

State of Minnesota

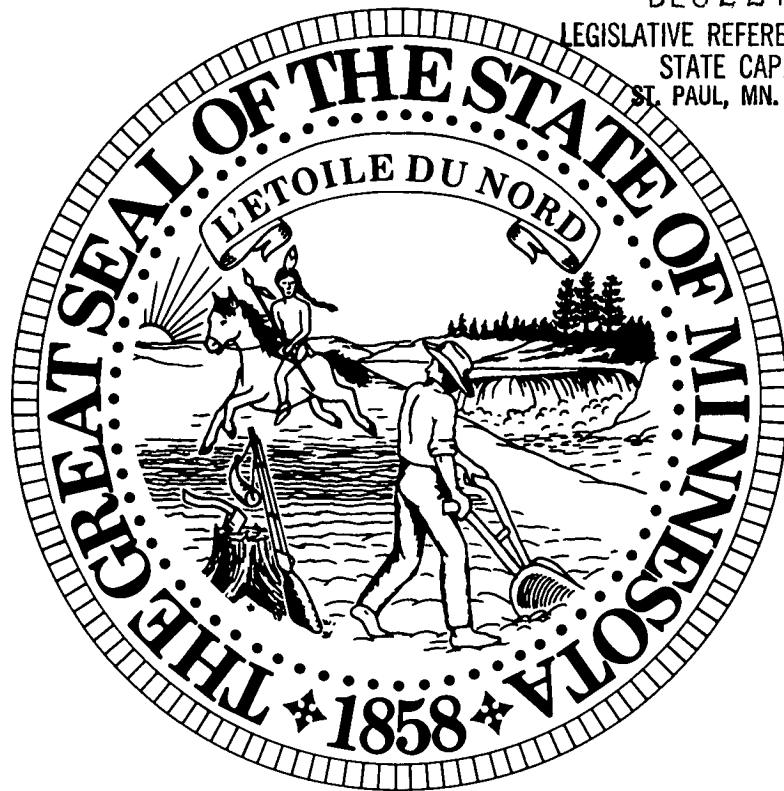
# STATE REGISTER<sup>2</sup>

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.

### 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
25	Monday 7 December	Monday 14 December	Monday 21 December
26	Monday 14 December	Friday 18 December	Monday 28 December
27	Friday 18 December	Thursday 24 December	Monday 4 January
28	Thursday 24 December	Monday 4 January	Monday 11 January

\*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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## For Legislative News

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### SENATE

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Contact: Senate Public Information Office  
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(612) 296-0504

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**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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**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. 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*.

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*.

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 1-26; 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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# Minnesota Rules: Amendments & Additions

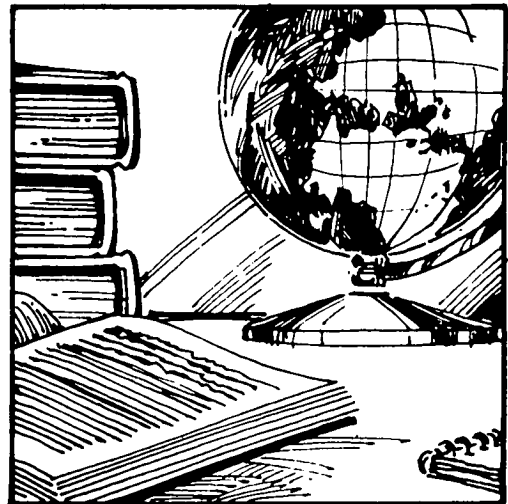
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# Proposed Rules

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.

## Board of Electricity

### Proposed Permanent Rules Relating to Inspection Fees

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

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

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

Any person may make a written request for a public hearing on the rule 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 withdrew their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective no sooner than April 4, 1988. Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

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

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

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

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

**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

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

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

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

(b) Who spends more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

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

John Quinn, Executive Secretary  
State Board of Electricity

### Rules as Proposed

#### 3800.1700 PAYMENT OF INSPECTION FEES.

Except as provided in part 3800.1300, all state electrical inspection fees are due and payable to the board at or before commencement of the installation and shall be forwarded with the request for electrical inspection.

#### 3800.1800 FEE SCHEDULE.

Subpart 1. [Unchanged.]

Subp. 2. **Fee for each separate inspection.** The minimum fee for each separate inspection of an installation, replacement, alteration, or repair limited to one inspection only is ~~\$8~~ \$15.

Subp. 3. **Fee for services or power supply units.** ~~Services~~ The inspection fee for each service, changes change of services service, temporary services service, power supply unit, additions addition, alterations alteration, or repairs on either primary or secondary services shall be computed separately.

~~The inspection fee for electrical services repair to a service or power supply unit shall be:~~ The inspection fee for electrical services repair to a service or power supply unit shall be: 0- to and including 200-ampere capacity, ~~\$40~~ \$15; for each additional 100-ampere capacity or fraction thereof, ~~\$4~~ \$5. A separate request for electrical inspection shall be filed for temporary services.

Subp. 4. **Fee for circuits or feeders.** ~~Circuit installations~~ The fee for each circuit or feeder, additions or addition, alterations alteration, or repairs repair of each such circuit or subfeeder shall be computed separately feeder including the equipment served, and including circuits fed from subfeeders and including the equipment served feeders, except as provided for in subpart 5, items A- to K-. ~~The inspection fee for electrical circuits shall be:~~

A. 0- to and including ~~30-ampere~~ 100-ampere capacity, ~~\$3~~ \$4. ~~The maximum number of 0- to 30-ampere circuits for which a fee is charged is 30 in any one cabinet.~~

B. ~~31-~~ to and including 100-ampere capacity, ~~\$4-~~

~~C-~~ For each additional 100-ampere capacity or fraction thereof, ~~\$1~~ \$2.

Subp. 5. **Exceptions for fees for circuits** Limitations and additions to the fees of subparts 2 to 4.

A. ~~The maximum fee on a farmstead wired as a single installation, or on for a single-family dwelling, shall not exceed \$40~~ \$55 if the electrical services are service is not over 200-ampere capacity. The fee includes service, feeders, circuits, fixtures, and equipment. This maximum fee includes not more than three inspections. The fee for a single family dwelling over 200- to and including 400-ampere capacity shall not exceed \$100. This fee includes not more than four inspections. These fees shall apply to each separate service, and include the service, feeders, circuits, fixtures, and equipment. The fee for additional inspections shall be charged the reinspection fee specified in subpart 7. Pole-top current metering and pole-top disconnecting means on the farm yard pole are exempt from inspection and inspection fees Multifamily dwellings with individual services to each unit are computed at the single family dwelling rate.



B. ~~The maximum fee on a farmstead wired as a single installation, or on a single-family dwelling, shall not exceed \$80 if the electrical services are not over 400-ampere capacity. If more than one service entrance is installed on a single-family dwelling, the maximum fee for each service shall not exceed \$40. This fee includes The fee for each farm building or farm structure with a service not over 200-ampere capacity shall not exceed \$55. This fee includes not more than three inspections. The fee for each building or structure with a service over 200- to and including 400-ampere capacity shall not exceed \$100. This fee includes not more than four inspections. These fees include the services, feeders, circuits, fixtures, and equipment. This maximum fee includes not more than four inspections. The fee for additional inspections shall be charged the reinspection fee specified in subpart 7. Pole-top current metering and pole-top disconnecting means on the farm yard pole are exempt from inspection and inspection fees.~~

C. ~~The maximum fee on an apartment building shall not exceed \$18 per dwelling unit for the first 20 units and \$14 per dwelling unit for each unit in excess of 20. This maximum fee does not include any circuits other than those in the individual dwelling units. for each unit of a multifamily dwelling having three to six dwelling units shall not exceed \$30. The fee for each multifamily dwelling exceeding six units shall not exceed \$20 per dwelling unit. This fee includes only the wiring in an individual dwelling unit and the final feeder to that unit. The fee for the service and all other circuits shall be calculated as specified in this part. subparts 2 to 4, except that the maximum fee for each house panel shall not exceed \$40 \$55. A separate request for electrical inspection is required for each building. The maximum fee for a two-unit dwelling or duplex shall be the same as for two single-family dwellings.~~

D. ~~The maximum number of 0- to 30-ampere circuits for which a fee is charged on any one athletic field lighting standard is ten Recreational vehicle parks fees shall be in accordance with subparts 2 to 4.~~

E. ~~The maximum fee on for mobile home park stalls shall not exceed be \$6 per unit stall for the first 20 stalls and \$3 per each additional stall exclusive of the feeder to the mobile home with a minimum fee of \$15 per inspection trip. The fee for permanently installed feeders shall be in accordance with subpart 4.~~

F. ~~In addition to the above fees, a charge of \$1 will be made the fee for each street lighting standard shall be \$1, and a charge of \$2 will be made the fee for each traffic signal standard shall be \$2. Circuits originating within the standard will shall not be used when computing the fee.~~

