

State of Minnesota

STATE REGISTER

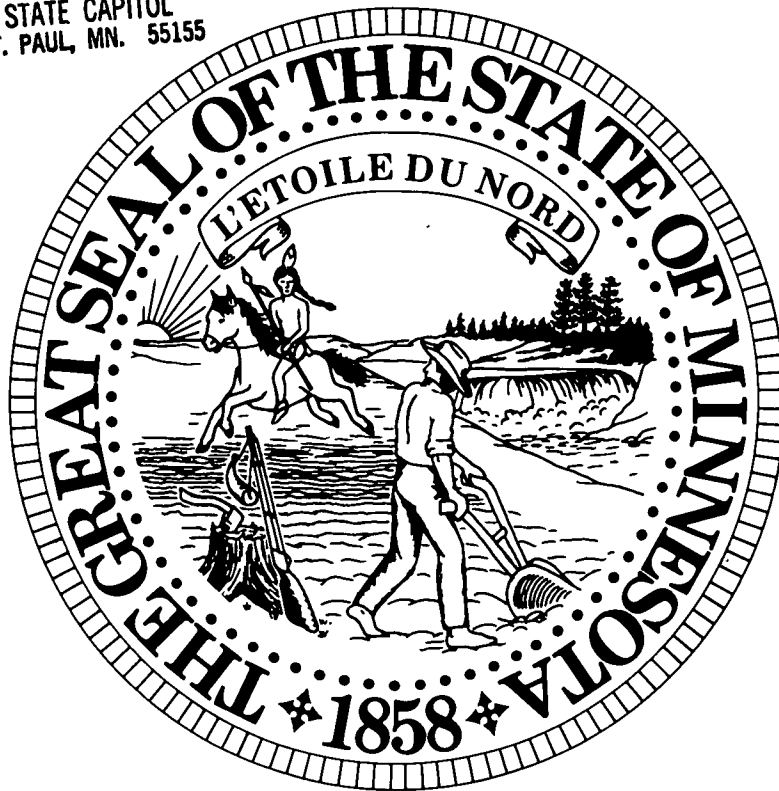
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Department of Administration—Documents Division

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Published every Monday

17 October 1988

Volume 13, Number 16

Pages 971-1018

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. 13 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
16	Monday 3 October	Monday 10 October	Monday 17 October
17	Monday 10 October	Monday 17 October	Monday 24 October
18	Monday 17 October	Monday 24 October	Monday 31 October
19	Monday 24 October	Monday 31 October	Monday 7 November

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

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

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

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

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

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For Legislative News

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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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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Proposed Rules

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

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

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

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

Department of Commerce

Notice of Withdrawal of the Rules Relating to Credit Unions

The above captioned rules published in the *State Register* on September 26, 1988 at 13S.R.689 are hereby withdrawn.

Dated: 3 October 1988

Michael A. Hatch
Commissioner of Commerce

Department of Health

Proposed Permanent Rules Relating to Radiation Control

Notice of Intent to Adopt a Rule Amendment Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") intends to adopt the above-entitled rule amendment 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 statutory authority to adopt the rule amendment is *Minnesota Statutes* §§ 144.12, subd. 1(5), 144.121 and 144.122.

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

Any person may make a written request for a public hearing on the rule amendment within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Alice T. Dolezal Hennigan, Chief	717 Delaware Street Southeast
Section of Radiation Control	Minneapolis, Minnesota 55440
Division of Environmental Health	(612) 623-5351
Minnesota Department of Health	

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

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

If adopted the proposed rule amendment would amend *Minnesota Rules* pt. 4730.0500 by deleting the existing date of the biennial renewal of the registration of X ray machines and radium. In place of this single day deadline a schedule is proposed showing eight different renewal dates. A copy of the proposed rule amendment is attached to this notice and a free copy of the rule amendment is available upon request from Ms. Dolezal Hennigan.

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

The proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. The proposed rule amendment establishes staggered payment dates for fees by deferring payment of fees payable earlier under the rule prior to amendment. The approval of the Commissioner of Finance is not required nor must a copy of the notice and proposed amendments be sent to the chairs of the house appropriations and senate finance committee pursuant to *Minnesota Statutes* section 16A.128 (1986).

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* section 14.115 (1986) regarding small business considerations in rulemaking, and those are addressed in the statement of need and reasonableness. However, as noted the proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. Rather the proposed rule amendment establishes staggered payment dates for the fees by initially deferring payments of fees payable earlier under the current rule. There is no additional compliance cost to small business resulting from the proposed rule amendment.

Promulgation of the proposed rules amendment is not likely to result in the expenditure of public monies by local public bodies. Further information pursuant to *Minnesota Statutes* section 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

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

Dated: 30 September 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4730.0500 RENEWAL OF REGISTRATION.

Subpart 1. Biennial renewal of registration. Each registration pursuant to parts 4730.0100 to 4730.3600 shall be renewed biennially during the month of January of odd-numbered years according to the staggered schedule specified in subpart 2 so long as the activity requiring registration continues. If there has been no substantial change in the matters described in the last prior registration or renewal, the renewal of the registration shall so state. If there has been any accession of additional radiation sources or other substantial change in the matters described in the preceding registration or renewal, the renewal shall state the accession or other change and give the information relating to such accession or other change that would be required upon original registration.

Subp. 2. Staggered schedule for renewal of registration. Each registration pursuant to parts 4730.0100 to 4730.3600 shall be renewed on or before the first day of the calendar quarter specified in items A to H. The schedule is based on the registrant's business address within the state.

A. January 1 of the odd-numbered years: Hennepin County dentists and all radiation sources in the University of Minnesota system, regardless of location.

B. April 1 of the odd-numbered years: Hennepin County registrants other than those included in item A.

C. July 1 of the odd-numbered years: Ramsey County registrants.

D. October 1 of the odd-numbered years: Anoka, Dakota, and Washington County registrants.

E. January 1 of the even-numbered years: Aitkin, Benton, Carlton, Cass, Chisago, Cook, Crow Wing, Isanti, Itasca, Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine, and St. Louis County registrants.

F. April 1 of the even-numbered years: Becker, Beltrami, Big Stone, Chippewa, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lac Qui Parle, Lake of the Woods, Mahnomon, Marshall, Norman, Ottertail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Swift, Todd, Traverse, Wadena, and Wilkin County registrants, and registrants whose business addresses are outside the state.

G. July 1 of the even-numbered years: Brown, Carver, Cottonwood, Faribault, Jackson, Kandiyohi, Lincoln, Lyon, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Pipestone, Redwood, Renville, Rock, Sherburne, Sibley, Watonwan, Wright, and Yellow Medicine County registrants.

H. October 1 of the even-numbered years: Blue Earth, Dodge, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Mower, Olmsted, Rice, Scott, Steele, Wabasha, Waseca, and Winona County registrants.

