment, wetland restoration, and maintenance must be specified in a plan prepared by the district technician or district board-approved representatives from other agencies. This permanent cover plan, once approved by the landowner and district board, ~~becomes a part of the easement~~ satisfies easement requirements. Changes in any provisions of the plan are subject to review and approval by the landowner and district board or district board-approved representatives from other agencies. If an application is denied, the district board shall notify the landowner in writing within 30 days after district board action of the reason for denial of the application.

After district board approval, a landowner may be required to provide proof of title of the land enrolled in the following manner:

C. for all permanent easements and limited-term easements over \$20,000 in value, title insurance may be obtained at state expense; and

8400.4200 [Emergency] CONSERVATION EASEMENT PAYMENTS.

After approval of an application, easement documents provided by the state board must be completed by the district. Once the easement is signed by the landowner, remaining easement documents must be completed within 120 days. If not, the easement becomes null and void unless extended through mutual agreement of the parties. Also, upon signing, the landowner is obligated to comply with all easement conditions including the establishment of permanent cover as specified in parts 8400.3500 and 8400.4100 [Emergency]. Once recorded on the land title, the easement is considered conveyed. Upon conveyance, the easement payments must be made according to the following schedule items A and B.

A. For permanent easements, payments are per acre figures derived from cash rent adjusted for county-wide variations in

estimated market value. As calculated, the figures are established on a township basis with the lower of the following two values selected as the payment:

- (1) 100 percent of the present value; or
- (2) 90 percent of estimated market value.

This payment method provides higher values for better quality land and ensures that payments do not exceed estimated market values. A schedule of payments for townships and unorganized areas is developed annually and is available at district offices or from the commissioner.

B. For limited duration easements not less than 20 years in length, payments are based on 70 ~~65~~ percent of the present value of average cash rent for the county in which the parcel is located permanent easement payment.

B. For permanent easements, payments are based on 100 percent of the present value of average cash rent for the county in which the parcel is located.

C. Parcels involving the restoration of converted wetlands or the establishment of a windbreak within 300 feet of a highway right-of-way must receive an additional payment of ten percent of the present value of average cash rent.

The commissioner shall annually establish, ~~at least annually,~~ the discount rate to be used for calculating present value. Average cash rent figures and estimated market value are based on an annual survey conducted information provided by the Minnesota Department of Revenue in cooperation with local assessors.

Payments will be a one-time lump sum amount unless the landowner requests up to four equal annual installments.

8400.4300 [Emergency] ESTABLISHMENT OF PERMANENT COVER AND SUPPORTING PRACTICES.

Subp. 4. **Payments for establishment of permanent cover.** After the easement has been conveyed and certification by an assigned district technician that permanent vegetative cover is established, the district board shall notify the ~~state board~~ commissioner to make the following payments to the landowner:

8400.4400 [Emergency] MAXIMUM PAYMENT.

The ~~state board~~ commissioner may not pay more than \$50,000 from the RIM reserve program to a landowner for permanent cover and conservation easements. The district shall record the easement document with the county recorder.

8400.4600 [Emergency] EASEMENT RENEWAL.

When a conservation easement expires, a new permanent or limited term conservation easement may be acquired by written concurrence of the commissioner and the landowner. The district may recommend that the ~~state board~~ commissioner adjust payment rates as a result of renewing a ~~ten-year~~ limited-term conservation easement only after examining the condition of the established cover, supporting practices, and land values.

8400.4700 [Emergency] MAINTENANCE.

A landowner is responsible for operation and maintenance of permanent cover and supporting practices applied under this program and ensuring that easement restrictions in parts 8400.3500 [Emergency] and 8400.4900 [Emergency] are followed to ensure that the easements conservation objective is met and the effective life of 20 or more years is achieved.

Should the landowner fail to install or maintain the practices or comply with easement restrictions during their effective life, the landowner may be subject to:

C. other actions directed at correcting the maintenance violation. The district board, in consultation with the ~~state board~~ commissioner and legal counsel, shall determine how maintenance violations must be corrected. Easements remain in effect even if maintenance violations have occurred.

8400.5200 [Emergency] APPROVED PRACTICE: STRUCTURES.

Subp. 2. **Purpose.** The purpose of structures is to permit the establishment of ~~vegetative~~ permanent cover, control soil erosion, protect or improve water quality, or create or improve wildlife habitat. An erosion control structure may provide multiple benefits including, but not limited to, recreation, flood control, and channel stability.

Subp. 3. **Applicability.** Structures may be used on enrolled lands where they are necessary to permit establishment of ~~vegetative~~

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permanent cover, for the control of soil erosion, water quality protection or improvement, or creation or enhancement of wildlife habitat. Structures may also be installed on nonenrolled lands if necessary to enhance or protect enrolled lands.

8400.5300 [Emergency] APPROVED PRACTICE: DIVERSIONS.

Subp. 2. **Purpose.** The purpose of a diversion is to permit the establishment of ~~vegetative~~ permanent cover or divert water away from erosive areas or areas that pose a threat to water quality to areas where it can be used or disposed of safely. Diversions may provide additional benefit to wildlife.

Subp. 3. **Applicability.** A diversion may be used where:

- A. runoff from higher areas is eroding enrolled lands or is needed to establish ~~vegetative~~ permanent cover; or

8400.5400 [Emergency] APPROVED PRACTICE: STORMWATER CONTROL SYSTEMS.

Subp. 2. **Purpose.** The purpose of a stormwater control system is to permit the establishment of ~~vegetative~~ permanent cover, provide a means of regulating or removing runoff to control erosion, or protect or improve water quality. Additional benefit may be provided through creation of wildlife habitat.

8400.5500 [Emergency] APPROVED PRACTICE: FIELD WINDBREAKS.

Subpart 1. **Definitions.** For purposes of this part, "field windbreak" means a strip or belt of trees, ~~or shrubs, or grass barriers~~ established within a field, ~~or adjacent to a field, or within 300 feet of a highway right-of-way.~~

Subp. 2. **Purpose.** The ~~primary~~ purpose of a field windbreak is to create wildlife habitat or reduce wind erosion. Additional benefits may be ~~controlling snow deposition, and~~ beautification and enhancement of the landscape.

Subp. 3. **Applicability.** Field windbreaks may be used in or around fields ~~or adjacent to highway rights-of-way~~ that need additional wildlife habitat ~~or protection against wind erosion.~~

Subp. 4. **Policies.** Funding is authorized:

- A. for field windbreaks if the inter-windbreak or non-windbreak area is established in permanent cover at the time the windbreak is established; and

- B. for site preparation, planting materials, planting, chemicals for weed control, and other applicable costs necessary to establish a field windbreak.

The landowner is responsible for controlling competitive vegetation for two years following planting and must bear the cost of control. Tree planting must not conflict with existing electrical lines, telephone lines, rights-of-way, or drainage systems.

8400.5550 [Emergency] APPROVED PRACTICE: HIGHWAY WINDBREAKS; LIVING SNOWFENCES.