G. ~~In addition to the above fees, the fees for all transformers and generators for light, heat, and power shall be computed separately at \$3 \$5 per unit plus 20 cents per kilovolt ampere up to and including 100 kilovolt amperes, 101 kilovolt amperes and over at ten cents per kilovolt ampere \$3 per ten-kilovolt-amperes or fraction thereof. The maximum fee for any a transformer or generator in this category is \$25 \$40.~~

H. ~~In addition to the above fees, the inspection fees for all transformers for signs and outline lighting shall be computed at \$3 for the first 500 volt amperes or fraction thereof per unit, plus 30 cents for each additional 100 volt amperes or fraction thereof \$5 per unit.~~

I. ~~In addition to the above fees, unless included in the maximum fee filed by the initial installer, the inspection fee for remote control, signal circuits, alarm, or communication circuits and circuits of less than 50 volts shall be computed at \$3 \$5 per each ten openings or devices of each system plus \$1 \$2 for each additional ten or fraction thereof, with a minimum fee of \$15 per inspection trip.~~

J. ~~In addition to the above fees, the inspection fee for each separate inspection of a swimming pool shall be computed at \$13 \$15. Reinforcing steel and bonding for swimming pools requires a rough-in inspection.~~

K. ~~In addition to the above fees, the fees fee for all wiring on center pivot irrigation booms shall be computed at \$25 \$30. The fees for all other wiring for the irrigation system shall be computed separately as otherwise specified in this part.~~

Subp. 6. **Minimum fee for proposed installations:** ~~For the review of plans and specifications of proposed installations, there shall be a minimum fee of \$100, up to and including \$30,000 of electrical estimate, plus one-tenth of one percent on any amount in excess of \$30,000 to be paid by persons or firms requesting the review. Investigation fees: Work without a request for electrical inspection.~~

A. ~~Whenever any work for which a request for electrical inspection is required by the board has begun without first obtaining the request for inspection, a special investigation shall be made before a request for electrical inspection is accepted by the board.~~

B. ~~An investigation fee, in addition to the full fee required by subparts 1 to 5, shall be paid before an inspection is made. The investigation fee shall be equal to the amount of the fee required by subparts 1 to 5. The payment of the investigation fee~~

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## Proposed Rules

does not exempt any person from compliance with all other provisions of the board rules or statutes nor from any penalty prescribed by law.

Subp. 7. **Reinspection fee.** When reinspection is necessary to determine whether unsafe conditions have been corrected and ~~such~~ the conditions are not the subject of an appeal pending before the board or any court, a reinspection fee of ~~not to exceed the original unit fee of \$8, whichever is less \$15,~~ may be assessed in writing by the inspector.

Subp. 8. **Special inspections.** For inspections not covered herein, or for requested special inspections or services, the fee shall be ~~\$17~~ \$23 per ~~man~~ hour, including travel time, plus 24 cents per mile traveled, plus the reasonable cost of equipment or material consumed. This provision is ~~also~~ applicable to inspection of empty conduits and ~~such~~ other jobs as may be determined by the board.

Subp. 9. **Inspection of transient projects.** For inspection of transient projects, including but not limited to carnivals and circuses, the inspection fees shall be ~~computed as follows as specified in this subpart.~~

The fee for inspection of power supply units shall be that fee specified in subpart 3. A like fee will be required ~~on~~ for power supply units at each engagement during the season, ~~except that, Rides, devices, or concessions shall be inspected at their first appearance of the season, and the inspection fee shall be \$15 per unit.~~

In addition to the fee for the power supply units, there shall be a general inspection for each engagement during the season at the hourly rate, with a two-hour minimum. In addition to the above fees, inspections required on Saturdays, Sundays, holidays, or after regular business hours will be at the hourly rate, including travel time. An owner of a migratory amusement enterprise shall notify the board of its season itinerary and make application for initial inspection a minimum of 14 days before its first engagement in the state. For subsequent engagements not listed on the itinerary sent to the board, where the board is not notified at least 48 hours in advance, a charge of \$100 will be made in addition to all required fees. Also, a fee of \$17 per hour at the hourly rate will be charged for additional time spent by the inspector if the power supply equipment is not ready for inspection at the time and date specified on the request for electrical inspection as required by law. The fee for reinspection of corrections is \$15 for each reinspection.

~~Rides, devices, or concessions shall be inspected at their first appearance of the season, and the inspection fee shall be \$8 per unit.~~

Subp. 10. and 11. [Unchanged.]

## Department of Labor and Industry

### Proposed Rule Governing Notice of Employee Termination Rights

The rule on employee termination was published at *State Register* October 19, 1987, Volume 12 Number 16, page 825.

#### Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to *Minnesota Statutes* section 14.14, subdivision 1, in the above-entitled matter in the 4th Floor Conference Room, 444 Lafayette Road, St. Paul, Minnesota on January 29, 1988, commencing at 9:00 a.m. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

One free copy of this Notice and the proposed rules may be obtained by contacting Don Jackman at (612) 297-3349. Additional copies will be available at the door on the day of the hearing.

The Department of Labor & Industry has been provided the statutory authority to promulgate rules governing notification of employees by employers of an employee's rights under the Employee Social Responsibility Act of 1987. A copy of the proposed rule is attached to this Notice.

The promulgation of this rule is authorized by *Minnesota Statutes*, 181.934.

The proposed amendments are subject to change as a result of the rule hearing process. The Department of Labor and Industry strongly urges those who are potentially affected by these proposed amendments to participate in the rule hearing process.

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

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by 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, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends. This comment period may be extended for a longer period not to exceed twenty calendar days if so ordered by the administrative law judge at the hearing. Comments received during this period shall be available for review at the Office of Administrative Hearings, 500 Flour Exchange Bldg., 310 4th Avenue South, Minneapolis, MN 55415. The Department of Labor & Industry and any interested persons may respond in writing within three business days after the submission period ends to any new information submitted. However, no additional evidence may be submitted during the three-day period.

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

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

The statement of need and reasonableness addresses the impact the proposed rule might have on small businesses. It may be obtained by contacting the Department of Labor & Industry at 296-2125.

The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by parts 1400.0200 to 1400.1200 of *Minnesota Rules*. Questions regarding procedure may be directed to the administrative law judge.

The following administrative law judge has been assigned to preside over this hearing:

Peter C. Erickson  
Office of Administrative Hearings  
500 Flour Exchange Building  
310 Fourth Avenue South  
Minneapolis, MN 55415  
Phone: 341-7608

Dated: 1 December 1987

Ray Bohn  
Commissioner of Labor & Industry

## **Waste Management Board**

### **Proposed Permanent Rules Relating to Waste Tire Recycling Grant and Loan Program**

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

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.55, pursuant to Reorganization Order No. 144 (Dept. of Admin. 1987).

All persons have until 4:30 p.m. on Wednesday, January 20, 1988, 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.

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## Proposed Rules

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Any person may make a written request for a public hearing on the rule within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Mr. Edward Welsch  
Waste Management Board  
1350 Energy Lane  
St. Paul, Minnesota, 55108  
(612) 649-5750

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

The proposed rule, if adopted, will govern the waste tire recycling grant and loan program established in *Minnesota Statutes* § 116.55 (1986) by establishing the substantive criteria and procedural conditions under which the Board will award grants and loans for waste tire recycling. The proposed rule is published below. One free copy of the rule is available upon request from Mr. Edward Welsch, at the address and telephone number stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes*, § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule will have no negative effect on small businesses because businesses are eligible for the grant and loan funds available under this program.

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 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 rule as adopted, must submit a written request to Mr. Edward Welsch.

Joseph M. Pavelich, Chair  
Waste Management Board

### Rules as Proposed (all new material)

#### 9220.0800 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9220.0800 to 9220.0835, the following terms have the meaning given them unless the context requires otherwise.

Subp. 2. **Board.** "Board" means the Minnesota Waste Management Board.

Subp. 3. **Chair.** "Chair" means the chair and chief executive officer of the board.

Subp. 4. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, securing the waste supply, or joint efforts by more than one local government unit.

Subp. 5. **Waste tire recycling business.** "Waste tire recycling business" means a business engaged in energy recovery or resource recovery from waste tires.

Subp. 6. **Waste tire recycling project.** "Waste tire recycling project" means a mechanism, method, or facility designed to process waste tires to recover energy or resources.

#### 9220.0805 SCOPE.

Parts 9220.0800 to 9220.0835 implement the waste tire recycling grant and loan program created in *Minnesota Statutes*, section 116.55 by establishing the substantive criteria and procedural conditions under which the board may award grants for waste tire recycling project studies and loans for waste tire recycling projects.

#### 9220.0810 GRANTS.

Subpart 1. **Eligible applicants.** Individuals, partnerships, corporations, and associations are eligible for grants.

Subp. 2. **Eligible studies.** Grant funds are available to pay costs associated with studies necessary to demonstrate the technical and economic feasibility of a waste tire recycling project.