Subp. 3. Renewals affected by change of location. A registrant whose business address changes from one county to another must renew the registration with the county of relocation according to the schedule in subpart 2, and shall not accrue penalty fees for not renewing with the county of previous location.

Subp. 4. Effective date of staggered biennial renewals. The change in the date that registrants are required to submit biennial renewals takes effect with the 1989-1990 biennial renewal. The first staggered biennial renewal begins on January 1, 1989.

Department of Public Safety

Proposed Rules Relating to Deputy Registrars

Notice of Intent to Adopt Rules Without a Hearing

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

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

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

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

Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 168.33 and 14.06. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

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* Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota. The proposed amendments are designed to ensure that the appointment of a deputy registrar is in the best interest of the public. The amendments have been written to minimize impact on small business to the greatest extent possible consistent with this policy.

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

Please be advised that *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* Section 10A.01, Subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of *Minnesota Statutes* Section 14.11, Subd. 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Rules as Proposed

7406.0100 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Application for registration.** "Application" has the meaning given "Application for registration" in *Minnesota Statutes*, section 168.011, subdivision 2, and includes a reapplication transaction received by a deputy registrar in conjunction with registering, reregistering, transferring, or titling vehicles and does not include requests for refunds, the surrender of certificates of title on junked vehicles, or those transactions listed in part 7406.0500, subpart 5, item B.

Subp. 4. [Unchanged.]

Subp. 5. **Metropolitan county.** "Metropolitan county" has the meaning given it in *Minnesota Statutes*, section 473.121, subdivision 4.

Subp. 6. **Municipality.** "Municipality" includes a statutory city, home rule charter city, and town.

7406.0300 ~~CRITERIA FOR ESTABLISHING NEW OFFICE OR~~ APPOINTING NEW DEPUTY REGISTRAR APPOINTMENT.

Subpart 1. **Within metropolitan area and in cities of over 50,000 population Hennepin and Ramsey counties.** The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in Ramsey or Hennepin county:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least ~~20,000~~ 35,000. The number of applications for registration will be estimated as follows: ~~40~~ 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a ~~four-mile~~ four-mile radius of the proposed new office ~~or 25 percent of the applications processed within the preceding year by existing deputy registrars within six of over five miles and less than 9-1/2 miles of the proposed new office, whichever is the larger.~~

If a percentage of applications for registration submitted to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 35,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within ~~three miles~~ a five-mile radius of an existing deputy registrar office.

Subp. 1a. Other metropolitan counties; municipalities with over 50,000 population. The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in a metropolitan county, not including Hennepin and Ramsey counties, or in a municipality with a population exceeding 50,000, not including municipalities in Hennepin and Ramsey counties:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 20,000. The number of applications for registration will be estimated as the largest number computed in subitem (1), (2), or (3):

(1) 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of over five miles but less than 6-1/2 miles;

(2) 20 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of at least 6-1/2 miles but less than eight miles; or

(3) ten percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of at least eight miles but less than 9-1/2 miles.

If a percentage of applications for registration submitted to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 20,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within a five-mile radius of an existing deputy registrar office.

Subp. 2. Other areas. In all other ~~cities~~ municipalities not included in subpart 1 or 1a, the following conditions must be met before a new deputy registrar office is approved:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 4,000. The number of applications for registration will be estimated as follows: 20 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within 20 miles of the proposed new office, or, if there is no existing deputy registrar office located within 20 miles of the proposed new office, the total number of new car sales, multiplied by four, made by all new car dealers within 25 miles of the proposed new office as determined by a survey taken by the registrar, plus one-half the population of ~~all towns and cities~~ the municipalities that are closer to the new proposed office than to ~~any~~ an existing deputy registrar office.

B. The proposed new office must not be located within ~~15 miles~~ a 15-mile radius of or 25 minutes driving time of ~~from~~ an existing deputy registrar office, except in ~~cities~~ municipalities having a population of 25,000 to 50,000.

C. The proposed new office must not be located in a ~~city~~ municipality of less than 25,000 population if there is an existing deputy registrar office in that ~~city~~ municipality.

D. The proposed new office must not be located in a ~~city~~ municipality having a population of 25,000 to 50,000 unless there are less than two existing deputy registrar offices in that ~~city~~ municipality.

7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS.

Subpart 1. Sole operator. A deputy registrar must manage the office in accordance with the following:

A. and B. [Unchanged.]

C. If a corporation is a deputy registrar under Minnesota Statutes, section 168.33, subdivision 2, the individual signing for the corporation as deputy registrar must be an officer of the corporation. This individual is responsible for the duties of the corporation as a deputy registrar.

Subp. 2. to 5. [Unchanged.]

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

7406.0700 EXEMPTION.

Notwithstanding part 7406.0300, a new deputy registrar may be appointed for an existing location upon the death, resignation, or retirement of an existing deputy registrar whose office does not comply with the requirements for distance or number of applications for registration processed. If, within three months, a new deputy registrar appointment is not accepted by the person to be appointed or if the office is not established by the appropriate local government, then part 7406.0300 applies.

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Permanent Rules Relating to Grade A and Manufacturing Grade Milk and Dairy Products

The rules proposed and published at *State Register*, Volume 13, Number 4, pages 165-168, July 25, 1988 (13 S.R. 165) are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Drivers' Licenses; Physical and Medical Qualifications

The rules proposed and published at *State Register*, Volume 12, Number 46, pages 2507-2512, May 16, 1988 (12 S.R. 2507) are adopted with the following modifications:

Rules as Adopted

7410.2500 LOSS OF CONSCIOUSNESS OR VOLUNTARY CONTROL.

Subp. 3. **Cancellation.** If the commissioner has good cause to believe that a driver or applicant has experienced an episode of loss of consciousness or voluntary control as described in subpart 1, or if a physician's report required by subpart 2 indicates an unfavorable prognosis for control of the person's condition, the commissioner shall cancel or deny the person's driving privileges until six months have elapsed since the episode or diagnosis and until the person submits a physician's report that indicates a favorable prognosis for episode-free control of the person's condition, indicates that the person is cooperating in the treatment of the condition, and indicates that the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, except as provided in items A to ~~E~~ D.

Subp. 4. **Reinstatement.** For reinstatement, the commissioner shall require (1) a physician's statement that indicates a favorable prognosis for episode-free control of the person's condition, indicates that the person is cooperating in the treatment of the condition, and that indicates the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, and (2) a satisfactory ~~sworn~~ statement from the driver or applicant stating the date of the last loss of consciousness or voluntary control.

7410.2610 DIABETES-RELATED LOSS OF CONSCIOUSNESS OR VOLUNTARY CONTROL.

Subp. 5. **Cancellation.** If a driver or applicant experiences and reports an episode of loss of consciousness or voluntary control due to insulin reaction or acidosis, the commissioner shall cancel or deny the person's driving privileges until six months have elapsed

since the episode, and until the person submits a physician's report that indicates a favorable prognosis for the episode-free control of the person's diabetic condition, that indicates the person is cooperating in the treatment of the condition, and that indicates the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, except as provided in items A to ~~E~~ D.