Subpart 1. Definition. For purposes of this part, "highway windbreak" or "living snowfence" has the meaning given in part 8400.3100 [Emergency], subpart 22a.

Subp. 2. Purpose. The purpose of a living snowfence is to create wildlife habitat and control snow deposition. Additional benefits may be beautification and enhancement of the landscape.

Subp. 3. Applicability. A living snowfence may be used in fields within 300 feet of the right-of-way of highways that would benefit from wildlife habitat or the control of snow deposition.

Subp. 4. Policies. Funding is authorized:

- A. only for installation of living snowfences that create wildlife habitat and control snow deposition; and

- B. for site preparation, planting materials, planting chemicals for weed control, and other applicable costs necessary to establish a living snowfence.

The landowner is responsible for controlling competitive vegetation for two years following planting and must bear the cost of control. Tree planting must not conflict with existing electrical lines, rights-of-way, or drainage systems.

Board of Dentistry

Adopted Permanent Rules Relating to Certain Fees

The rule proposed and published at *State Register*, Volume 12, Number 7, pages 276-279, August 17, 1987 (12 S.R. 276) is adopted as proposed.

Department of Human Services

Correction to Adopted Permanent Rules Relating to Medical Assistance Payment

Correction to *Minnesota Rules* proposed at 11 *State Register*, page 1645 on March 16, 1987; and adopted on October 5, 1987 at 12 *State Register*, page 624.

Minnesota Rules, part 9505.0420, subpart 2, item C contains a reference to part 9505.1070, subpart 13. The correct reference should be to part 9500.1070, subpart 13. This appears at 11 *State Register*, page 1679.

The repealer appearing at 11 *State Register*, page 1686, contains a repeal of *Minnesota Rules*, part 9505.1080. This should correctly read part 9500.1080.

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 Human Services

Proposed Emergency Amendments to Permanent Rules and Emergency Rules Relating to General Assistance Literacy Training Requirements

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*, sections 256D.05, paragraph (a), clause (15) and 256D.052. 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 or until 4:30 p.m. on November 27, 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:

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

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Emergency Rules

The proposed rule implements the statutory requirement that general assistance recipients who are eligible on the basis of functional illiteracy participate in literacy training programs.

The rule defines "occupational or vocational literacy program," "participation in a literacy program," and "suitable recipient," adding these definitions to part 9500.1206. The rule also adds failure to participate in an assigned literacy program as a basis for disqualification under part 9500.1262. The rule further amends part 9500.1266 to provide that disqualification of a recipient for failure to participate in literacy training renders the recipient ineligible for general assistance under part 9500.1258, subpart 1, items G, L and P during the period of disqualification.

Part 9500.1257 of the rule sets forth the responsibilities of the department, local agencies and recipients regarding literacy training and identifies the circumstances under which general assistance benefits will be paid to recipients who are eligible for general assistance on the basis of functional illiteracy but who do not participate in literacy training. This rule part also specifies the conditions under which a recipient who is eligible for general assistance on the basis of functional illiteracy may participate voluntarily in the work readiness program.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz 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 Dan Lipschultz 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.

Adoption of this rule will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Dated: 23 October 1987

Sandra S. Gardebring
Commissioner

Rules as Proposed

9500.1206 PROGRAM DEFINITIONS.

Subpart 1. to 24. [Unchanged.]

Subp. 24a. Occupational or vocational literacy program. "Occupational or vocational literacy program" means a program providing training in the specific literacy skills needed to perform in employment, complete employment training programs, or complete work readiness programs.

Subp. 25. [Unchanged.]

Subp. 25a. Participation in a literacy program. "Participation in a literacy program" means to receive instruction and complete assignments as part of a literacy program in accordance with the schedule or plan established by the literacy training program provider.

Subp. 26. [Unchanged.]

Subp. 27. **Qualified provider.** A "qualified provider" means the local agency, or:

- (+) A. a nonprofit legal assistance organization;
- (2) B. an agency that employs licensed practitioners or accredited counseling staff or staff with a master's degree from an accredited program in social work, psychology, counseling, occupational therapy, or physical therapy;
- (3) C. a private attorney at law; or
- (4) D. another organization or person determined by the local agency to have sufficient training or experience to be effective in assisting persons to apply for and establish eligibility for SSI benefits.

Subp. 29. to 32. [Unchanged.]

Subp. 32a. Suitable recipient. "Suitable recipient" means a recipient eligible for general assistance under part 9500.1258, subpart 1, item P, unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 33. [Unchanged.]

9500.1232 STATE PARTICIPATION.

Subpart 1. [Unchanged.]

Subp. 2. **State participation for monthly general assistance payments made based on a reduced state assistance standard.** When an assistance unit is subject to a reduced state assistance standard as provided in parts 9500.1218 to ~~9555.1222~~ 9500.1222, the amount of state participation in the monthly payment to the assistance unit under Minnesota Statutes, section 256D.03, subdivision 2, must be determined by subtracting the assistance unit's countable income from the applicable reduced state assistance standard and multiplying the difference by 75 percent.

Subp. 3. and 4. [Unchanged.]

Subp. 5. State participation for costs of providing transportation to recipients assigned to literacy training. State participation for the actual costs of providing transportation under part 9500.1257 [Emergency], subpart 5, is 100 percent.

9500.1257 [Emergency] LITERACY TRAINING FOR RECIPIENTS.

Subpart 1. Occupational and vocational literacy programs. The local agency shall determine the extent to which occupational or vocational literacy programs as defined in part 9500.1206, subpart 24a, are available for use by recipients under this part. If the local agency determines that existing occupational or vocational literacy programs are not sufficient to meet the needs of recipients, the local agency shall:

A. inform local educational institutions and job training programs of the number of recipients who need occupational and vocational literacy training; and

B. recommend to local educational institutions and job training programs that the necessary programs be developed.

Subp. 2. Assessment. The local agency shall assess each recipient eligible under part 9500.1258, subpart 1, item P, to identify any learning disabilities the recipient may have and to determine the recipient's existing reading level, reading potential, and vocational or occupational interests. The results of literacy testing and any other assessments conducted by the local agency under this subpart must be made available to the literacy training provider under Minnesota Statutes, sections 13.01 to 13.90, the Minnesota Government Data Practices Act.

Subp. 3. Assignment. The local agency shall assign each suitable recipient eligible under part 9500.1258, subpart 1, item P, to an accessible occupational or vocational literacy program if an opening in such a program is available. If there is no opening for a recipient in an accessible occupational or vocational literacy program, the local agency shall assign the recipient to an opening in any other accessible literacy program. A program is accessible to a recipient if the program is within the local labor market as defined in part 9500.1206, subpart 19a. A recipient is suitable unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 4. Reassignment. If a suitable recipient fails, with good cause as defined in part 9500.1206, subpart 15, to complete a literacy program to which the recipient is assigned under subpart 3, the local agency shall assign the recipient to an opening in another accessible literacy program if the recipient wants to participate in another program.

Subp. 5. Child care and transportation. The local agency shall provide child care and transportation to a recipient if necessary to enable the recipient to participate in an assigned literacy program.