Subp. 3. **Eligible costs.** Eligible costs are limited to the following:

- A. the salary of employees or the cost of a consultant employed to research and analyze the technical and economic feasibility of the waste tire recycling project that is the subject of the study;
- B. the cost of drafting, printing, and distributing the final report required under part 9220.0820;
- C. the cost of in-state travel, the primary purpose of which is to gather information needed for the study, in no greater amount than provided in the current commissioner's plan adopted by the commissioner of employee relations under Minnesota Statutes, section 43A.18, subdivision 2; and
- D. the cost of supplies required for the study, provided the supplies are fully expended during the course of the research or production of the report.

Subp. 4. **Ineligible costs.** The cost of overhead and the cost of developing the application submitted to the board are not eligible for funding.

#### **9220.0815 CONTENT, REVIEW, AND EVALUATION OF GRANT APPLICATION.**

Subpart 1. **Contents.** An application for a grant to study the technical and economic feasibility of a proposed waste tire recycling project must include the following information:

- A. the name, address, and telephone number of the applicant;
- B. a description of the waste tire recycling project that will be the subject of the study;
- C. a detailed description of the proposed study, including objectives, tasks, estimated hours for completion of each task, and the estimated cost of completing each task;
- D. a description of the information that will be contained in the final report developed as required by part 9220.0820;
- E. the total cost of the study and the eligible cost of the study;
- F. the total grant funding requested; and
- G. the name, address, and telephone number of the person or persons who will actually perform the research, if known.

Subp. 2. **Determination of eligibility and completeness.** Upon receipt of an application, the chair or a designee shall determine the eligibility of the applicant, the eligibility of the costs identified in the application, the eligibility of the study described in the application, and the completeness of the application. Applicants are encouraged to contact the chair and request a preapplication review of the proposed study.

Subp. 3. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant or the study is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the study costs is ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct any inadequacies identified by the chair. If the inadequacies are corrected within the time allowed, the application will be evaluated by the chair and sent to the board for decision.

Subp. 4. **Board approval.** The board shall approve applications and award grants for studies of the technical and economic feasibility of waste tire recycling projects that will result in the generation of information to aid the state in developing waste tire recycling alternatives. The board shall give priority to studies that are unlikely to be undertaken without state assistance, or that could lead directly to development of new waste tire recycling capacity needed in the state.

#### **9220.0820 GRANT LIMITATIONS; AGREEMENT.**

Subpart 1. **Grant amount.** Grants must not exceed 75 percent of the costs of the proposed study. No single grant may exceed \$30,000. Grants must not be awarded to cover a cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

Subp. 2. **Grant agreement.** Grant funds must be disbursed only after a grant agreement containing the terms of this subpart has been executed by the board and the recipient of the grant award. The grant agreement must:

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## Proposed Rules

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A. require the preparation of a final report to be submitted to the board that contains:

(1) a detailed analysis of the technical and economic feasibility of the waste tire recycling project that is the subject of the study, including an estimate of the net operating revenue, if any, to be generated by the waste tire recycling project studied if it was developed, considering the availability of waste tire supplies and markets for recovered resources from the project;

(2) a proposal for developing the waste tire recycling project that was the subject of the study, including financing alternatives, if the study concludes that development is feasible;

(3) an analysis of the impact that the waste tire recycling project studied would have on existing waste tire recycling if the project was developed; and

(4) other information that would be relevant to a future decision by the state or other private or public entities to fund or otherwise support the development of the waste tire recycling project that was studied;

B. provide for staged disbursement of funds as documentation of costs incurred is received from the grant recipient, and for retainage of funds until the final report is submitted and determined by the chair to be adequate;

C. incorporate by reference the final grant application submitted to the board under part 9220.0815; and

D. provide that any cost overruns incurred in performing the study and preparing the final report is the sole responsibility of the recipient and that the board shall not consider amendments to the grant agreement requesting that additional funds be awarded to the recipient.

### 9220.0825 LOANS.

Subpart 1. **Eligible applicants.** Individuals, partnerships, corporations, and associations engaged in a waste tire recycling business, or intending to become engaged in a waste tire recycling business, are eligible for waste tire recycling loans.

Subp. 2. **Eligible costs.** Loan funds are available to pay costs incurred for capital improvements associated with the development of the waste tire recycling project, including the cost of land and building acquisition or construction and the cost of equipment purchase and installation.

### 9220.0830 CONTENT, REVIEW, AND EVALUATION OF APPLICATION.

Subpart 1. **Contents.** An application for a waste tire recycling project loan must include the following information:

A. the name, address, and telephone number of the applicant and project manager;

B. a description of the waste tire recycling project that is proposed to be funded by the loan;

C. the total capital cost of the project;

D. the total grant-eligible cost of the project;

E. the amount of the loan requested; and

F. the amount and source of all other funding that will be contributed to the project, including the amount of funds to be contributed by the applicant.

Subp. 2. **Supporting documentation.** An application for a waste tire recycling project loan must include the following supporting documentation:

A. Credit information sufficient to support a finding that the loan will be repaid. Credit information available from private credit rating agencies such as Standard and Poor's, or Dunn and Bradstreet must be accepted. For waste tire recycling businesses that do not have a credit rating, personal credit information pertaining to individual owners, partners, or shareholders of closely-held corporations must be submitted for evaluation and evaluated. Personal credit information must include personal tax returns, personal credit reports from credit bureaus or other credit reporting agencies if available, and references from personal bankers.

B. A certification from the chair that the proposed project is technically feasible.

C. A conceptual and technical feasibility report that includes at least the following:

(1) a detailed description of the proposed waste tire recycling project and the recycling process proposed;

(2) a description of the institutional arrangements necessary for project implementation and operation;

(3) a description of the method of project facility or equipment procurement;

(4) documentation substantiating that the equipment to be procured has the capability and operating history to perform as proposed;

(5) final design and engineering specifications, including site plans, building plans, and floor plans detailing the equipment layout; and

(6) an analysis of the quantity and source of the waste tires that will be processed.

D. A financial plan that contains:

(1) initial capital development costs and the method of financing those costs;

(2) annual operating and maintenance costs;

(3) projections of total project costs and revenues over the term of the loan;

(4) projected tipping fees; and

(5) copies of contracts for the sale of project products that specify quantities sold, price per unit sold, the life of the contract and a marketing plan for the waste tire recycling business proposed.

E. A description of how the facility fits the solid waste management objectives of the jurisdiction where the facility will be located.

Subp. 3. **Determination of eligibility and completeness.** Upon receipt of an application, the chair or a designee shall determine the eligibility of the applicant, the eligibility of the costs identified in the application, the eligibility of the project described in the application and the completeness of the application. Applicants are encouraged to contact the chair to arrange for a preapplication review of the proposed project.

Subp. 4. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant or the project is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the project costs is ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct any inadequacies identified by the chair. If the inadequacies are corrected within the time allowed, the application will be evaluated by the chair and sent to the board for decision.

Subp. 5. **Board approval.** The board shall approve applications and award loans for development or improvement of waste tire recycling facilities that will aid the state in fulfilling waste tire management objectives. Priority must be given to projects that best meet the waste management objectives established in Minnesota Statutes, section 115A.02. No loan may be approved unless the board finds that the proposed project has been certified as technically feasible by the chair and that the operating revenues will be sufficient to ensure full repayment of loan, including interest.

#### **9220.0835 LOAN LIMITATIONS.**

Subpart 1. **Loan amount.** No waste tire recycling loan may exceed 90 percent of the eligible capital costs of the project.

Subp. 2. **Interest rate.** The interest rate of a loan from the waste tire recycling loan program shall not be less than an annual percentage rate of three percent. Interest payments on the loan are due annually and begin to accrue from the date the loan is disbursed by the board. The first repayment of the principal amount of the loan is due one year after the project becomes operational or two years after the date the loan agreement is executed by the board, whichever is earlier. The board shall consider the project operational at the point where the project meets all vendor guaranteed operating specifications.

Subp. 3. **Loan agreement.** Loan funds must be disbursed only after a loan agreement containing the terms of this subpart has been executed by the board and the recipient of a loan award. A grant agreement must:

A. incorporate by reference the final application submitted to the board under part 9220.0830;

B. establish the term of the loan, which is determined by considering the expected life of the project facility or equipment;

C. establish a schedule for repayment of principal and interest, and procedures to be followed in the case of default in repayment;

D. provide that any cost overruns incurred in the development of the proposed project are the sole responsibility of the loan recipient;

E. provide that the board will not accept any amendments or supplementary applications requesting that additional loan funds be awarded to the loan recipient; and

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

## Proposed Rules

F require that the recipient provide periodic reports to the board on the developmental and operational history of the project so that knowledge and experience gained from the project may be made available to other communities in the state.

Subp. 4. **Failure to complete and operate project.** If a project funded by a loan under this part is not completed and operational in accordance with the terms and conditions of the loan agreement, including time schedules, the board shall declare default and require that the entire outstanding balance of the loan be repaid. Before finding a default, the board shall make a determination as to the reason the project was not completed or operated as required. If the board finds that the recipient could not complete or operate the project as required due to forces beyond the control of the recipient, the board shall consider a variance that will allow the original objectives of the project to be accomplished.