Subp. 6. **Reinstatement.** For reinstatement, the commissioner shall require (1) a physician's statement containing favorable long- and short-term prognoses for the episode-free control of the person's condition, indicating that the person is cooperating in the treatment of the condition, and indicating the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, and (2) a ~~sworn~~ statement by the applicant indicating the date of the last episode of loss of consciousness or voluntary control.

Workers' Compensation Court of Appeals

Adopted Permanent Rules Relating to Procedure

The rules proposed and published at *State Register*, Volume 13, Number 1, pages 34-37, July 4, 1988 (13 S.R. 34) are adopted with the following modifications:

Rules as Adopted

9800.0900 BRIEFS ON APPEAL.

Subp. 3. **Filing of brief of respondent.** All respondents' briefs shall be filed with the court within 25 days after the filing of the appellant's or cross appellant's brief. The respondent's brief shall address only issues raised in the brief of the appellant or cross appellant and must be accompanied by an affidavit stating that service has been made upon all other parties to the action. The original and four copies shall be filed with the court in cases where an oral ~~argument~~ argument is to be held. Only the original brief shall be filed where an oral argument is waived by all parties.

9800.1000 ORAL ARGUMENTS ON APPEAL.

Subpart 1. **Criteria considered in granting oral argument.** The court, in its discretion, may grant the parties permission to participate in oral argument. Factors considered in determining whether to grant oral argument include:

- A. whether the request for oral argument was timely under part 9800.1600, subpart 3 ~~2~~;

9800.1500 PETITION FOR INTERVENTION.

Subpart 1. **Scope.** ~~A petition to intervene may~~ Persons shall be granted permitted to intervene in accordance with the requirements of Minnesota Statutes, section 176.361, subdivision 1. After a petition to intervene is granted, the intervenor must appear at all scheduled hearings of the court relating to the claim unless a written stipulation signed by all parties has been filed with the court which settles all issues relating to the intervention.

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

Emergency Rules

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 Agriculture

Proposed Emergency Rules Relating to the Testing of Equipment and Equipment Operators Involved in Determining the Quality and Condition of Grain Received for Purchase or Storage

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 17B.041. The department, in adopting the rule, is following the procedures set forth in the Administrative Procedures Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29-14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107, (612) 296-6906.

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Ms. Milligan.

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

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

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

Dated: 15 September 1988

Jim Nichols
Commissioner of Agriculture

Rules as Proposed (all new material)

GRAIN STANDARDS TESTING

1511.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1511.0100 to 1511.0170 [Emergency].

Subp. 2. **Department.** "Department" means the Minnesota Department of Agriculture.

Subp. 3. **Person.** "Person" means an individual, firm, co-partnership, cooperative, company, association, or receiver licensed by the department to purchase grain or store grain for others.

Subp. 4. **Test equipment.** "Test equipment" means mechanical or electronic devices commonly used in the measurement of grain qualities, including equipment that determines moisture or protein content, test weight per bushel apparatus, and dockage testing devices.

Subp. 5. **Reject tag.** "Reject tag" means a device that is applied to test equipment that fails to meet established tolerances.

Subp. 6. **Tolerances.** "Tolerances" means values fixing the minimum or maximum limit of allowable error or departure from true performance or value.

Subp. 7. **Standard sample.** "Standard sample" means a sample of grain with a known measurement of quality or weight for the purpose of testing equipment.

Subp. 8. **Grain.** "Grain" means cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota Board of Grain Standards, dry edible beans, or other agricultural crops designated by the commissioner by rule.

Subp. 9. **On-site review.** "On-site review" means the testing of equipment and test equipment operators conducted where grain quality is determined for grain that is received for purchase or storage.

Subp. 10. **Condemned tag.** "Condemned tag" means a device that is applied to equipment that is beyond a state of repair rendering the equipment unfit for making grain quality determinations.

Subp. 11. **Chief equipment operator.** "Chief equipment operator" means a person assigned by the firm management as the responsible person for operating equipment used to determine grain quality.

Subp. 12. **Authorized service representative.** "Authorized service representative" means a person that has been certified by the manufacturer or distributor of the test equipment as being technically qualified and capable of servicing their test equipment.

1511.0110 [Emergency] ESTABLISHED TOLERANCES.

Established tolerances for each type of equipment are:

- A. moisture determination, plus or minus 0.5 of one percent;
- B. protein determination, plus or minus 0.5 of one percent;
- C. test weight determination, plus or minus one-half pound; and
- D. dockage determination, plus or minus 0.5 of one percent.

1511.0120 [Emergency] TEST EQUIPMENT LIST PROVIDED TO DEPARTMENT.

A person who receives grain for purchase or storage in Minnesota shall provide the department with a list of equipment used to determine grain quality on forms provided by the department. The list must include the model number, serial number, and make or brand name of each piece of equipment used to determine moisture or protein content, test weight measuring apparatus, and dockage testing devices.

1511.0130 [Emergency] TESTING GRAIN EQUIPMENT.

Subpart 1. **Testing for accuracy.** Persons in Minnesota who receive grain for purchase or storage are subject to having the equipment used to determine grain quality routinely tested for accuracy by the department. The test equipment must include mechanical or electronic devices that are used to determine moisture or protein content, test weight scales, and dockage testing devices.

Subp. 2. **Standard samples.** Standard samples for testing equipment, prepared by the department, must be forwarded to persons or firms that perform quality determinations for grain received for purchase or storage.

Subp. 3. **Analysis; results.** Department standard samples received by a firm must be analyzed by the designated chief equipment operator. Test results must be recorded on the forms provided by the department and returned to the department within five days of receipt of the standard samples.

1511.0140 [Emergency] RETESTING OF EQUIPMENT.

Test equipment that does not meet the established tolerances must be retested. A second set of standard test samples must be forwarded for test equipment that exceeds the established tolerance. Results of the second set of standard test samples must be returned to the department within five days of receipt of the standard test samples.

1511.0150 [Emergency] ON-SITE REVIEWS OF TEST EQUIPMENT AND EQUIPMENT OPERATORS.

The department may randomly perform an on-site review of test equipment and the chief test equipment operator at each location where grain is being received for purchase or storage. An on-site review must be conducted during normal business hours. An on-

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site review may be conducted when one or more of the following conditions are determined by the department:

- A. if the test results of standard samples are not returned to the department within the prescribed time;
- B. if test equipment fails to meet the established tolerance on the second set of standard test samples;
- C. if the department determines that inaccurate test results may be caused by the chief test equipment operators' procedures;
- D. if the department determines that the environmental conditions in the area where the test equipment is operated may be inadequate; and
- E. if the department receives a signed statement from a purchaser or seller of grain requesting a review of the test equipment or test equipment operator.