Subp. 6. Payments to nonparticipating recipients. The local agency shall provide general assistance benefits under part 9500.1258, subpart 1, item P, to a recipient who does not participate in a literacy training program only if the recipient:

A. has good cause for failing to participate;

B. fails to make progress in a literacy program assigned under subpart 3 or 4 despite participation in the program for at least six months; or

C. is not assigned to a literacy training program because the recipient is not suitable for literacy training or because there is no opening in an accessible literacy program.

Subp. 7. Voluntary participation in work readiness. The local agency may allow a general assistance recipient eligible under part 9500.1258, subpart 1, item P, to participate voluntarily in work readiness services if the local agency determines that:

A. the recipient has reached a level of literacy that may allow successful participation in job training; and

B. participation in work readiness services by the recipient would not interfere with the recipient's participation in literacy training.

Subp. 8. Reassessment. If a recipient has been determined to be eligible for general assistance under part 9500.1258, subpart 1, item P, the local agency shall assess the recipient's eligibility under part 9500.1258, subpart 1, items A to O, when:

Emergency Rules

A. the local agency determines under part 9500.1258, subpart 1, item P, that the recipient is no longer functionally illiterate;
or

B. the recipient is disqualified under part 9500.1262, subpart 1, item C, for failure to comply with literacy training requirements.

Subp. 9. Referral to work readiness program. If the local agency determines, after reassessment under subpart 8, that a recipient is ineligible for general assistance, the local agency shall determine the recipient's eligibility for the work readiness program under part 9500.1306.

Subp. 10. Explanation of rights and duties. At the time a person is determined eligible for general assistance under part 9500.1258, subpart 1, item P, and at the time a person is assigned to a literacy program, the local agency shall provide an oral explanation of:

A. the requirements of part 9500.1262, subpart 1, item C, and the penalties for failure to comply with these requirements;

B. the local agency's responsibilities under subparts 2 to 9; and

C. the person's right to appeal any adverse decision.

9500.1262 REQUIREMENTS FOR CONTINUED ELIGIBILITY.

Subpart 1. **Requirements for continued eligibility for specific categories of ongoing eligibility.** A recipient of general assistance whose eligibility is based on part 9500.1258, subpart 1, item G or L, or P, and who is not eligible under another category of eligibility under part 9500.1258, must comply with the following requirements as conditions for continued eligibility.

A. and B. [Unchanged.]

C. A recipient who is eligible for general assistance under part 9500.1258, subpart 1, item P, shall participate in a literacy program assigned under part 9500.1257 [Emergency]. If a recipient fails to participate in an assigned literacy program, the recipient must be disqualified from receiving general assistance under part 9500.1258, subpart 1, item G, L, or P, unless the recipient is not participating for one of the reasons identified in part 9500.1257 [Emergency], subpart 6.

Subp. 2. [Unchanged.]

9500.1266 DISQUALIFICATION.

A recipient who fails, without good cause, to comply with the requirements of part 9500.1262, is disqualified from receiving general assistance as provided in items A to D.

A. and B. [Unchanged.]

C. If an individual who is disqualified applies for general assistance during the period of disqualification, the individual is considered a recipient and the application shall be denied unless the individual is eligible for general assistance on the basis of a category of eligibility other than the categories in part 9500.1258, subpart 1, item G or L, or P.

D. [Unchanged.]

EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to parts 9500.1206, 9500.1232, 9500.1262, and 9500.1266 expire, the permanent rule as it read prior to those amendments shall again be in effect, except as may be amended by permanent rule.

Department of Human Services

Proposed Emergency Rule Relating to Work Incentive Housing Subsidy for AFDC Recipients

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 256.736, subdivision 1b. 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 or until 4:30 p.m. on November 27, 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:

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

The proposed rule establishes eligibility criteria and procedures to govern the work incentive subsidized housing program authorized by the legislature in the 1987 legislative session. The rule limits the subsidy to employed AFDC recipients. The rule also sets the subsidy amount at \$100 per month for 12 months and establishes a random selection system to determine who among the eligible applicants will receive the available housing subsidy funds.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz 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 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 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 Dan Lipschultz 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.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Dated: 23 October 1987

Sandra S. Gardebring
Commissioner

Rule as Proposed (all new material)

9500.2890 [Emergency] WORK INCENTIVE HOUSING SUBSIDY.

Subpart 1. **Definitions.** The terms used in this part have the meanings given them in items A to H.

A. "Caretaker" means an AFDC recipient described in part 9500.2060, subpart 21.

B. "Family" means the following persons who live together: a minor child or minor children related to each other as siblings, half siblings, or step-siblings, together with their natural or adoptive parents, their stepparents, or their legal guardians, and other minor children of whom an adult member of the family is a legal guardian.

C. "Lack of regular work experience in the previous five years" means less than 30 months of suitable employment in the 60 months previous to February 1, 1988.

D. "Permanent employment or permanent position" means employment that is expected by the employer to continue indefinitely.

E. "Selected applicant" means a person who has applied for and been selected under subpart 7 to receive the housing subsidy.

F. "Substantial barriers to employment" means any of the following if it limits a person's ability to obtain or retain suitable employment: physical, mental, or emotional disabilities; chemical dependency; having children with physical, mental, or emotional disabilities; lack of a high school degree or GED; lack of a marketable occupational skill; having three or more children; or lack of regular work experience in the previous five years.

G. "Suitable employment" means employment that provides at least 30 hours of work per week and pays at least minimum wage.

H. "Work incentive housing subsidy" or "housing subsidy" means payment under Minnesota Statutes, section 256.736, subdivision 1b, by the Department of Human Services of \$100 of a recipient's or former recipient's monthly housing costs as an incentive to the person to seek and retain employment.

Subp. 2. **Eligibility criteria.** To be eligible for the housing subsidy, a person must:

A. be a resident of Minnesota;

B. be a caretaker and recipient of AFDC on the date of application;

C. be a member of a family in which no member is the recipient or beneficiary of any type of subsidy payment for housing made by any other agency or entity;

Emergency Rules

D. have substantial barriers to employment or have received AFDC for at least 30 months out of the last 33 months immediately preceding February 1, 1988;

E. be suitably employed in a permanent position obtained while the person was a recipient of AFDC;

F. be certified by the person's employer as having permanent suitable employment;

G. be legally responsible for actual rent, contract for deed, or mortgage costs of \$100 or more per month for the person's place of residence; and

H. sign an authorization enabling the department to verify statements made on the application, and permitting the department to notify the landlord, mortgage holder, or vendor under a contract for deed of the beginning and ending dates of the housing subsidy.

Subp. 3. Proof of substantial barriers. The presence of substantial barriers to employment on the basis of disability, chemical dependency, or lack of a marketable occupational skill, must be established as follows:

A. A physical, mental, or emotional disability may be established only by submitting a signed written statement of a physician or licensed psychologist indicating that the recipient has such a disability.