## 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.

## Public Utilities Commission

### Adopted Permanent Rules Relating to Telephone Assistance Plan

The rules proposed and published at *State Register*, Volume 12, Number 16, pages 814-818, October 19, 1987 (12 S.R. 814) are adopted with the following modifications:

#### Rules as Adopted

##### 7817.0300 FUNDING.

Subpart 1. **Uniform statewide monthly surcharge.** The telephone assistance plan must be funded through the assessment of a uniform recurring monthly surcharge applicable to all classes and grades of access lines provided by each telephone company in the state. The initial surcharge must be assessed beginning with the first billing cycle occurring immediately after the effective date of this part. The commission shall determine the level of the surcharge on an annual basis no later than November 30 of each year beginning with the first billing cycle of the calendar year. The surcharge must be calculated based on the following criteria:

Subp. 3. **Statewide surcharge revenue pool.** Excess surcharge revenues remitted by the telephone companies to the commission must be placed in a statewide surcharge revenue pool to be administered by the commission. The commission shall use the surcharge revenue pool funds:

B. to reimburse a telephone company, within 60 days of receipt of the company's quarterly report, reasonable expenses and telephone assistance credits associated with the telephone assistance plan and not covered by the surcharge revenues collected by the telephone company.

##### 7817.0400 ELIGIBILITY FOR TELEPHONE ASSISTANCE CREDITS.

Subpart 1. **Information provided.** On request, the local agency shall offer to a person an application form developed by the Department of Human Services and a brochure that describes the ~~program's~~ telephone assistance plan's eligibility requirements and application process.

Subp. 2. **Application process.** On completing the application stating income within the guidelines, the applicant must return it to the ~~local agency for an eligibility determination~~ telephone company for enrollment in the telephone assistance plan. An application may be made by the subscriber, the subscriber's spouse, or a person authorized by the subscriber to act on the subscriber's behalf.

Subp. 3. **Documenting, verifying, and reviewing eligibility.** A local agency shall verify the income of an applicant and the applicant's spouse ~~at the time of application~~. When a condition of eligibility changes, and at each redetermination of eligibility, the local agency may verify income.



A. In a timely manner, an applicant or recipient shall document income or authorize the local agency to verify the income. The local agency shall help an applicant or recipient obtain documents that the applicant or recipient does not possess and cannot obtain. Information previously verified and retained by the local agency must not be verified again unless the information no longer applies to current circumstances.

B. The local agency shall not request information about an applicant or recipient that is not of public record from a source other than local agencies, ~~or the Department of Human Services, and telephone companies~~ without the applicant's or recipient's prior written consent. The local agency may request information about an applicant or recipient that is not of public record from the telephone companies by obtaining the applicant's or recipient's prior written consent on an application or recertification form. The local agency shall not provide third parties with access to information about an applicant's or recipient's eligibility status or other case record information without the prior written consent of that applicant or recipient, except where access to specific case information is granted to agencies designated by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13. Information designated as confidential by the Minnesota Government Data Practices Act may only be made available to agencies granted access under that law and must not be provided to an applicant, recipient, or third party.

Subp. 4. **Eligibility criteria.** To be eligible for a telephone assistance credit:

B. ~~the household must contain a member who subscribes to local exchange service and is subscriber must be~~ 65 years of age or older; and

C. the subscriber ~~resides~~ must reside in Minnesota or has moved to Minnesota and intends to remain.

Subp. 5. **Income.** To determine ~~program~~ eligibility, a local agency shall evaluate income received by household members. All payments must be counted as income if listed in Minnesota Statutes, section 290A.03, subdivision 3. Maximum total annual household income must not exceed:

Subp. 6. **Local agency responsibilities.** On receiving notification of an application from the telephone company, the local agency shall determine the applicant's eligibility or ineligibility within ~~30~~ 120 days. At the end of every 12-month period, the local agency shall redetermine eligibility.

Subp. 7. **Applicant and recipient responsibilities.** An applicant shall provide current information on an application form about circumstances that permanently affect the applicant's ~~program~~ eligibility. At least 30 days before the end of every 12-month period, the recipient shall complete a recertification form required for the redetermination of eligibility.

Subp. 8. **Notices.** ~~A local agency shall notify~~ An applicant or recipient must be notified of the disposition of the application by mailing the notice to the last known address in the following manner.

A. ~~When an applicant or recipient is found eligible, the local agency shall notify the applicant or recipient in writing.~~

~~B. When~~ If an applicant or recipient is found eligible, the local agency shall notify the telephone company.

B. If eligible, the telephone company shall notify the applicant or recipient by placing telephone assistance credits on the bill.

C. ~~When~~ If an applicant or ~~recipient is denied eligibility or a recipient's eligibility is denied or~~ terminated, the local agency shall notify the applicant or recipient in writing of the reasons for the denial or termination, of the right to appeal, and of the right to reapply.

D. ~~When~~ If an applicant is denied eligibility or a recipient's eligibility is terminated, the local agency shall notify the telephone company.

Subp. 9. **Denial or termination of credit eligibility.** A local agency shall deny or terminate a eligibility for telephone assistance credit credits if income limits permanently exceed the maximums described in subpart 5, or the local agency is notified of permanent changes in basic eligibility requirements.

#### **7817.0500 CALCULATION OF CREDITS.**

The commission shall ~~calculate a~~ establish the level of telephone assistance plan credit credits for each telephone company on an annual basis at the beginning of each calendar year no later than November 30 of each year to be effective for the subsequent calendar year. The credits must be calculated based on the following criteria:

<p><b>KEY: PROPOSED RULES SECTION</b> — Underlining indicates additions to existing rule language. <b>Strike outs</b> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — Underlining indicates additions to proposed rule language. <b>Strike outs</b> indicate deletions from proposed rule language.</p>
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## Adopted Rules

### 7817.0600 PROVISION AND TERMINATION OF CREDITS.

Subpart 1. **Provision of credits.** A telephone company shall ~~provide~~ apply telephone assistance ~~plan~~ credits against monthly charges for each certified household. Telephone assistance ~~plan~~ credits must be made available within 90 days after the date the surcharge is first assessed. A telephone company shall apply telephone assistance credits to an applicant's earliest possible billing cycle but no later than the applicant's second billing cycle after enrollment in the telephone assistance plan.

Subp. 2. **Following notice from local agency Termination of credits.** After the telephone company receives an eligibility application from an applicant or a termination notice from the local agency, the telephone company shall proceed according to items A to C and B.

A. ~~A telephone company shall apply telephone credits beginning with the telephone company's billing cycle that begins in the month after the month in which the local agency notifies it of an applicant's or recipient's eligibility.~~

~~B.~~ A telephone company shall cease credits at the end of every 12-month period by billing cycle ~~unless~~ when notified by the local agency that ~~eligibility ineligibility~~ eligibility has been ~~redetermined~~ determined.

~~C.~~ B. A telephone company shall cease credits before the end of the 12-month period when notified by the local agency that eligibility has been permanently terminated. When so notified, the credit ends with the start of the telephone company's billing cycle beginning in the month after the month in which the company is notified.

### 7817.1000 APPEALS AND COMPLAINTS.

Subpart 1. **Appeal after termination or denial of eligibility.** An applicant or recipient who is denied or terminated telephone assistance credits has the right to appeal. Appeal hearings must be conducted at a reasonable time, date, and place by an impartial referee employed by the Department of Human Services. An applicant or recipient may introduce evidence relevant to the issues on appeal. Recommendations of an appeals referee to the designee of the commissioner of the Department of Human Services must be based on evidence introduced at the hearing and are not limited to a review of the propriety of a local agency's action.

Subp. 2. **Complaint procedure.** Complaints against the telephone companies regarding the telephone assistance plan may be referred to the commission. Complaints against telephone companies regarding the telephone assistance plan must be investigated by the Department of Public Service. The Department of Public Service shall report the ~~results~~ status of its investigation to the commission within 45 days of receipt of the complaint.

## 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

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

The rules proposed and published at *State Register*, Volume 12, Number 13, pages 577-581, September 28, 1987 (12 S.R. 577) are adopted with the following modifications:

**Emergency Amendments to Rules as Adopted****9560.0654 [Emergency] DIFFICULTY OF CARE ASSESSMENTS.**

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

A. shall be assessed at level A if the child requires a moderate amount of additional supervision or assistance, including that required by:

(1) ~~care required by a moderate~~ an unusual degree of dependency, passivity, or lack of responsiveness and ability to relate to others;

(2) ~~moderate care for medical disorders~~ abnormal seeking of affection or attention;

(3) serious problems with separation from the natural parents or attachment to the foster parents;

(4) severe psychosomatic complaints;

(5) severe night terrors;

(6) irresponsible behavior, such as minor destructiveness;

(7) immaturity or poor social skills;

(8) problems with authority figures;

(9) chronic disorders with some physical incapacity;

(3) ~~supervision because of (10)~~ a physical handicap, although the child is self sufficient;

(4) ~~moderate help with activities of daily living beyond that ordinarily required for the child's age; or~~

(5) ~~moderate assistance to the child in relating to the natural parents; and~~

(11) a need for monthly trips for medical appointments;

(12) presence of long-term infections or contagion;

(13) delayed growth and maturation;

(14) diagnosed failure to thrive;

(15) need for occasional help with eating and toileting, if the child is over five years of age;

(16) need for help with hygiene and dressing beyond that normally required at the child's age level;

(17) need for a special diet prescribed by a physician;

(18) need for weekly therapy for medical, physical, or emotional problems, which the foster parent attends with the child;

(19) need for home tutoring provided by the foster parent if the child is learning disabled; or

(20) need for supervision of visits by the natural parents in the foster home at least weekly; and

B. within level A, shall be assigned no fewer than one ~~difficulty of care point~~ and no more than 35 difficulty of care points.