1511.0160 [Emergency] TAGGING OF TEST EQUIPMENT.

Subpart 1. **Attachment and removal of tags.** Test equipment found to exceed the established tolerances during an on-site review must have a reject tag attached to the test equipment by the department and the equipment must not be further used to determine the quality of grain received for purchase or storage until the test equipment has been serviced and the reject tag is removed:

- A. by an employee of the department, upon completion of testing that shows the equipment to be within the established tolerance; or
- B. by an authorized service representative who certifies to the department that the equipment has been serviced and tested for compliance within the established tolerance.

Subp. 2. **Return of tags.** A reject tag must be returned to the department immediately upon placing the equipment back into service. The information requested on the reverse side of the reject tag must be completed and contain the signature of the authorized service representative or the department employee.

Subp. 3. **Condemned tag.** A condemned tag must be attached to test equipment used to determine grain quality when it is determined that the test equipment is no longer serviceable.

1511.0170 [Emergency] POSTING NOTICE.

A person in Minnesota who receives grain for purchase or for storage must post a notice, furnished by the department, informing persons delivering grain for sale or storage of their right to have a representative sample of the grain in dispute forwarded to the department for analysis. The notice must be posted in a conspicuous place in conjunction with the license to buy or buy and store grain.

Board of Marriage and Family Therapy

Proposed Emergency Rules Relating to Marriage and Family Therapy

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the State Board of Marriage and Family Therapy intends to adopt the above entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes*, sections 148B.171 and 148B.31. The Board, in adopting the rules, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

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

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114
(612) 643-2586

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

A free copy of the proposed emergency rules is available by contacting Deborah Mancheski at the above mentioned address or phone number.

The proposed emergency rules 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 emergency rules as noticed.

Upon adoption of the emergency rules by the Board, the emergency rules as adopted and their supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Deborah Mancheski at the above mentioned address.

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

10 October 1988

Deborah L. Mancheski
Executive Director

Rules as Proposed (all new material)

5300.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360 [Emergency], unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 3. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 4. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certified process must include:

- A. eligibility requirements established through education or experience or both;
- B. successful completion of a competency-based written examination;
- C. successful demonstration of competent clinical skills; and
- D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 5. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 6. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 8. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 9. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160 [Emergency], and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 10. **Therapist.** "Therapist" means a licensee of the board.

Subp. 11. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360 [Emergency].

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family therapy without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

Subp. 3. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, or television broadcasting.

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5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of part 5300.0110 [Emergency] so long as they do not represent themselves by a title denoting marriage and family therapy.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

- A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i) and (ii);
- B. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150 [Emergency];
- C. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency];
- D. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350 [Emergency]; and
- E. pass both parts of the examination listed in part 5300.0240 [Emergency].

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution which complies with the following curriculum:

A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;

B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. one course in professional studies covering professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of face-to-face contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 50 percent may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course with a minimum of 45 classroom contact hours. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F.

Subp. 3. **Transition period.** For purposes of the transition period in Minnesota Statutes, section 148B.34, an applicant may establish coursework equivalency as provided for in subpart 2 if the applicant has earned at least a master's degree in the following subject fields from a regionally accredited institution before July 1, 1989:

- A. social work;
- B. psychology;
- C. medicine;
- D. psychiatric nursing;

- E. pastoral counseling;
- F. divinity or theology;
- G. human development;
- H. applied child and family development;
- I. family social science;
- J. counseling;
- K. anthropology;
- L. sociology; or
- M. criminal justice.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in subparts 2 and 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience. The supervised experience must meet the requirements in subparts 2 to 6.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the number of hours of face-to-face contact with the supervisor, and the name and qualifications of each supervisor.

Subp. 5. **Counseling requirements.** The applicant must demonstrate counseling in the following categories of cases for at least 50 percent of the supervisory experience required:

- A. unmarried couples;
- B. married couples;
- C. separating and divorcing couples; and
- D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family counseling, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

- A. is licensed as a marriage and family therapist in Minnesota;
- B. has at least two years experience in clinical practice as a marriage and family therapist; and
- C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

Emergency Rules

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency];
or

B. has been practicing marriage and family therapy for at least ten years; and:

(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350 [Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required, nonrefundable fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the applicant to provide verification.

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to written examination under part 5300.0190 [Emergency] must pay the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

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Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

- A. the applicant's knowledge of the laws governing marriage and family therapists;
- B. the applicant's knowledge of the code of ethics;
- C. the applicant's awareness of the responsibilities to the board and to the public;
- D. the applicant's clinical practice skills;
- E. the applicant's declared competencies; and
- F. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

5300.0250 [Emergency] RECIPROCITY.

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 and fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall send the letter to the licensee's last known address on record with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

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Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education every year, corresponding with the licensee's license renewal date.

Subp. 3. **Documentation of courses.** When the licensee applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

- (1) the course title;
- (2) the number assigned to the course by the board;
- (3) the course provider;
- (4) the number of hours of instruction attended by the licensee;
- (5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

- (1) human, biological, psychological, and social development;
- (2) human sexuality;
- (3) psychopathology;
- (4) cross-cultural mores and values;
- (5) professional issues, ethics, and family law;
- (6) human communication;
- (7) theories of marriage, family, and child therapy;
- (8) research methodology;

- (9) theories and application of psychological testing;
- (10) methods of supervision;
- (11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or
- (12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. Sponsor's application for course approval. Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

- (1) a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;
- (2) a description of the content and methodology of the course which will allow the participants to meet the objectives;
- (3) a description of the method to be used by the participants to evaluate the course;
- (4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and
- (5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. Grounds for denial of approval. The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. Grounds for revoking approval. The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. Committee evaluation. The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 9. A licensee's application for course approval. A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

- (1) the name and address of the organization sponsoring the course;
- (2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;
- (3) a detailed description of the course content;
- (4) the name of each instructor making a presentation, and the instructors' credentials; and
- (5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

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C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

- A. conventions;
- B. workshops and seminars;
- C. lectures;
- D. college postgraduate courses; and
- E. graduate study.

Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

- A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;
- B. educational workshops and seminars or their equivalent are given credit on an hour-for-hour basis;
- C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and
- D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis.

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

- A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or
- B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

- A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or
- B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or certified mail postmarked within three days from the effective date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

- A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;
- B. adherence to the rule would impose an undue burden on the licensee or applicant; and
- C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

- A. the specific rule for which the variance is requested;
- B. the reason for the request;
- C. the alternative practices or measures that will be taken if a variance is granted; and
- D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the application for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon reapplication for a variance if the circumstances justifying the variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the public against unethical practices and must not hesitate to expose unethical practices.

Subp. 5. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students or supervisees is prohibited.

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D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

G. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6, item C or J. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable adults.