B. Chemical dependency may be established only by submitting a signed written statement of a licensed psychologist or a person qualified under part 9530.6615, subpart 2, to perform chemical use assessments indicating that the recipient has chemical dependency.

C. Lack of a marketable occupational skill may be established only by submitting a signed written statement of a vocational specialist as defined in part 9500.1206, subpart 33, attesting to the lack of a marketable occupational skill.

Subp. 4. Notice of housing subsidy availability. By February 1, 1988, the department shall mail to each caretaker receiving AFDC as of January 1, 1988, the following:

A. a written notice informing the caretaker of the availability of the housing subsidy, the eligibility conditions in subpart 2, the method of selecting persons to receive the housing subsidy, the estimated number of persons who will receive the subsidy, the documentation that must be submitted to establish eligibility under subpart 2, and the deadline for filing an application for the housing subsidy; and

B. an application for the housing subsidy along with an employment certification form.

Subp. 5. Application deadline. The department shall begin accepting applications on February 2, 1988, and recipients shall submit completed applications and employment certification forms along with any required supporting documentation to the department by May 1, 1988.

Subp. 6. Eligibility determination. The department shall review applications received on or before May 1, 1988, to determine which applicants meet the eligibility conditions of subpart 2. The department shall mail a notice of its determination to each applicant by June 1, 1988. The notice must inform applicants of their appeal rights and that a final random selection process will determine who receives a housing subsidy. The notice must inform applicants found ineligible under this subpart that they will not be included in the random drawing referred to in subpart 8 unless they appeal to the department by June 15, 1988.

Subp. 7. Final selection. The department shall select randomly from the applicants found eligible under subpart 6 a sufficient number of applicants to ensure that the funds available for the housing subsidy are fully encumbered. The department shall notify all eligible applicants of whether they have been selected to receive a housing subsidy. The notification must inform selected applicants of the beginning and ending dates of their subsidy payments and the conditions set out in subpart 15 under which an applicant's housing subsidy will be terminated.

Subp. 8. Subsidy payments. The amount of the housing subsidy shall be \$100 per month. Upon making the final selection of applicants as provided in subpart 7, the department shall encumber a sufficient amount of money to provide 12 monthly subsidy payments to each selected applicant. The department shall issue housing subsidy payments to each selected applicant's landlord or mortgage holder or to the vendor under a contract for deed. The first payment must be issued by July 1, 1988, or as soon thereafter as possible. Subsequent housing subsidy payments must be issued on the first day of each month until 12 subsidy payments have been issued, except as provided under subparts 9 and 13.

Subp. 9. Maximum subsidy period. No person may receive more than 12 subsidy payments. No subsidy payments, except for payments delayed during the pendency of an appeal, may be issued after June 30, 1989.

Subp. 10. Termination of housing subsidy. Before terminating a person's housing subsidy, the department shall, at least five days before the beginning of the next month, mail the person a notice of termination that specifies the reason for termination and the person's appeal rights.

Subp. 11. Appeals. Ineligibility determinations under subpart 6 and the termination of housing subsidy payments under subpart 15 may be appealed under Minnesota Statutes, section 256.045. The failure to select an eligible applicant through the random

selection identified in subpart 7, is not appealable under Minnesota Statutes, section 256.045. Subsidy payments must not be continued during the pendency of an appeal. If the appeal is decided in the applicant's favor, the applicant must be issued the subsidy payments to which the applicant is entitled, including the payments withheld while the appeal was being decided.

Subp. 12. **Replacement of selected applicants.** When a selected applicant is not eligible under subpart 2 and the selected applicant has exhausted appeal rights, the department shall randomly select another eligible applicant to receive the remaining housing subsidy payments intended for the selected applicant who is no longer eligible.

Subp. 13. **Form of payment.** Housing subsidy payments must be provided as vendor payments to the applicant's landlord or mortgage holder or to the vendor under the applicant's contract for deed. Subsidy payments are considered in-kind income for purposes of determining eligibility for and monthly payments under the AFDC program. No person may receive housing subsidy payments directly.

Subp. 14. **Applicant responsibilities.** Each selected applicant shall:

A. complete and return a quarterly report form to the department by each of the following dates during which the selected applicant is receiving the housing subsidy: October 8, 1988, January 8, 1989, and March 8, 1989; and

B. inform the department of any changes in circumstances which may affect the selected applicant's eligibility for the housing subsidy, including any changes in landlord, mortgage holder, or vendor.

Subp. 15. **Termination of housing subsidy.** The department shall discontinue a selected applicant's housing subsidy when one or more of the following occurs:

A. the department determines that the selected applicant is no longer eligible for the housing subsidy under subpart 2; or

B. the selected applicant does not comply with the reporting requirements under subpart 14.

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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.

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:

Prison Guard

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, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on January 21, 1988 at 9:30 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 January 13, 1988, 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

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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: 19 October 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.

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.

Minnesota Environmental Quality Board

Power Plant Siting Program

Notice of Annual Hearing

The Minnesota Environmental Quality Board will hold the annual public hearing on the Power Plant Siting and Transmission Line Routing Program, as required by the Power Plant Siting Act, *Minnesota Statutes* § 116.58 and *Minnesota Rules*, Part 4400.4300, at 9:00 a.m., Saturday, November 21, 1987, in Conference Room 301 of the Centennial Office Building, in St. Paul, Minnesota. Parking is available in the ramp East of the building. Please use the East entrance between the ramp and the building.

The annual hearing is intended to afford interested persons an opportunity to be heard regarding any aspects of the Board's activities, duties, or policies pursuant to the Power Plant Siting Act.

All persons will be afforded the opportunity to be heard through the presentation of oral or written statements. Written statements marked for the annual hearing record may also be submitted for inclusion in the annual hearing by delivery to the Board's offices at 300 Centennial Office Building by the close of business December 4, 1987.

Direct all inquiries to:

George Durfee
Power Plant Siting Program
Minnesota Environmental Quality Board
300 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
(612) 296-2878

Department of Human Services

Long Term Care Management Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Medical Assistance 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 amendment of the rules governing medical assistance payment rates for intermediate care facilities for persons with mental retardation or related conditions (ICFs/MR). The rules affected are part 9553.0050, subparts 1 and 2, relating to the appropriate inflation index to be used in annually adjusting the allowable historical operating cost per diem and the administrative operating cost limit; part 9553.0050, subpart 1, relating to the maintenance operating cost limit; part 9553.0050, subpart 2, relating to the efficiency incentive computation; part 9553.0060, subpart 4, relating to the recognition of changes in the licensed capacity of ICFs/MR beyond the reporting year; and part 9553.0041, subpart 1, relating to allowing ICFs/MR attached to nursing

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homes to report costs over the same time period as the nursing home. The adoption of the rules is authorized by *Minnesota Statutes*, section 256B.501, subdivisions 1 to 3, which permits 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 State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Charles Osell
Long Term Care Management
Minnesota Department of Human Services
444 Lafayette Road, 4th Floor
St. Paul, MN 55105

Oral statements will be received during regular business hours over the telephone at (612) 297-3463 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.