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

A. shall be assessed at level B if the child requires a significant amount of additional supervision or assistance, including that required by:

(1) significant need for structure, guidance, and direction;

(2) significant need for motivational stimulation and skill development;

(3) additional care required by developmental delay, including mental retardation;

(4) significant care for medical disorders;

(5) help with activities of daily living significantly beyond that ordinarily required for the child's age; need for a structured behavioral program;

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## Emergency Rules

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- (2) difficulty with peers;
  - (3) lack of verbal responsiveness;
  - (4) severe fear of or hostility to adults;
  - (5) infrequent running away overnight;
  - (6) negativism, lying, or stealing;
  - (7) significant problems with authority figures;
  - (8) chemical abuse;
  - (9) suicidal thoughts;
  - (10) chronic medical disorders or developmental delay, including mental retardation, with significant incapacity and need for motivation or skill development;
  - (11) a program of physical therapy prescribed by a professional for up to one hour per day to be provided by a foster parent;
  - (12) speech and hearing problems, such as those that require a communication board or sign language;
  - (13) presence of infections or contagion, which present a risk to the family;
  - (14) need for help with eating, toileting, hygiene, and dressing significantly beyond that normally required of the child's age level;
  - (15) occasional bowel and bladder accidents, if child is over five years of age;
  - (16) need for help with braces, prosthetics, or casts;
  - ~~(6) attention to~~ (17) school truancy or behavior or performance problems requiring increased contact by the foster parents with the school;
  - ~~(7) significant care for~~ (18) sexual acting out; or
  - ~~(8) significant~~ (19) need for assistance to the child in relating to the natural parents; and or
  - (20) need for supervision of parental visits in the foster home more than once weekly; and
- B. within level B, shall be assigned no fewer than 36 ~~difficulty of care points~~ and no more than 70 difficulty of care points.
- Subp. 4. Level C. A child eligible for difficulty of care payments under part 9560.0653 [Emergency]:
- A. shall be assessed at level C if the child requires an extensive amount of additional supervision or assistance, including that required by:
- ~~(1) care required by~~ extreme attention-seeking behavior, aggressive acting out, or, unsocialized and, or withdrawn behavior;
  - (2) extensive care required by developmental delay, including mental retardation;
  - ~~(3) extensive care for~~ medical disorders or physical handicaps; self destructive or self-defeating behavior with suicidal thoughts;
  - (3) extreme hyperactivity;
  - (4) frequent running away;
  - (5) severe emotional disturbance, requiring ongoing treatment;
  - (6) the child having been a victim of sexual or physical abuse;
  - (7) destructive acting-out, either physically, verbally, or sexually;
  - (8) repeated violations of law concerning persons or property;
  - (9) chemical abuse;
  - (10) extreme problems with authority figures;
  - (11) chronic medical disorders or severe developmental delay including mental retardation, with extreme incapacity which may require frequent hospitalizations;
  - (12) a severe physical handicap, and the child is not ambulatory or is oppositional;
  - (13) feeding problems, including swallowing problems or vomiting after meals, or the need for structured or forced feedings;

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## Emergency Rules

(14) a program of physical therapy prescribed by a professional for between one and two hours per day to be provided by a foster parent;

(15) need for help in eating and toileting, including spoon feeding, toilet training, and diapering, if the child is over five years of age;

(16) need for help in dressing and hygiene, if the child is over 12 years of age;

(17) need for therapy for medical, physical, or emotional problems, which the foster parent attends with the child at least twice weekly;

(4) extensive attention to (18) school truancy, behavior, or performance problems requiring extensive contact by the foster parents with the school; or

(5) extensive assistance to the child in relating to the natural parents; and

(19) need for parenting education for the natural parents by the foster parents during visitations; or

(20) need for protection of the child from threatening natural parents; and

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

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

A. shall be assessed at level D if the child requires an exceptional amount of additional supervision or assistance, including that required by:

(1) care required because the child is dangerous to himself or herself or others; phobic or compulsive behavior or other severe emotional disturbance;

(2) inappropriate sexual aggressiveness or extreme vulnerability;

(3) assaultive behavior;

(4) diagnosed character disorder with asocial behavior;

(5) chemical abuse;

(6) a recent suicidal attempt;

(7) a severe handicap with multiple disabilities;

(2) exceptional care required by mental illness; (8) developmental delay including mental retardation; or physical handicaps;

(3) exceptional care for medical disorders;

(4) exceptional care for activities of daily living such as lifting, feeding, or diapering;

(5) exceptional care for sexual acting out;

(6) exceptional assistance to the child in relating to the natural parents; or

(9) hyperkinetic behavior;

(10) need for frequent supervision of a prosthesis or appliance, such as a shunt, colostomy, or ilial conduit;

(11) lack of bowel or bladder control, if child is over 12 years of age;

(12) a program of physical therapy prescribed by a professional for between two and three hours per day to be provided by a foster parent;

(13) uncontrollable seizures;

(14) aspiration, or need for suctioning;

(15) a gastrostomy;

(16) heavy weight, needing lifting;

(17) disabilities requiring feeding and diapering or dressing and hygiene performed by a foster parent;

(18) need for therapeutic visits for physical, mental, or emotional problems, attended by a foster parent more often than twice weekly; or

(7) (19) need for relief of the foster parent by another adult; and

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

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

## Emergency Rules

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A. shall be assessed at level E if the child ~~cannot be maintained in a typical family setting and~~ requires highly skilled foster care an extraordinary amount of supervision or assistance, including that required by:

- (1) care of extensive medical disorders; or
- (2) care of severely disturbed behavior, such as when the child extensively acts out sexually, or is dangerous to himself or herself or others frequent and recent suicide attempts;
- (2) frequent and recent arsonist behavior;
- (3) high risk of danger to the child or others by the child;
- (4) life threatening illness with a guarded prognosis or expectation of death, which may require frequent hospitalization;
- (5) need for a heart monitor;
- (6) need for tracheotomy suctioning;
- (7) need for gavage feeding;
- (8) need for intravenous feeding or intestinal massage;
- (9) need for extensive burn care; or
- (10) a program of physical therapy prescribed by a professional for between three and four hours per day to be provided by a foster parent; and

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

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

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

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

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

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

**EFFECTIVE DATE.** These rules are effective January 1, 1988.

## Official Notices

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

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

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## Board of Animal Health

### Notice of Special Board Meeting

A special meeting of the Board of Animal Health has been scheduled for Thursday, January 7, 1988 at the Board of Animal Health offices, 90 W. Plato Blvd., St. Paul, Minnesota at 9:30 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Dated: 14 December 1987

Thomas J. Hagerty, DVM  
Executive Secretary

## 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:

- Ski Area
- Skate Rental

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, 1987 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, 1987, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

*Minnesota Statutes*, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

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

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

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

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

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

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

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

## Official Notices

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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: 14 December 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.

## Department of Human Services

### Assistance Payments Division

### **Notice of Intent to Solicit Outside Opinion Concerning Proposed Permanent Rules Governing Aid to Families with Dependent Children**

Notice is hereby given that the Minnesota Department of Human Services is seeking opinions or information in preparing to propose permanent rules governing the aid to families with dependent children (AFDC) program, *Minnesota Rules*, parts 9500.2000 to 9500.2880.

The adoption of these rules is authorized by *Minnesota Statutes 1987 Supplement*, section 256.736, subdivision 7 and governs the administration of financial assistance to families which meet at least one of the deprivation factors authorized in Minnesota law.



These rules are intended to establish requirements and standards related to employment and training programs which provide AFDC applicants and recipients with the training and job search skills necessary to locate and secure employment.

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

Written statements of information and comment should be addressed to:

Dan Lipschultz  
Rules Division  
Minnesota Department of Human Services  
444 Lafayette Road, 2nd floor  
St. Paul, Minnesota 55155-3816

## **Department of Human Services**

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Governing Child Foster Care Difficulty of Care Payments**

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of a permanent rule governing child foster care difficulty of care payments. The adoption of the rule is authorized by *Minnesota Statutes*, section 256.82, subdivisions 3 and 3a, which directs the agency to promulgate a permanent rule establishing a uniform statewide system of difficulty of care payments to child foster care providers. As also directed by the statute, an emergency rule has been promulgated, effective as of January 1, 1987. The Department will consider changes in the emergency rule based on the experience of the counties and foster care providers, and will consider the inclusion of a cost of living index to periodically adjust the payment rates.