O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6. Relations to clients. A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the therapists professional judgment or increase the risk of exploitation. Examples of dual relationships include, but are not limited to, business or close personal relationships with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

K. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

- (1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;
- (2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;
- (3) to obtain a copy of the code of ethics from the *State Register* and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;
- (4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;
- (5) to be informed of the cost of professional services before receiving the services;
- (6) to privacy as defined by rule and law;
- (7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;
- (8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and
- (9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. 7. Confidentiality and keeping of records. A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

A. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided in Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39. All other private information must be disclosed only with the informed consent of the client.

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

D. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

E. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

F. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

Emergency Rules

G. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party observation of their sessions.

H. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. 8. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

5300.0360 [Emergency] FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

- A. application for licensure fee during transition period, \$300;
- B. application for admission to written examination fee, \$200;
- C. written examination fee, \$175;
- D. application for licensure fee, \$100;
- E. initial license fee, not to exceed \$100;
- F. license by reciprocity fee, \$300;
- G. annual renewal of license fee, \$100;
- H. late renewal fee, \$50;
- I. reinstatement of license fee, \$50;
- J. penalty fee, \$75;
- K. sponsor's application for approval of a continuing education course fee, \$100.

The initial license fee in item E will be prorated accordingly depending on the month in which the initial license is granted.

EFFECTIVE DATE. The effective date of parts 5300.0100 to 5300.0360 [Emergency] is December 15, 1988.

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

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

Department of Commerce

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

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 621.21, 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:

- Gas Supplier
- Professional Social Worker

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 November 17, 1988 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statute* 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 10:00 a.m. on November 1, 1988, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor Flour Exchange 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, or 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*.

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, MN 55101. Their phone number is (612) 222-0484.

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

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

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

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

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

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

Dated: 10 October 1988

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

Official Notices

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 Education

Applications Being Accepted from Interested Parties for a Middle Level School Task Force

THIS IS HEREBY OFFICIAL NOTICE that the Minnesota Department of Education is accepting applications from interested parties. Task Force members should expect to meet at least ten times between January 1988 and July 1988.

The Task Force will explore such areas as: developing a recommended set of rules to govern curriculum and instructions for students ages 10-15 years. Exploration will revolve around using the principles of outcome based education and in consideration of: a) the intellectual, social, emotional, and physical development needs of the students; needs to be prepared with the requisite skills to enter programs that lead to exit outcomes; options for school districts to integrate curriculum not limited by existing structures and rules; options for school districts to design their instruction not limited by existing structures and rules.

Applications must be received at the office of Mary Pfeifer, 656 Capitol Square Building, 550 Cedar Street, St. Paul MN 55101, by **November 8, 1988.**

Additional information concerning the Task Force may be obtained by contacting Ms. Pfeifer at (612) 296-4055.

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations in October

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of October, 1988 would be nine (9) percent per annum. Obligations

which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: 21 September 1988

Peter Sausen
Assistant Commissioner
Cash and Debt Management

Department of Human Services

Mental Health Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Licensure of Programs for Persons with Mental Illness

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 rules governing the licensure of programs for persons with mental illness.

The adoption of these rules is authorized by *Minnesota Statutes*, sections 245A.09, subdivision 1 and 245A.095, subdivision 2 which requires the commissioner to adopt rules for programs serving persons with mental illness. The rules shall provide for various levels of care to address the residential treatment needs of persons with mental illness; ensure that programs provide a continuum of residential service programs; define the term "treatment" as used in relation to persons with mental illness; adjust funding mechanisms as needed to reflect the requirements established by rule for services being provided; and recommend staff educational and training requirements as needed and standards for residential care and service programs as the commissioner may determine to be necessary.

Adopted parts 9520.0500 to 9520.0690 (Rule 36) will be reviewed and revised in conjunction with the Human Services Licensing Act (*Minnesota Statutes*, Chapter 245A) and the Minnesota Comprehensive Mental Health Act (*Minnesota Statutes*, sections 245.461 to 245.486).

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 John A. Anderson, Mental Health Division, 3rd Floor, Human Services Building, 444 Lafayette Road, St. Paul, MN 55155-3828. Oral statements will be received during regular business hours over the telephone at (612) 296-7836 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.

Dated: 10 October 1988

Jane A. Nelson

Department of Jobs and Training

Notice of Establishment of an Independent Living Council

The Minnesota Independent Living Program for persons with disabilities is establishing a new Independent Living Council pursuant to the 1986 amendment to the Rehabilitation Act 1973. The new council consists of 15 members representing various areas of the State.

The purposes of the council are: (1) to provide guidance for the development and expansion of the independent living programs and concepts; (2) to provide guidance to State agencies and local planning and administrative entities assisted under Title VII of the Act; and (3) to prepare and submit to the designated State unit a five-year Independent Living Rehabilitation Services program plan. This council must be composed of a majority of persons with disabilities and their parents or guardians with the remaining membership composed of the following diverse group of persons: representatives of the principal State agencies, local agencies, and nongovernmental agencies and groups concerned with services to persons with disabilities; directors of Centers for Independent Living (CILs); representatives of private business employing or interested in employing persons with disabilities; representatives of other appropriate organizations; and other appropriate individuals.

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The Independent Living program consists of services to persons with severe disabilities to help them live more independently in their home, family, or community environment. Services are provided through six Centers for Independent Living located across the state and through designated staff at the Rehabilitation Services Field Offices. Services provided may include: intake counseling; advocacy; independent living skills; health maintenance programs; peer counseling; individual and group social and recreational activities; information, referral and assistance with housing, transportation and attendant care. The program is administered by the Division of Rehabilitation Services of the Department of Jobs and Training.

Committee meetings are held quarterly with sub committee meetings in the interim. Expenses of members are reimbursed and reasonable accommodation will be made to meet particular needs including interrupter service for persons with hearing impairment.

Persons who wish more information or an application form should contact:

Scott Rostron, Director
Independent Living Program
Division of Rehabilitation Services
390 North Robert Street
Fifth Floor
St. Paul, Minnesota 55101
(612) 297-2705

The deadline for application is November 14, 1988 or until all vacancies are filled.

Labor and Industry

Labor Standards Division

Notice of Certification of Prevailing Wage Truck Rental Rates

On October 17, 1988 the commissioner will certify statewide minimum truck rental rates payable to those who own and operate their own truck on state highway projects.

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

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

Ken Peterson, Commissioner
Department of Labor and Industry

Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified June 1, 1988 for labor classifications 415 — Painters in Carver, Hennepin, Scott and Wright county for commercial construction projects, and Carver, McLeod and Scott county for highway heavy construction projects has been corrected.

Copies of the correct certification may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155 or the Minnesota Department of Labor and Industry, Labor Standards Division, 443 Lafayette Road, St. Paul, Minnesota 55101.

Ken Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment to Rules Relating to Workers' Compensation; Rules of Practice.