Office of the Secretary of State

Correction to Membership Listing for Council on Disability

The membership data on the Council on Disability published in the Compilation Issue of the *State Register*, October 26, 1987, Volume 12, Number 17 was incorrect. The correct information on this agency is listed below.

CURRENT MEMBERS	Appt. Date	Term Ends	Cty.	Leg. Dist.	Sex	Political Party	Race	Phone	Address
*Ehrlichmann, Michael	8603	8801	27	57B	M	D	C	612-348-3086	433 S 7th St Suite 2001 Mpls 55415
*Gangeness, Earl	8412	8801	04	04A	M	D	C	218-751-2160	130 Pinecrest Ct NW Bemidji 56601
*Holtackers, Thomas	8412	8801	55	33A	M		C	507-288-8242	2204 Valleyhigh Dr NW Rochester 55901
*Nelson, Linda	8501	8801	27	43B	F		C	612-221-2731	640 Jackson St St Paul 55101
*Ormasa, Jan	8412	8801	62	65A	F	D	O	612-227-5106	801 Laurel Ave St Paul 55104
*Shaw, Thomas	8412	8801	62	64B	M	D	C	612-698-3069	2044 Morgan St Paul 55116
*Sindt, Clarence Jr	8412	8801	19	37A	M	D	C	612-463-2024	5630 W 177th St Farmington 55024
Aamold, Susan	8601	8901	57	10B	F		C	218-739-7213	1501 College Way #103 Fergus Fls 56537
Asher, Gregg	8701	9101	07	23	M		C	507-389-6917	313 Bells Ave Mankato 56001
Chong, Peggy	8701	9101	27		F		C	612-332-5414	3530 Dupont N Mpls 55412
Graig, Charles	8701	9001	69	08	M	D	C	218-984-3002	Rt 2 Box 29 Embarrass 55732
Hirschenberger, Richard	8701	9101	18	13	M	D	C	218-828-2250	4321 Cedardale Ln Baxter 56401
Koep, Lester	8601	8901	34	22B	M	D	C	612-796-5505	Rt 1 Box 43 Spicer 56288
Krogstad, Dianna	8601	8901	62	64	F	D	O	612-729-7381	851 Goodrich Ave St Paul 55105
Mc Carthy, Joanne	8601	8901	69	06A	F	N	C	218-744-5423	1151 W Long Lake Rd Eveleth 55734
Moon, Steven	8601	8901	62	64	M	D	C	612-222-5863	1540 Ashland Ave #21 St Paul 55104
O'Hara-Anderson, Mary	8701	9101	27	61	F	D	C	612-646-8342	2121 S 9th St Mpls 55404
Ortis, Anita	8701	9101	69	05A		N	H	218-263-3036	414 E 21st St Hibbing 55746
Sams, Rev David	8601	8901	17		M	N	C	507-831-5074	509 17th St Windom 56101
Steidl, Suzanne	8701	9101	57	01B	F	D	C	218-681-2700	705 S Crocker Thief River Falls 56701
Wingen, Kathleen	8601	8901	73	17B	F	D	C	612-251-1612	847 Driftwood Dr #5 St Cloud 56301
Webster, John	8709	8901	27	60B	M	D	B	612-822-7904	3754 Portland Ave., S. Mpls 55407

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

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

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Oscilloscopes (JG)	November 4	Transportation	North St. Paul	79000 82006
Parking meters (MJB)	November 4	Plant Management	St. Paul	02307 82787
Load & transport waste tires from West Concord (JJ)	November 5	Waste Mgmt. Board	St. Paul	Price Contract
Process waste tires from West Concord, MN dump site (JJ)	November 5	Waste Mgmt. Board	St. Paul	Price Contract
Plastic corrugated pipe (ES)	November 5	Various	Various	Price Contract
Stripping used aluminum sign blanks (AW)	November 5	Transportation	Various	Price Contract
Prof. mixing console (PA)	November 5	State University	Mankato	26071 17856
Folding steel chairs & tables (AW)	November 5	Various	Various	Price Contract
Compaq II (BV)	November 5	Voc Tech Education Bd.	St. Paul	36000 09178
Disk subsystem (BV)	November 6	State University	Moorhead	26072 01336
Analysis transportation, storage (JJ) & disposal of hazardous waste. addendum #1	November 6	Various	Various	Price contract
Answering telephone equipment & installation (Do)	November 6	Various	Various	Price Contract
Purchase of copier-addendum #2 (BT)	November 9	Community College: Lakewood	White Bear Lake	27154 46696
Offset press (JD)	November 9	Community College: Lakewood	White Bear Lake	27154 46683
Sound equipment—rebid	November 6	State University	Moorhead	26072 10268
Sony equipment (PA)	November 9	Public Safety	St. Paul	07300 46254
Meat for December 1987 (JD)	November 10	Correctional Facilities	Various	Various
Transport tire derived fuel & metering unit from Portland, Oregon to Sartell, MN (JJ)	November 10	Waste Mgmt.	St. Paul	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 #
Item-Index Deposit List	November 3	Public Safety	St. Paul	2047
Billing form	November 3	Community College System	St. Paul	2466

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Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
Form statement	November 3	Transportation	St. Paul	2664
Misc. cash receipts	November 3	Transportation	St. Paul	2683
Arrest report	November 3	State Patrol	St. Paul	2643
Weight certificate	November 3	Agriculture	South St. Paul	2722
Coloring Book	November 3	Public Safety	St. Paul	2645

Department of Administration

Notice of Request for Proposal for Occupational Health Services

Notice is hereby given that the State Employee Assistance Program of the Department of Administration is seeking to contract with one agency for the following services:

Two registered nurses with experience in occupational or public health nursing are being sought to staff two State Employee Health Units. These occupational health services will be provided in two separate state office complexes: Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, and Lafayette Park, 500 Lafayette Road, St. Paul, MN 55145. The positions are designed to serve several state agencies in each of the locations.

Services are to be provided on a five day, 40 hour per week schedule.

Basic job responsibilities include:

- 1) On the job first aid and health consultation to individual employees.
- 2) Liaison with employees medical provider.
- 3) Advisor to management on health issues.
- 4) Health education presentations.
- 5) Coordination of annual campaigns (CPR, first aid training, blood donor drives, D-Day, etc.)
- 6) 2nd injury registration

Nurses in these positions will maintain close working relationships with different agency representatives: safety officers, health promotion coordinators, personnel representatives, and EAP counselors.

The contract will be for the period of December 1, 1987 through June 30, 1988, and is expected to be renewed on an annual basis. The total annual cost is estimated not to exceed \$62,400.00.

Direct inquiries by November 13, to:

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

Departments of Human Services, Jobs and Training, and the State Board of Vocational Technical Education

Request for Proposals for Special Projects to Reduce Dependency on the Aid to Families with Dependent Children (AFDC) Program

The Minnesota Department of Human Services (DHS), in conjunction with the Minnesota Department of Jobs and Training (DJT) and the State Board of Vocational Technical Education (SBVTE), is requesting proposals for special projects intended to reduce

State Contracts and Advertised Bids

dependency on Aid to Families with Dependent Children (AFDC). This request for proposal is authorized by *Minnesota Statutes 1987*, section 256.7365. The legislature has appropriated \$1,737,046 for special projects.