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: Marian Eisner, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155. Oral statements will be received during regular business hours over the telephone at (612) 297-2711 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.

## **Department of Jobs and Training**

### **State Job Training Office**

### **Proposed Redesignation of Benton and Stearns Counties by the Governor Under the Job Training Partnership Act**

In accordance with my responsibilities under Section 101 of the Job Training Partnership Act (JTPA), and after having considered the recommendaiton of the Governor's Job Training Council, I am proposing Benton and Stearns County form a joint Service Delivery Area under the JTPA for Program Years 1988 and 1989.

Dated: 15 December 1987

Rudy Perpich  
Governor

Written comments and statements concerning this proposal should be sent to:

Don Mohawk, Director  
State Job Training Office  
Minnesota Department of Jobs and Training  
690 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

Written comments and statements will be accepted through 4:30 p.m., January 15, 1988.

## Official Notices

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### Department of Natural Resources

#### Official Notice Regarding Protection of Threatened and Endangered Species

Pursuant to *Minnesota Statutes*, 84.0895, Section 9, regarding the Protection of Threatened and Endangered Species, Subdivision 3 addresses the official designation of state endangered, threatened and special concern species and states that the Commissioner of Natural Resources "shall reevaluate the designated species list every three years after it is just adopted and make appropriate changes. The review must consider the need for further protection of species on the species of special concern list."

The first official list of state endangered, threatened and special concern plants and animals was adopted in March 1984. Upon reviewing the designated species list I have determined that the 1984 list remains an accurate statement of the status of Minnesota's native fauna and flora and therefore the current list will remain in effect through 1990.

Dated: 1 December 1987

Joseph N. Alexander, Commissioner  
Department of Natural Resources

### Minnesota Pollution Control Agency

#### Division of Hazardous Waste

#### Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing the Disposal of Specific Hazardous Waste at Land Disposal Facilities

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of *Minnesota Rules* Ch. 7045 to add rules governing the disposal of specific hazardous wastes at land disposal facilities. The United States Environmental Protection Agency (EPA) has adopted amendments to address the land disposal of solvent and dioxin wastes and the hazardous wastes identified as "California List" wastes (*Federal Register*, November 7, 1986 and July 8, 1987). Amendments to the State hazardous waste rules are being proposed in response to the amendments to the federal hazardous waste program. The proposed amendment of the rules is authorized by *Minnesota Statutes*, § 116.07 Subd. 4 (1986), which allows the MPCA to adopt rules relating to the management and disposal of hazardous waste. The MPCA requests information and opinions concerning the subject matter of the proposed rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Carol Nankivel  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7260

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until January 25, 1988. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the proposed rules are adopted.

Gerald L. Willet  
Commissioner

### Minnesota Pollution Control Agency

#### Notice of Public Meeting Regarding Schedules and Procedures for Upcoming Solid Waste Rulemaking Hearing

Notice is hereby given that a public meeting has been scheduled for 1:30 p.m., Wednesday, December 30, 1987, in the Board Room of the Minnesota Pollution Control Agency offices at 520 Lafayette Road, St. Paul, Minnesota at which time the schedule and procedures for the upcoming hearings on the proposed solid waste rules will be discussed. The hearings are tentatively scheduled for April or May.

The proposed rules and the statement of need and reasonableness will be very lengthy. The purpose of the meeting will be to discuss how the rulemaking hearings can be best organized to maximize their efficiency and effectiveness. The meeting will be informal and will deal only with the procedures to be used. It will *not* deal with the substance of the proposed rules.

Persons or groups that might be major participants in the rulemaking hearings are invited to attend this planning meeting.

Gerald L. Willet  
Commissioner

## **Workers' Compensation Court of Appeals**

### **Notice of Solicitation of Outside Opinion Regarding Proposed Amendments to Procedural Rules**

Notice is hereby given that the Minnesota Workers' Compensation Court of Appeals is seeking information or opinions from sources outside the court in preparing to propose amendments to its procedural rules. Adoption of amendments is authorized by *Minnesota Statutes*, § 175A.07, subd. 4 (1986).

The Minnesota Workers' Compensation Court of Appeals requests information or opinions concerning the subject matter of the amendments. Interested persons or groups may submit written or oral information or opinions. Written statements should be addressed to:

Leslie M. Altman, Administrator Judge  
Workers' Compensation Court of Appeals  
775 Amhoist Tower  
345 St. Peter Street  
St. Paul, Minnesota 55102

Any written material received by the Minnesota Workers' Compensation Court of Appeals shall become part of the rule-making record in the event that the amendments are adopted.

Oral statements will be accepted during regular business hours over the telephone at (612) 296-6526 and in person at the above address.

Information or opinions will be accepted until January 31, 1988.

Dated: 11 December 1987

Paul V. Rieke  
Chief Judge

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## **State Contracts and Advertised Bids**

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

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

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

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## **Department of Administration: Materials Management 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.**

<u>Commodity for Bid (and Buyer)</u>	<u>Bid Closing Date at 2 pm</u>	<u>Department or Division</u>	<u>Delivery Point</u>	<u>Requisition #</u>
Central processing unit (BV)	December 23	Dpt. of Jobs & Training	St. Paul	21200 17070
Chromatograph system (JG)	December 23	Dpt. of Agriculture	St. Paul	04661 81953
Printers (BV)	December 28	Inventory Management	St. Paul	02410 80108
PC. compatible computers (BV)	December 28	Transportation	Various	79000 82362
Modular office system and accessories (LP)	December 28	Transportation	St. Paul	79000 74614
Software for personnel computers (DO)	December 29	Various	Various	Price Contract
Irrigation equipment (BT)	December 29	Natural Resources	Willow River	29003 04574
Dump box covers for asphalt— rebid (DM)	December 29	Transportation	St. Paul	79990 00091

## State Contracts and Advertised Bids

### 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.

<u>Commodity for Bid (and Buyer)</u>	<u>Bid Due Date at 2 pm</u>	<u>Department or Division</u>	<u>Delivery Point</u>	<u>Requisition #</u>
State flower label, pressure sensitive dull gold foil, 5,000, 2¼" x 2¼"	December 23	Agriculture	St. Paul	3507
College Catalogue, 6,000, 6" x 9", 144 pages + cover, perfect bound, type to be set	December 23	Community College	Ely	3781
Application form, 75,000 5 pts., 4 pgs.	December 23	Human Services	St. Paul	3615
Fire Center labels, 5,000, type to set	December 23	Vocational/Technical Education	St. Paul	3575
Adhesive signs 24" x 12" 100 of each—2 kinds	December 23	Jobs & Training	St. Paul	3663
College Catalog, 22,000, 150 pgs. + cover, 6" x 9", 3 colors, type to set and copy preparation	December 23	Community College	Brooklyn Park	3686&7
Self mailer request card 3½" x 5", 50,000, 100# yellow tag	December 23	Jobs & Training	St. Paul	3683
Continuous feed letterhead 5,000, type to set	December 23	Health	Minneapolis	3581
Withholding Tax instruction booklets, 30,000, 16 pgs., standard newsprint, 8½" x 11"	December 23	Revenue	St. Paul	3739
Evidence tag, 500, 12" x 5¾", type to set	December 23	State Patrol	St. Paul	3732
Bank authorization form, 300, 8½" x 13" in 5 parts	December 23	Treasurer's Office	St. Paul	3723
Handbook, 25,000 29 pgs. + cover, 8½" x 5½"	December 23	Health	St. Paul	3583
Titled registration cards 300,000, 5½" x 3½", 100# tag	December 23	Public Safety	St. Paul	3657
Temporary driver license 150,000 4¼" x 5½", in pads on 16#	December 23	Public Safety	St. Paul	3653
Envelopes for checks 10,000 with window 3¼" x 7¾"	December 23	Human Services	St. Paul	3662
Brochure, 9,000, type to set, 3⅝" x 8½" 80# white, enamel gloss 4-color	December 23	Health	St. Paul	3585
8,000 envelopes, brown kraft, 4⅞" x 8"	December 24	Health	Minneapolis	3818
3500 8½" x 11" letterhead stationery, continuous feed	December 24	Health	Minneapolis	3812

### Department of Agriculture

#### Notice of Request for Proposal for Contractual Services

The Minnesota Department of Agriculture in conjunction with the Low Livestock Productivity Advisory Board is requesting a proposal to study the problems of low livestock productivity and poor animal health on Minnesota's dairy farms.

#### Scope of the Study

The study will evaluate current data and study conditions and occurrences on dairy farms which are causing or contributing to these problems. This study will include on farm measurements of electric and magnetic fields and may also include non-electric

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## State Contracts and Advertised Bids

parameters which could relate to low livestock productivity and poor animal health. The proposal also includes a working relationship with the Advisory Board and the preparation of a final report for presentation to the 1989 Legislature.

### Study Start and Completion Dates

The study is to start with the awarding of the contract in January 1988 and will conclude with the draft of the final report on December 15, 1988 and the final report on January 16, 1989.