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to modify proposed amendment to rules relating to Workers' Compensation Rules of Practice published at 12 SR 1182 on December 7, 1987. The adoption of the rule is authorized by *Minnesota Statute* 176.17 (2); 176.83, subd. 1 and 15; and 176.129, subd. 10 which permit the agency to amend rules to implement *Minnesota Statutes* § 176.061 on third party liability, adopt rules governing practice, prescribe the forms to be used by persons subject to the provisions, and to prescribe the manner of payment of and impose a penalty for nonpayment of the Special Compensation Fund's assessment under *Minnesota Statutes* § 176.129, subd. 10.

The State Department of Labor and Industry 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:

Ken Peterson
Commissioner
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at 296-8726 and in person at the above address.

All statements of information and opinions shall be accepted until November 16, 1988.

Dated: 10 October 1988

Ken Peterson
Commissioner

Polk County Law Library

Notice of Filing Fee Increase

NOTICE IS HEREBY GIVEN that the Polk County Law Library Board of Trustees, with the confirmation of the Polk County Board of Commissioners, have voted an increase in the law library filing fee to \$5.00 per case for petty misdemeanors and \$7.50 per case for criminal, civil (including conciliation), and family court matters effective October 1, 1988. The law library filing fee for probate matters remains at \$5.00.

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is November 8, 1988.

MN ZOOLOGICAL BOARD

1 member — to be appointed by the MN Zoological Board.

MN ACADEMIC EXCELLENCE FOUNDATION

1 representative of education group — non-metro, minorities encouraged to apply.

ADVISORY TASK FORCE ON MENTAL RETARDATION AND RELATED CONDITIONS

21 members, see description of advisory task force.

Official Notices

PHYSICAL THERAPY COUNCIL

1 member, licensed physician.

Minnesota Zoological Board

13000 Zoo Boulevard, Apple Valley 55124. 612-431-9200.

Minnesota Statutes 85A.01.

APPOINTING AUTHORITY: Governor; Zoo board; Dakota county board. COMPENSATION: \$35 per diem.

The board operates and maintains the Minnesota zoological garden. Thirty members must have a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota zoological garden. Fifteen members are appointed by the governor, fourteen are appointed by the board, and one member is appointed by the Dakota county board. To the extent possible members will be appointed who are residents of the various geographic regions of the state. Members should have the ability to raise significant funds from the private sector. Monthly meetings at the Minnesota zoological garden.

Minnesota Academic Excellence Foundation

751 Capitol Square Bldg., St. Paul 55101. 612-297-1875.

Minnesota Statutes 121.612.

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

The foundation promotes academic excellence in Minnesota public schools through a public-private partnership (a non-profit organization). The board of directors consists of the governor or designee; the chairs of the education committee and education finance division in the house of representatives and the chairs of the education committee and education subcommittee on education aids in the senate; a majority member of the house of representatives; a minority member of the senate; the commissioner of education. Fifteen members, include six who represent various education groups and nine who represent various business groups.

Advisory Task Force on Mental Retardation and Related Conditions

444 Lafayette Road, St. Paul 55155. 612-296-6117.

Minnesota Statutes 252.31.

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: None.

The task force advises the commissioner as to programs and services for persons with developmental disabilities, supervises county agencies who administer services, and monitors relative legislation. Members must be persons who are providers or consumers of services for the mentally retarded or physically handicapped, or who are interested citizens. Bimonthly meetings.

Physical Therapy Council

2700 University Ave. W., St. Paul 55144. 612-642-0538.

Minnesota Statutes 148.67.

APPOINTING AUTHORITY: Board of Medical Examiners. COMPENSATION: \$35 per diem plus expenses.

The council advises the board of medical examiners on all matters relating to physical therapy. Also, registers physical therapists and takes action against them. Seven members include three physical therapists, (one professor in the school of physical therapy), two doctors of medicine and surgery, one aide-or assistant to a physical therapist, and one public member.

Minnesota State Retirement System

Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, October 21, 1988 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

State Contracts and Advertised Bids

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

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

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

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Meat and meat product for Nov, 1988
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: October 18
Agency: MN Correction Facility
Deliver to: Various
Requisition #: 78620 00261

Commodity: School supplies
Contact: Ann Wefald 612-296-2546
Bid due date at 2pm: October 20
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Chromatography (LC) system
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 20
Agency: Health
Deliver to: Minneapolis
Requisition #: 12400 27206

Commodity: Gas chromatograph system
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 20
Agency: Health
Deliver to: Minneapolis
Requisition #: 12400 27021

Commodity: Gas chromatographs
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 21
Agency: State University
Deliver to: Mankato
Requisition #: 26071 18350

Commodity: Engineering copier printer
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: October 21
Agency: Transportation
Deliver to: Willmar
Requisition #: 70000 92189

Commodity: Interactive call processing system—rebid
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 21
Agency: Transportation
Deliver to: Various
Requisition #: 79000 92037

Commodity: Lease/purchase of Xerox 5052
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: October 21
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073 20706

Commodity: Office supplies
Contact: Ann Wefald 612-296-2546
Bid due date at 2pm: October 21
Agency: Central Stores
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Engineering copier printer
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: October 24
Agency: Transportation
Deliver to: Golden Valley
Requisition #: 79000 92190

Commodity: Sch 113A buses
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: October 24
Agency: Various
Deliver to: Various
Requisition #: 79000 01969

Commodity: X-ray survey meters
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 24
Agency: Corrections
Deliver to: Oak Park Hgts
Requisition #: 78630 08357

Commodity: Delta elite computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: October 24
Agency: Community College
Deliver to: Coon Rapids
Requisition #: 27152 46582

Commodity: 2-color offset press
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: October 24
Agency: Administration
Deliver to: St. Paul
Requisition #: 02520 92044

Commodity: Unisys computer system
Contact: Bernie Vogel 612-296-3778
Bid due date at 2pm: October 25
Agency: State University
Deliver to: Mankato
Requisition #: 26071 18357

State Contracts and Advertised Bids

Commodity: Flashlights, batteries and bulbs—rebid
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 25
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Cheesecloth
Contact: Ann Wefald 612-296-2546
Bid due date at 2pm: October 25
Agency: Administration: Central Stores
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: 800-service, Operator service, international DDD
Contact: Don Olson 612-296-3771
Bid due date at 2pm: October 26
Agency: Various
Deliver to: Various
Requisition #: Volume Purchase Plan

Commodity: Automobiles and Vans
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: October 26
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Talaris printer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: October 25
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32300 18817

Materials Management Division—Contract Awards

Item: Rent, lease, other and general
Req.#: 79000 91572 01
Awarded to: Kavouras Inc.,
Minneapolis, MN
Awarded amount: \$47,370.78
Awarded date: October 5, 1988
Expir/deliv date: December 31, 1999
Shipped to: Mn/DOT, Aeronautics