Two categories of grants will be funded:

- **Prevention Projects (35% of funds).** Prevention Projects must prevent AFDC dependency through helping families or individuals at-risk of long-term dependency avoid a long period of AFDC receipt. Prevention projects target AFDC parents under age 21, non-AFDC parents under age 21, non-custodial parents (especially fathers) whose families fall into one of the previous categories, and individuals under age 21 at-risk of premature parenting.

- **Intervention Projects (65% of funds).** Intervention projects must reduce AFDC dependency by helping families already experiencing long-term dependency become economically independent. Intervention projects target families who have been on AFDC for 36 months or longer, other families on AFDC with substantial barriers to employment, or non-custodial parents (especially fathers) whose families fall into one of the other categories.

Funding is available for new projects testing experimental approaches, projects replicating proven models in new areas, or established projects needing funding to expand services or add new service components.

Proposals will be accepted from counties, employment and training service providers, cities, local and state agencies, federally recognized Indian reservations, K-12 school districts, post-secondary educational institutions, job training agencies, community-based organizations, displaced homemaker programs, supported work programs, and other non-profit agencies. Funding will be available for two years, from July 1, 1988 to June 30, 1990. Proposals of less than two years will be accepted. Projects that are funded for this cycle and achieve effective results will be given priority for funding in succeeding cycles, provided funds are available. Twenty-five percent (25%) of the proposed budget for each project must be provided from eligible matching sources.

DHS, DJT and SBVTE expect to fund a minimum of eight (8) projects. In addition, DHS, DJT, and SBVTE anticipate funding ten to fifteen (10-15) prevention projects of \$15,000 or less. These grants will be made to established organizations that need a small amount of money to expand or supplement existing services.

At least two of the projects selected must be operated by or in cooperation with tribes or organizations representing ethnic minorities (*Minnesota Statutes 256.7365*, subd. 4). In addition, DHS, DJT, and SBVTE will give special consideration to projects that propose innovative ways to assist the targeted populations, and to proposals which include controlled evaluation designs. The sponsoring agencies will seek to achieve some geographic balance in selecting projects.

Proposals must be received by January 20, 1988. A letter of intent must be received by December 15, 1987. Final selection of proposals for funding will be made by March 1, 1988. Projects selected for funding will negotiate with the state for final funding conditions, including requirements for reporting and project evaluation.

For a copy of the full Request for Proposal (RFP) or other questions or information, contact:

Chuck Johnson
Program Planner
Minnesota Office of Jobs Policy
375 Jackson Street, Suite 475
Saint Paul, Minnesota 55101
(612) 296-2266

Department of Labor & Industry

Request for Proposal for Audit Services

The Department of Labor and Industry, Special Compensation Fund intends to contract for an audit of the records of selected workers' compensation insurers or self-insured employers to determine whether reports submitted to the Special Compensation Fund are prepared in accord with Fund guidelines. The Special Compensation Fund receives its revenue through an assessment on insurers and self-insurers. The assessment amount for an individual entity is determined by the reports submitted by them. Therefore, in order to distribute the costs of the Fund equitably across the assessment base, it is necessary for the Fund to know whether the reports are prepared consistently and where there are discrepancies.

So that firms who are qualified to conduct this project based on their experience of auditing for workers' compensation insurers in Minnesota are not excluded from eligibility based on a conflict of interest, this project is intended to be divided between two vendors. Firms selected will be assigned to companies in which no conflicts exist, and each firm selected will accomplish all aspects of the audit of each company assigned.

State Contracts and Advertised Bids

This Request for Proposal does not obligate the Department of Labor and Industry to complete the project, and the Special Compensation Fund reserves the right to cancel the project at any time with payment for work already accomplished.

A. SCOPE OF PROJECT

Minnesota workers' compensation insurer and self-insurer records will be examined for the purpose of determining consistency and accuracy of reporting to the Special Compensation Fund, and the extent of consistency and discrepancy will be reported to the Special Compensation Fund.

B. GOALS AND OBJECTIVES

The goal of this project is to determine the extent to which all insurers and self-insurers are reporting in accord with Special Compensation Fund guidelines.

The objective will be to examine the records of a total of up to eight (8) selected insurance company groups or self-insured employers for calendar year 1986 to determine whether the benefits paid, as reflected by the company records, were reported to the Special Compensation Fund on the reports due 8/15/86 and 3/1/87 for calendar year 1986, in accordance with Fund guidelines and requirements.

C. PROJECT TASKS

Up to a total of eight insurance company groups or self-insured employers will be audited. This work will be divided approximately evenly between two vendors. For each company to be audited, the following steps will be required:

1. Test the accuracy of identification of benefits type in the insurer or self-insured's accounting records by examining the claim file records.
 - a. Determine the number of records of payment transactions available from which the audit sample will be selected.
 - b. Determine the sampling method to be used so that results will be presented at the 98% confidence level.
2. Test the thoroughness of reporting of benefit payments by tracing the reporting of a sample of claim files through to the report to the Fund.
3. Determine method of recording and reporting the claim recoveries from:
 - a. Other insurers for contribution or reimbursement.
 - b. Other insurers as a result of subrogation.
 - c. The Special Fund for reimbursement of supplementary benefits.
 - d. The Special Fund for reimbursement under the Second Injury law.
 - e. The Reinsurance Association.
4. Examine insurer accounting records to determine the amount of benefits paid during the period from 1/1/86 through 6/30/86 and the period 7/1/86 through 12/31/86 for each type of benefit which impacts the report to the Special Compensation Fund.
5. Compare the amounts which should have been reported with those which were reported to the Fund, and identify the source of discrepancies.
6. Present a written report of the results of each step above within 30 calendar days of the completion of the audit of each company.

D. DEPARTMENT CONTACTS

Prospective respondents who have any questions regarding this Request for Proposal may write or call:

Gail M. Keckhafer, Assistant Director
Special Compensation Fund
444 Lafayette Road, 5th Floor
St. Paul, Minnesota 55101
(612) 296-2117

E. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Gail M. Keckhafer, Assistant Director
Special Compensation Fund
444 Lafayette Road, 5th Floor
St. Paul, Minnesota 55101

not later than 5:00 P.M. on November 23, 1987.

State Contracts and Advertised Bids

Late proposals will not be accepted. Submit two (2) copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

F. PROJECT COSTS

The Department has estimated that the total cost of this project should not exceed \$140,000. Because the Fund intends to use two vendors on this project, the Fund will attempt to divide the project as evenly as possible, and hence yield two parallel sub-projects estimated at a maximum of \$70,000 each.

G. PROJECT COMPLETION DATE

The project will be completed by February 28, 1988, or within three months from the date of project authorization.

H. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals and tasks to show or demonstrate the respondent's view of the nature of the project.
2. An identification and description of the deliverables to be provided by the respondent.
3. An outline of the respondent's background and experience with particular emphasis on insurance, and specifically workers' compensation, audit work. The respondent shall identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the Special Compensation Fund's Project Director.
4. A detailed cost work plan which will identify the major tasks to be accomplished. The work plan will be used as a scheduling and managing tool, as well as the basis for invoicing.
5. A description of the level of the Special Compensation Fund's participation in the project as well as any other services to be provided by the Fund.

I. IDENTIFICATION OF INDEPENDENCE

A list of companies making up the population from which the companies to be audited will be selected will be mailed to each respondent upon receipt of the proposal. The respondent will be required to return the list to the Special Compensation Fund within seven (7) business days of date of the letter identifying those companies for whom they could conduct an independent audit. This information will be used in the assignment of work to the vendors selected.

J. EVALUATION

All proposals received by the deadline will be evaluated by the Special Compensation Fund, Department of Labor and Industry. An interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of the project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by November 30, 1987. Results will be sent immediately by mail to all respondents.

Minnesota Department of Transportation

Goals for Disadvantaged Business Enterprises for Federal Fiscal Year 1988

The Minnesota Department of Transportation (Mn/DOT) has established a goal of 10% for disadvantaged business enterprises (DBE) for all modes of transportation for federal fiscal year 1988 (October 1, 1987 through September 30, 1988).

The Surface Transportation Uniform Relocation Assistance Act of 1987 (STURAA) required a 10% DBE goal. STURAA requires that women business owners be presumed to be socially and economically disadvantaged and are included in the DBE goal.

The department's DBE Plan is available for public inspection during normal business hours (8:00 a.m. to 4:00 p.m.) at Mn/DOT Central Office, Room 318-B Transportation Building, John Ireland Boulevard, St. Paul, Minnesota 55155, for 30 days following the

State Contracts and Advertised Bids

date of this notice. Mn/DOT is open for public comment regarding the DBE goals for 45 days from the date of this notice. The comments are for informational purposes only.

Please respond to:

The Minnesota Department of Transportation
EEO Contract Management Office
Room 318-B
St. Paul, Minnesota 55155

Supreme Court Decisions

Decisions Filed Friday 30 October 1987

C7-86-1806 Jeffrey Pratt, a minor, by his father and natural guardian, Richard Pratt, and Richard Pratt and Christine Pratt, individually v. University of Minnesota Affiliated Hospitals and Clinics, et al., Petitioners, Appellants, Richard A. King, Petitioner, Appellant. Court of Appeals.

Mere diagnosis of a condition, where all appropriate tests and procedures have been properly performed, does not give rise to a duty to disclose risks inherent in conditions not diagnosed.

Reversed. Amdahl, C.J.

Took no part, Coyne, J.

C7-87-789 Gail Russell Fisher v. Eastern Air Lines, Inc., Appellant. Hennepin County.

Where respondent, in order to litigate her discrimination charge, was required by statute to initiate administrative proceedings prior to commencing a private civil action, the procedural dismissal of the Minnesota Department of Human Rights' complaint based on respondent's charge did not constitute a hearing within the meaning of *Minnesota Statutes* § 363.071 (1984) for purposes of respondent's right to bring a private civil action under *Minnesota Statutes* § 363.14 (1984).

Certified question answered in the affirmative. Yetka, J.

Took no part, Scott, J.

C1-87-547 Glenn D. Mattson, et al., Appellants v. Underwriters at Lloyds of London, et al. Hennepin County.

A court of appeals decision deciding plaintiffs lacked standing to sue on a particular ground precludes plaintiffs from thereafter seeking to establish standing on other grounds not ruled on below, nor called to the attention of the appeals court, nor preserved for post-appeal decision.

Certified question answered in the affirmative. Simonett, J.

Dissenting, Yetka & Wahl, JJ.

Announcements

Jobs & Training Department: Minnesota's seasonally adjusted unemployment rate increased 0.4% for the second month in a row to stand at 5.8% in September. This was the fourth month in the last five that the state's jobless rate has risen, but it still remained slightly below the national rate for September of 5.9 percent. Minnesota's unemployment rate for September a year ago was 5.0 percent. Total employment (also adjusted for seasonal variations) slipped 0.9 percent from August. Wage and salary jobs increased by 3,700 over the month. Nonmanufacturing added 2,000 workers while the manufacturing sector gained 1,700 jobs. Government jobs declined by 2,500 from August, the only industry to show a decrease. When compared to a year ago, wage and salary employment was up by 56,800 jobs, or 3.6 percent. Individual area jobless rates varied from a low of 2.6 percent in Pipestone County to a high of 17.1 percent in Red Lake County for August, the most recent month for which county data are available. The unemployment rates in this article pertain to the entire labor force and are not used to determine whether unemployment insurance benefit payments will be extended beyond the usual 26-week maximum. The unemployment rate among persons covered by unemployment insurance is used to determine whether benefit payments will be extended.

“Paul Bunyan” Snowmobile Trail to Be Featured in Trail Explorers November Issue: The Minnesota Department of Natural Resources (DNR) has divided the Minnesota landscape into thirteen distinct recreational regions—from the North shore’s rugged coast line to the Minnesota River Valley to the fertile hills of the Southern Farmbelt—regions that recognize the great geological and cultural variety within the state. The *Trail Explorer* newspaper, a publication prepared by the DNR’s Trail Programs Section, will identify long-distance snowmobiling opportunities which show off each of these regions. Last year, the *Trail Explorer* featured the North Shore State Trail (Duluth to Grand Marais) and Vikingland Exploration Trail (Alexandria). This year’s issue will feature a 240-mile snowmobile route from Brainerd to Bemidji. A travel map, travel log and articles highlighting natural and historical points of interest will be included. Truly “Paul Bunyan” Country, the route lies in the heart of the Northern Pine and Lakes Recreation Landscape. Snowmobilers can travel through pine and aspen, along forest-fringed lakes, and across rivers. The trail was evaluated by seasoned snowmobilers, and services offered along the trail are noted.

Accompanying articles highlight Itasca State Park as the headwaters of the Mississippi River and the region’s legacy of Indians, voyageurs, lumberjacks, and railroad workers. A calendar of local events and lodging information will make for easier trip-planning and travel arrangements. Snowmobile issues are published annually in November and January, and subscription is currently free, limited to the first two-thousand respondents. For copies, send your name and address to: Minnesota **Trail Explorers Club**, Minnesota Department of Natural Resources, Box 40—500 Lafayette Road, St. Paul, MN 55155-4040. Back copies for the North Shore State Trail and Vikingland Exploration Trail are also available upon request. For more information, contact: Angela Anderson, Project Coordinator—MN Trail Explorers Club (612) 296-6768.