### Study Costs

The amount set for this study in *Minnesota Statutes*, Chapter 396 Article 12, is \$46,0000.00 to cover all services and expenses. Those interested in receiving requests for proposal should contact:

William W. Coleman, Director  
Minnesota Department of Agriculture  
Dairy and Livestock Division  
90 W. Plato Blvd.  
St. Paul, MN 55107  
612-296-1586

Proposals will be accepted until 4:00 p.m. on January 11, 1988.

## Department of Human Services

### Notice of Request for Proposals for Process Design and Facilitation Services for Consensus Building on the Future Role(s) of State Residential Facilities

The Department of Human Services is seeking proposals for professional services to assist in the design and implementation of a structured dialogue on the future roles of its residential facilities (formerly state hospitals). Parties at interest include the Department, Minnesota's eighty-seven counties, employee bargaining units, client advocacy groups and local governments.

Changes are occurring in the delivery of services to individuals with developmental disabilities, mental illness, chemical dependency, and the elderly. These changes are affecting the Department's direct care responsibilities at its residential facilities. The Department wishes to manage these changes in a more comprehensive and effective manner. Its objective is to submit to the 1989 Legislature, legislation embodying a revised role definition for state residential facilities. In pursuing this objective, the Department wishes to involve affected interests in a process to try to reach agreement on potential roles. The process design and facilitation services are intended to assist the Department reach its objective in a cost-effective manner.

Qualified individuals or organizations may submit proposals for the provision of the required services individually or in joint ventures. Respondents must be able to demonstrate experience and expertise in the design and facilitation of complex, multi-party dispute resolution processes. The Department estimates that the total cost of those services will not exceed \$50,000.

The Request for Proposal and supporting documents may be obtained from the Department of Human Services by contacting Claudia Eliason at 297-4293. The deadline for submission of proposals is 4:30 p.m. January 18, 1988.

Please direct proposals and questions to:

John Harrington  
Regional Treatment Center Negotiator  
Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3819

## Department of Jobs and Training

### Office of the Commissioner

### Notice of Request for Proposals for Summer Programs 1988

The Minnesota Department of Jobs and Training, Office of the Commissioner, is publishing notice that the request listed below is available and will be awarded for the current year 1988 (June 1, 1988 to August 31, 1988).

1) The Commissioner's Office of the Department of Jobs and Training (DJT), Minnesota Services for the Blind and Visually

## State Contracts and Advertised Bids

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Handicapped (SSB) is seeking Organization(s) to conduct Three Multi-Faceted Summer Experience programs for Youth and Young Adults who are visually impaired and multi-handicapped. A summation of the services to be provided is as follows:

A) A Work Experience program for twenty to twenty-two blind and/or visually impaired students between the ages of sixteen and nineteen.

B) An Environment Training Program for eight to ten blind and/or visually impaired, moderately mentally handicapped high school age students.

C) An Independent Living Skills Program for eight to twelve blind and/or visually impaired young adults who also have a communication disorder (e.g., deaf, blind, blind/multi-handicapped, whose primary mode of communication is sign language).

The Director of said Organization(s) will be responsible to the Transition Programs Coordinator of SSB in respect to Program Performance. Primary administrative direction will be provided by the Assistant Director of Program Operations Section of SSB. SSB's total contribution towards the activities described in this RFP will not exceed \$100,000 (one hundred thousand dollars). Any additional costs incurred in the facilitation of these programs is the sole responsibility of the bidder.

Inquiries and requests for copies of the RFP should be directed to:

Michael R. Strom  
Transition Programs Coordinator  
Services for the Blind  
1745 University Avenue West  
St. Paul, MN 55104-3690  
Telephone: 612-642-0859

All proposals must be received by the close of business (4:30 p.m.) 2/15/88.

## Department of Public Service

### Energy Division

### Notice of Request for Proposals for Development of a Small Business Energy "Tune-Up" Service with Supporting Manual, Forms, and Training

The Department of Public Service (DPS) has issued a request for proposals for a contractor to develop an elementary energy efficiency evaluation, or "tune-up," for main street small businesses. The primary objective of this project is to provide practical how-to-do-it materials to Minnesota communities planning to begin serving the energy conservation needs of local businesses.

The total funding available for this project is \$15,000. A project start date of March 4 is expected; and the project must be completed by June 30, 1988.

The deadline for receipt of proposals is January 20, 1988.

A copy of the request for proposal may be obtained from:

Tom Helgesen  
Senior Community Development Planner  
Energy Division  
Department of Public Service  
900 American Center Building  
150 E. Kellogg Blvd.  
St. Paul, MN 55101  
(612) 296-8900

# Non-State Public Contracts

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

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

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## Anoka County

### Request for Proposals for Consulting Engineer for Acceptance Testing of RDF Facility

Anoka County is seeking bids from engineers qualified to assist the County in the following activities: (1) to negotiate specific acceptance testing procedures with Northern States Power Company and United Power Association (the owners/operators of a 1500 ton per day refuse derived fuel processing and burn facility to be completed in January 1988); (2) to participate in conducting the negotiated acceptance tests; and, (3) to determine whether the processing and burn facilities meet certain performance standards and construction criteria set forth in Anoka's contracts. Firms interested in bidding should request a complete copy of the Request for Proposals from:

Tim Yantos  
Deputy County Administrator  
Anoka County  
325 East Main Street  
Anoka, MN 55303  
(612) 421-4760

**RESPONSES TO THE RFP ARE DUE ON JANUARY 8, 1988.**

## Metropolitan Council

### Invitation for Sealed Bids for Metropolitan Council Printing Job

The Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101, is requesting sealed bids to print the Metro Monitor.

Specifications for printing the publication can be obtained by contacting Nadine Farrington, publications unit, at 291-6478.

Sealed bids will be accepted by the Metropolitan Council until 4 p.m. December 30, 1987. The Council's purchasing officer will open the sealed bids publicly in the Council offices at 10 a.m. Dec. 31, 1987.

All sealed bids shall be marked "Bids to print Metro Monitor—to be opened on Dec. 31, 1987." Bids shall be mailed to Nadine Farrington, Communications Department, Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101.

The Metropolitan Council reserves the right to reject any or all bids, and to waive any minor irregularity or deviation from the specifications.

Steve Keefe, Chair

# State Grants

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

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

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## Department of Public Service

### Energy Division

#### Cycle X for the Institutional Buildings Grants Program (IBGP)

Applications are now available for cycle X of the Institutional Buildings Grants Program (IBGP). Public and private non-profit schools and hospitals are eligible to compete for approximately \$1.0 million in federal funds for maxi-audits (technical assistance) or energy conservation measures. Grants will be awarded on a competitive basis for 50% of project costs. The remaining 50% must be from non-federal funds. Hardship grants for more than 50% may be possible.

The cycle X application deadline is 4:30 p.m., Thursday, January 14, 1988. For more information, call (612) 297-2103 or write: IBGP, Energy Division, Department of Public Service, 900 American Center, 150 East Kellogg Blvd., St. Paul, MN 55101.

## State Board of Vocational Technical Education

### Instructional and Student Support Services Section

#### Notice of Availability of Funds for Statewide Single Parent/Homemaker Projects

The State Board of Vocational Technical Education will distribute federal funds to eligible recipients in accordance with the Carl D. Perkins Vocational Technical Education Act, Title IIA, relating to single parents and homemakers. This notice will provide for funding of statewide projects coordinating single parent/homemaker activities in the technical institutes. Approximately \$200,000 will be available for these projects in Fiscal Years 1988-89.

Organizations and associations interested in applying for federal funds should refer to Section 7.0, "Planning Use of Federal Funds", in the Fiscal Year 1988 Minnesota State Plan for Vocational Technical Education for information relating to the availability and disbursement of federal funds.

Qualified organizations and associations must prepare a joint application with an appropriate eligible recipient whose main responsibility will be to act as fiscal agent for distribution of and accountability for the federal funds.

An eligible recipient is defined as: a) a nonprofit educational recipient legally authorized to provide post-secondary or secondary vocational education; and b) have established certified vocational technical education programs.

Additional information will be included in the "Request for Proposal, Statewide Single Parent/Homemaker Projects", which will be mailed upon request. To receive the Request for Proposal, notify:

Pat Gosz  
520A Capitol Square Bldg.  
550 Cedar St.  
St. Paul, MN 55101  
612-296-6517

Proposals must be submitted to Pat Gosz at the same address by 4:30 p.m. on March 18, 1988.

# Supreme Court Decisions

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#### Decisions Filed Friday 18 December 1987

**C7-86-1904** *State of Minnesota v. William Walter Axford, Appellant. Court of Appeals.*

In prosecution of defendant for sexually abusing granddaughter, trial court did not abuse discretion in admitting evidence that defendant's son also sexually abused the victim; the evidence, which was not offered for the improper purpose of proving character as a



basis for an inference as to the defendant's conduct, was highly relevant evidence which was needed by the state and which did not have a tendency to produce an overbalancing amount of unfair prejudice.

Reversed and remanded to court of appeals. Amdahl, C.J.

Took no part, Popovich, C.J.