Item: Computer equipment
Req.#: 11015 08963 01
Awarded to: Apple Computer Inc.,
Rolling Meadows, IL
Awarded amount: \$5,769.50
Awarded date: October 6, 1988
Expir/deliv date: November 1, 1988
Shipped to: Minnesota Department of Health

Item: Otoscope
Req.#: 26070 13488 02
Awarded to: Phillips James Company,
Plymouth, MN
Awarded amount: \$6,738.00
Awarded date: October 6, 1988
Expir/deliv date: November 7, 1988
Shipped to: Bemidji State University

Item: Spectrometers, atomic absorption
Req.#: 26071 18336 01
Awarded to: Perkin Elmer Corporation,
Eden Prairie, MN
Awarded amount: \$72,515.00
Awarded date: October 6, 1988
Expir/deliv date: December 6, 1988
Shipped to: Mankato State University

Item: Computer equipment
Req.#: 29000 50913 01
Awarded to: Apple Computer Inc.,
Rolling Meadows, IL
Awarded amount: \$5,214.00
Awarded date: October 6, 1988
Expir/deliv date: November 1, 1988
Shipped to: DNR—Fish and Wildlife

Item: Computer equipment
Req.#: 55000 95049 01
Awarded to: Apple Computer Inc.,
Rolling Meadows, IL
Awarded amount: \$6,998.50
Awarded date: October 6, 1988
Expir/deliv date: November 1, 1988
Shipped to: Department Human Services

Item: Appliance, kitchen; restaurant, large commercial
Req.#: 55303 13234 01
Awarded to: Reinhart Inst. Food, St. Paul, MN
Awarded amount: \$6,850.00
Awarded date: October 6, 1988
Expir/deliv date: October 17, 1988
Shipped to: Faribault Regional Human Service Center

Item: Repair body, vehicle
Req.#: 79990 00190 01
Awarded to: Auto Truck Service,
Minneapolis, MN
Awarded amount: \$11,500.00
Awarded date: October 6, 1988
Shipped to: Mn/DOT, Central Shop

Item: Repair alteration to building
Req.#: 02310 15872 01
Awarded to: Hibbing City of, Hibbing, MN
Awarded amount: \$6,500.00
Awarded date: October 7, 1988
Shipped to: Hibbing Community College

State Contracts and Advertised Bids

Item: Computer equipment
Req.#: 21200 19385 01
Awarded to: Midland Financial,
Minnetonka, MN
Awarded amount: \$16,000.00
Awarded date: October 7, 1988
Expir/deliv date: October 17, 1988
Shipped to: Minnesota Department of
Jobs and Training

Item: Training educational aids and
devices
Req.#: 26073 20673 01
Awarded to: Doron Precision Systems,
Belvidere, IL
Awarded amount: \$32,155.00
Awarded date: October 7, 1988
Shipped to: St. Cloud State University

Item: Store fixture and display unit
Req.#: 27138 50630 01
Awarded to: Graphic Exhibits Inc.,
North St. Paul, MN
Awarded amount: \$6,769.00
Awarded date: October 7, 1988
Shipped to: Community College Board
Office

Item: Copying equipment
Req.#: 27143 43125 01
Awarded to: Midwest Business, Duluth,
MN
Awarded amount: \$8,501.50
Awarded date: October 7, 1988
Expir/deliv date: October 14, 1988
Shipped to: Hibbing Extension Duluth
Center

Item: Clothing outerwear, men
Req.#: 29008 80242 01
Awarded to: Continental Safety
Equipment, Eagan, MN
Awarded amount: \$7,630.30
Awarded date: October 7, 1988
Expir/deliv date: December 30, 1988
Shipped to: DNR—Southern Service
Center

Item: Mattress and box spring
Req.#: 55100 04099 01
Awarded to: Lintex Corporation,
Minneapolis, MN
Awarded amount: \$8,910.00
Awarded date: October 7, 1988
Expir/deliv date: November 8, 1988
Shipped to: Anoka—Metropolitan
Regional Treatment Center

Item: Copying equipment
Req.#: 55106 07016 01
Awarded to: Xerox Corporation, Edina,
MN
Awarded amount: \$39,208.68
Awarded date: October 7, 1988
Expir/deliv date: October 31, 1988
Shipped to: Willmar Regional
Treatment Center

Item: Repair alteration to building
Req.#: 55520 04310 01
Awarded to: All American Mechanical,
St. Paul, MN
Awarded amount: \$7,755.00
Awarded date: October 7, 1988
Expir/deliv date: October 30, 1988
Shipped to: Oak Terrace Nursing Home

Item: Auto HD truck and van
Req.#: 80300 03861 01
Awarded to: Boyer Ford Trucks,
Minneapolis, MN
Awarded amount: \$24,453.00
Awarded date: October 7, 1988
Expir/deliv date: April 1, 1989
Shipped to: Department of Public
Service

Item: Auto HD truck and van
Req.#: 80300 03862 01
Awarded to: Southdale Ford,
Bloomington, MN
Awarded amount: \$41,931.00
Awarded date: October 7, 1988
Expir/deliv date: April 1, 1989
Shipped to: Department of Public
Service

Item: Roofing work
Req.#: 02310 16213 01
Awarded to: Singer Construction Inc.,
Maple Grove, MN
Awarded amount: \$7,668.52
Awarded date: October 10, 1988
Expir/deliv date: October 20, 1988
Shipped to: Minnesota Department of
Corrections

Item: Repair, alteration to building
Req.#: 02307 81321 02
Awarded to: St. Paul Fabrication, St.
Paul, MN
Awarded amount: \$31,219.00
Awarded date: October 11, 1988
Expir/deliv date: March 30, 1989
Shipped to: Various Locations

Item: Furniture, office
Req.#: 02310 16424 01
Awarded to: Johnsons P M Inc., St.
Paul, MN
Awarded amount: \$11,457.40
Awarded date: October 10, 1988
Expir/deliv date: January 30, 1989
Shipped to: Brainerd Community
College

Item: Binding equipment
Req.#: 02410 90030 01
Awarded to: Uarco Inc., St. Paul, MN
Awarded amount: \$10,754.39
Awarded date: October 10, 1988
Expir/deliv date: November 14, 1988
Shipped to: Information Management
Bureau

Item: Services, other professional,
technical
Req.#: 63000 91136 01
Awarded to: Moore Business Forms,
Bloomington, MN
Awarded amount: \$7,922.30
Awarded date: October 10, 1988
Expir/deliv date: December 9, 1988
Shipped to: PERA

Item: Computer, personal computers
Req.#: 79000 92044 01
Awarded to: PC Express, Burnsville,
MN
Awarded amount: \$30,015.00
Awarded date: October 10, 1988
Expir/deliv date: October 24, 1988
Shipped to: Minnesota Department of
Transportation

Item: Roofing, siding, material and
supplies
Req.#: 79050 21108 01
Awarded to: Itasca Lumber Company,
Grand Rapids, MN
Awarded amount: \$21,745.06
Awarded date: October 10, 1988
Shipped to: Various Locations