Purple Loosestrife on the Loose: Purple loosestrife is a wetlands cancer. The decorative purple plant, favored by many gardeners, has infested thousands of wetlands in the Northeast and has gained a foothold in Minnesota. The prolific exotic from Europe and Asia threatens our sloughs, marshes and shallow lakes—home of game birds, furbearers and song birds. The problem with purple loosestrife is it is not used by wildlife and crowds out plants that are used. Its woody root system makes a thick floating mat on wetlands, blocking the growth of bulrushes and cattails. The plant spreads like wildfire: a single stem can produce up to 100,000 seeds a year.

Minnesotans first learned of the threat posed by purple loosestrife in 1983. Bob Djupstrom of the Scientific and Natural Areas (SNA) Program and Lee Pfannmeller of the Nongame Wildlife Program wrote an article in *The Minnesota Volunteer* introducing the plant and detailing its harmful effects to wetlands. Two years later, in 1985, the DNR organized a Purple Loosestrife Interagency Workgroup to look into the problems of and suggest solutions to the plant’s spread. Recently the Legislative Commission on Minnesota’s Resources (LCMR) funded \$200,000 over two years to establish a purple loosestrife program. This past spring the Minnesota Legislature made it illegal to sell the most obnoxious species of purple loosestrife, known by its scientific name as *Lythrum salicaria*, and the Department of Agriculture designated *Lythrum salicaria* as a primary noxious weed.

The Purple Loosestrife Program, the first of its kind in the nation, is part of the Division of Fish and Wildlife’s Ecological Services Section. The program will coordinate the statewide purple loosestrife locations, increasing the public’s awareness of the plant, and implementing and monitoring control measures. Under the direction of the LCMR work plan, all control efforts will be done where the plant has just begun infesting an area, where control has the greatest chance of success, and where significant wetlands are threatened by the plant’s spread. Purple loosestrife threatens not only wetlands, but also the wildlife that live there. As a result, hunting, fishing, and other outdoor recreation—and ultimately the state’s economy—are in danger. The plant can grow almost anywhere in Minnesota where there are lakeshores, wetlands, rivers and streambanks, and drainage and roadside ditches. Therefore, controlling the spread of purple loosestrife will require a great deal of communication and cooperation among the DNR, Department of Agriculture and Department of Transportation conservation organizations, sportsmen’s groups, municipalities, counties and the public. This past summer, the public’s response to press coverage of the purple loosestrife threat was positive and encouraging. Many letters were received and phone calls telling of the plant’s rapid spread. It appears that both the public and conservationists are concerned about the danger posed to Minnesota’s wetlands by this pest. For more information, contact: Section of Ecological Services (612) 296-2835.

Waste Management Board: Effective November 1, 1987 the board will move to new quarters in the Energy Park complex off Energy Park Drive between Snelling and Lexington Avenues in St. Paul. Mailing and street addresses are: Minnesota Waste Management Board, 1350 Energy Lane, St. Paul, MN 55108; General Information phones are: metro (612) 649-5750; MN Toll-Free: 1-800-652-9747.

MAILING LISTS GALORE

Successful business means successful sales

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

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

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

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

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

Minnesota Manufacturer's Directory 1986-87

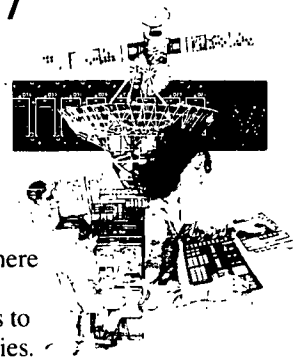
NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



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



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



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

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

Voices of the Loon

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

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

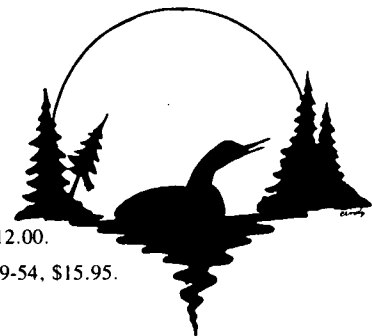
The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

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

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

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

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



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Minnesota's future environment

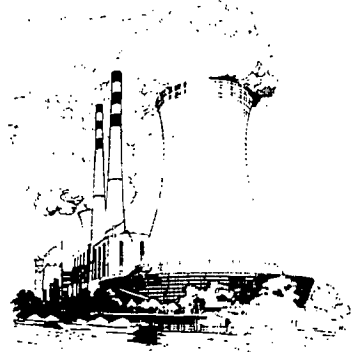
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1986 Pollution Control Laws

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

1986 Hazardous Waste Rules

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



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

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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 Vol. 38 (limited quantity)	\$ 89.50	
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Vol. 39	\$ 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			

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.

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Selling business and financial services to physicians?

Physicians Directory 1985

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

Medical Alley Directory 1986

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

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



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For Real Estate Professionals:

REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

REAL ESTATE LAWS 1987

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$6.00.



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

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Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$12.00.

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

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$12.95.

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

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NOTARY PUBLIC LAWS

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



Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business

Code No. 16-50. \$3.00.

Small Business Finance

Code No. 16-42. \$2.00.

Starting and Managing a Small Business of Your Own

Code No. 16-40. \$4.75.

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

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

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

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

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

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

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

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



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

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Murder: Minnesota style

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

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

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

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

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

Human Services Laws and Rules

Human Services Laws 1986

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

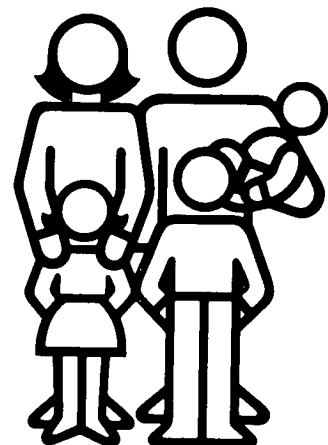
Human Services Rules as in effect July 7, 1986

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

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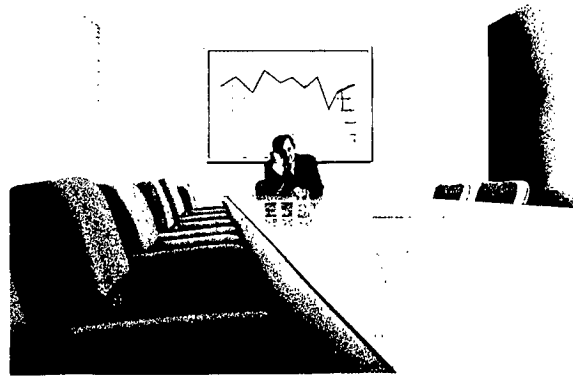
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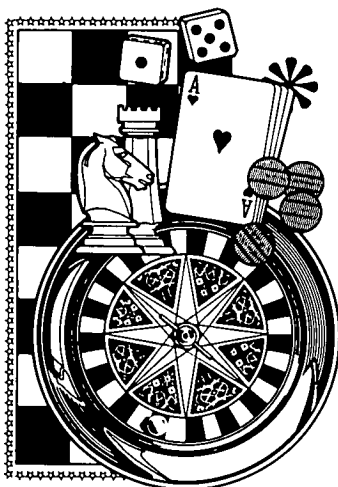
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