**CX-87-577 Edward Costillo v. Commissioner of Public Safety, petitioner, Appellant. Court of Appeals.**

Police lawfully obtained probable cause to believe that driver drove while under the influence of alcohol and that he had been involved in motor vehicle accident resulting in property damage and they therefore were justified in invoking provisions of implied consent law; police did not violate *Payton v. New York*, 445 U.S. 573 (1980), in arresting driver in doorway of his home without a warrant and probable cause was not the fruit of any violation of state law against arresting a person without a warrant for an offense not committed in presence of police.

Reversed and judgment of trial court reinstated. Amdahl, C.J.

**C8-87-1100 State of Minnesota v. O'Darius Marcus Fields, petitioner, Appellant. Court of Appeals.**

Criminal defendant may challenge validity of durational departure from presumptive sentence by moving for a modification of sentence at the hearing on the revocation of a stay of execution of sentence and then appealing from the denial of the motion.

Reversed and remanded to court of appeals. Amdahl, C.J.

**Orders**

**C1-87-905 In Re Petition for Disciplinary Action against Michael J. Bolen, an Attorney at Law of the State of Minnesota. Supreme Court.**

Suspended. Amdahl, C.J.

**C6-87-1435 In Re Petition Regarding Assignment of Judges in the Ninth Judicial District. Supreme Court.**

Request for relief is denied. Amdahl, C.J.

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**Announcements**

**Environmental Quality Board:** Environmental Assessment Worksheets (EAWs) comments due January 14, 1988 and their respective governing units are: 65th Street Extension/Inver Grove Heights, City of Inver Grove Heights; 75th Street Extension/Inver Grove Heights, City of Inver Grove Heights; CSAH 5/CR 38—Chippewa County, Chippewa County; and Wimbledon Hills, City of Rochester. Further information may be obtained from Gregg Downing, editor *EQB Monitor*, (612) 296-8253.

**Arts Board to Meet:** The next regular meeting of the Minnesota State Arts Board will take place at 9:30 a.m. on Thursday, January 21, 1988 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect. Agenda items include: the selection grantees for Artist Assistance fellowships for two and three dimensional Visual Arts, Film and Video, and Photography.

**Deadline Approaching for Literature and Theater Grants:** January 4, 1988 is the deadline for the Arts Board's Artist Assistance Fellowship grants in Poetry, Prose, and Theater Arts. Poets, fiction and creative nonfiction writers, playwrights, screenwriters, actors, and directors who are residents of Minnesota are eligible to apply for these \$6,000 fellowship grants. Fellowships support a wide range of artistic activities, including purchase of materials, specific new projects, work in progress, and advanced study in a particular discipline. The Artist Assistance program seeks to recognize, reward, and encourage outstanding individual artists throughout Minnesota. Fellowships are offered annually, with funds provided by the Minnesota State Legislature. Program guidelines and application forms are available from the Minnesota State Arts Board, 432 Summit Avenue, Saint Paul, MN 55102, or by calling the Arts Board at (612) 297-2603, or toll-free in Minnesota at (800) 652-9747.

**DNR Receives Option on Mystery Cave Addition to Parks:** The Department of Natural Resources (DNR) announced it has received an option to buy Mystery Cave, which is considered the longest cave in the Upper Midwest, and is located in what will become a new part of Forestville State Park south of Rochester. Mystery Cave, located about three miles from the original Forestville State Park boundary, is the 32nd longest cave in the United States, and the 75th longest in the world. It contains an estimated 12.5 miles of known tunnels, with the potential for exploration

## Announcements

and additional passageways. It contains a wealth of colorful pools, stalactites, fossils and other features still being formed, and can provide a living groundwater laboratory for students and scientists. There are economic benefits from the cave, which already draws an estimated 15,000 visitors annually to the site. The number of people visiting southeast Minnesota could increase even more with Mystery Cave in our parks system, and this will increase the economic benefits to the entire area. Mystery Cave was first discovered in 1937 by a local resident who noticed steam escaping from the bluffs along the Root River. The cave has a constant temperature of 47 degrees and will be accessible to the public year-round. It is located about 110 miles south of the Twin Cities and 32 miles south of Rochester, near the junction of Highways 52 and 16.

**Burgraff Named to DNR's Number 2 Enforcement Post:** A Brainerd-area conservation officer has been named assistant chief of enforcement for the Department of Natural Resources (DNR). Brad Burgraff began his new duties Nov. 11 in the enforcement position. He will be responsible for coordinating field operations for about 170 conservation officers. Burgraff joined the DNR as a conservation officer in 1969, working at Glencoe until 1975 when he was transferred to Garrison. In 1982, he was named regional enforcement supervisor at Brainerd, where he supervised enforcement activities in 14 central Minnesota counties. This past July, Burgraff was appointed acting assistant chief of Enforcement.

**Grants for Nongame Wildlife Research in Minnesota Being Solicited:** The Minnesota Nongame Wildlife Program is soliciting proposals for research projects to be conducted during the 1988 and/or 1989 field seasons, it was announced this week. The Department of Natural Resources (DNR) Nongame Wildlife Program has accepted such proposals from the public four times since 1982. Proposals considered for funding must contribute to the conservation and management of the state's nongame resources. "Research funded under this program in the past has been varied, ranging from a survey of Crayfishes in Minnesota to an assessment of mercury contamination in juvenile common loons," explained Nongame Wildlife Specialist Richard Baker, who is coordinating the effort. "Some of the projects that can be considered include censuses, surveys, studies of life history or population dynamics, habitat identification or assessments," Baker said. "Requests should average \$2,000 per year, but larger requests will also be considered." The deadline for submission of proposals is Jan. 8, 1988, with final decisions to be announced by March 1, 1988. Persons seeking proposal format, guidelines and other information are urged to contact: Richard J. Baker, Nongame Wildlife Program, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4007, or call (612) 297-3764. Funding for the Small Grants Program comes from voluntary contributions to the Minnesota Nongame Wildlife Tax Checkoff on the state's income tax form.



### 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.

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.

## Resolve Bargaining Disputes and Grievances

**Public Employment Labor Relations Act 1987.** The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90. \$5.00 plus tax.

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# Minnesota: national leader in education

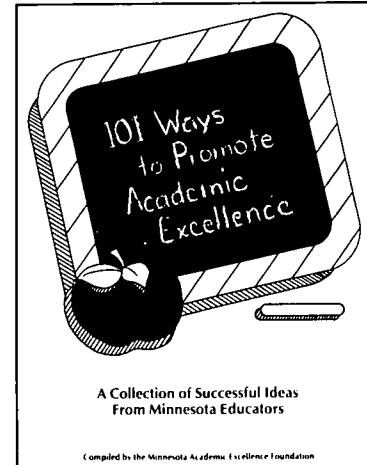
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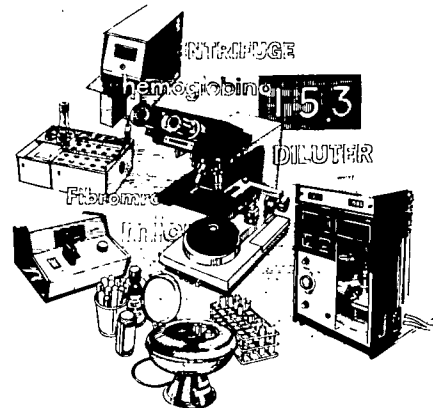
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# Minnesota Manufacturer's Directory 1987-88

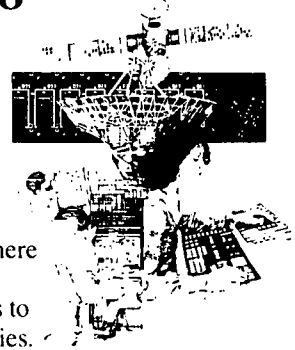


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00.

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



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



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*Voices of the Loon*, 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.

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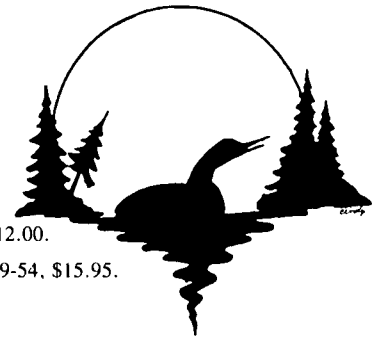
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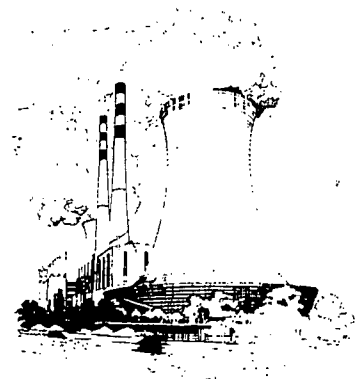
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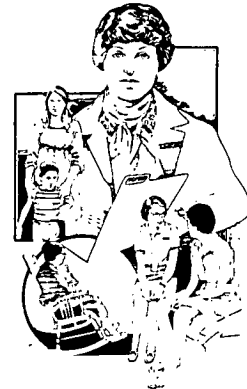
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