Item: Repair, alteration to building
Req.#: 02307 81321 01
Awarded to: Drake Marble Company,
St. Paul, MN
Awarded amount: \$29,580.00
Awarded date: October 11, 1988
Expir/deliv date: January 10, 1989
Shipped to: Various Locations

State Contracts and Advertised Bids

Item: Computer equipment
Req.#: 21200 19529 01
Awarded to: Entre Computer Center, St. Paul, MN
Awarded amount: \$5,575.00
Awarded date: October 11, 1988
Expir/deliv date: October 30, 1988
Shipped to: Various Locations

Item: Computer equipment
Req.#: 24000 95544 01
Awarded to: Weldon Electric, Plymouth, MN
Awarded amount: \$5,155.00
Awarded date: October 11, 1988
Expir/deliv date: October 30, 1988
Shipped to: Minnesota Department of Employee Relations

Item: Cash register
Req.#: 99997 10395 01
Awarded to: Cash Register Sales, Minneapolis, MN
Awarded amount: \$6,450.25
Awarded date: October 11, 1988
Expir/deliv date: November 14, 1988
Shipped to: Normandale Community College

Department of Administration: Printing & Mailing Services

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

Commodity: Charge statement, 4M 2-part sets, 7" × 4¾" sheet size, type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 2382

Commodity: Requisition: Central Stores—continuous feed, 1M 6-part sets, camera ready, 1-sided, 10" × 11" sheet size, preprinted numbering
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 2370

Commodity: D.C.D. report, continuous form, 5M 3-part sets, 9½" × 11" with pinfeed, 2-sided, camera ready
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: PERA (Pub. Empl. Ret. Assn.)
Deliver to: St. Paul
Requisition #: 2368

Commodity: Temporary driver license, 150M sheets in 3M pads, 4¼" × 5½", preprinted numbering, type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 2256

Commodity: Benefit account deposit slips, 1.5M 4-part sets, 6" × 11¾" finished size (detached), 1-sided, type to set
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Jobs and Training Department
Deliver to: St. Paul
Requisition #: 2206

Commodity: Department field purchase order, 2M pads of 50M sets of 6-part forms, negatives furnished, 1-sided forms, 2-sided covers, 4¾" × 7¾" detached preprinted numbering
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Administration: Central Stores
Deliver to: St. Paul
Requisition #: 2141

Commodity: Records container label, 15M sets of 2-part forms into 600 pads, 6" × 4" detached, camera ready, 1-sided
Contact: 2140
Bids are due: October 18
Agency: Administration: Central Stores
Deliver to: St. Paul
Requisition #: 2140

Commodity: Interoffice envelopes—small, 150M envelopes (500 per box), NO GUM, 2-sided, camera ready, 4⅞" × 9½" banker flap
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Administration: Central Stores
Deliver to: St. Paul
Requisition #: 2087

Commodity: TB culture window envelopes, 14M, 6¼" × 4¼", camera ready, 1-sided, poly window 5" × 1¼" rounded corners
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: 2028

Commodity: Envelopes with clasp, 5M, type to set, 1-sided, 24# brown kraft, 11½" × 14½" plus gummed flap and clasp
Contact: Printing Buyer's Office
Bids are due: October 18
Agency: Education Department
Deliver to: St. Paul
Requisition #: 1937

Commodity: Out of Sight—Pamphlet, 10M, 11 × 8½" with 2 folds to 3⅓" × 8½", 2-sided, camera ready
Contact: Printing Buyer's Office
Bids are due: October 19
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: 2403

State Contracts and Advertised Bids

Commodity: Explore Minnesota downhill skiing brochure, 25M 22½" × 8½", camera ready, color separation, 4-color, 2-sided, 5 folds
Contact: Printing buyer's office
Bids are due: October 21
Agency: Tourism Office
Deliver to: St. Paul
Requisition #: 2356

Commodity: Laboratory report form, 50M 5-part sets, 9½" × 5½" overall, camera ready, 1-sided, fan-fold 2-up, 2-color
Contact: Printing buyer's office
Bids are due: October 21
Agency: MN Health Department
Deliver to: Minneapolis
Requisition #: 2507

Commodity: "Getting smashed" brochure, 50 booklets of 8pp., 8½" × 11", fold to 5½" × 8½", 2-sided, negs + art work furnished, saddle stitch
Contact: Printing buyer's office
Bids are due: October 21
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 2513

Commodity: Printing & mailing of withholding coupon books, 135M 8½" × 3⅓" overall, plus 8½" × 11" notice, #10 envelope, 34pp + covers (some larger), saddle stitch + taped, monthly mailings
Contact: Printing buyer's office
Bid due date at 2pm: October 25
Agency: Revenue Department
Deliver to: St. Paul
Requisition #: 1758

Printing & Mailing Service—Contract Awards

Item: Affix labels to income tax books
Req. #: 2042
Awarded to: Maxwell Communications Corporation, St. Paul
Amount: \$14,999.95
Date: October 11
Deliver to: Revenue Department, St. Paul
Delivery date: As Requested

Item: Process addresses and print labels for income tax books
Req. #: 2043
Awarded to: FDC, Inc., Minnetonka
Amount: \$18,455.00
Date: October 12
Deliver to: Revenue Department, St. Paul
Delivery date: 10 days

Item: Trails and waterways brochure
Req. #: 2128
Awarded to: Professional Litho Art, Minneapolis
Amount: \$2,250.00
Date: October 11
Deliver to: As Requested
Delivery date: As Requested

Item: Attendance cards
Req. #: 2129
Awarded to: Royal Business Forms, Brooklyn Center
Amount: \$471.10
Date: October 4
Deliver to: State Auditor, St. Paul
Delivery date: 30 days

Item: First class window envelopes
Req. #: 2181
Awarded to: Mackay Envelope Corporation, Minneapolis
Amount: \$715.15
Date: October 11
Deliver to: Human Services Department, St. Paul
Delivery date: 25-30 working days

Item: Benefit payment authorization without check
Req. #: 2058
Awarded to: Standard Register Company, St. Paul
Amount: \$7,052.50
Date: October 12
Deliver to: Jobs and Training Department, St. Paul
Delivery date: 35 days

Department of Administration

Intergovernmental Information Systems Advisory Council

Notice of Request for Proposals to Provide a Seminar for Local Government, Educational and State Officials, Executives and Staff Relating to Tele-Communications

The Intergovernmental Information Systems Advisory Council (IISAC) has recognized the importance and vital emerging need by various levels of government and the educational community to utilize telecommunication techniques in their operations. IISAC has established data interchange as its most important effort during the next several years and has elected to promote the effort through educational seminars.

State Contracts and Advertised Bids

Representatives of local government, the educational community and state agencies have expressed the need to know more about this topic and its potential cost and impact on the way these entities perform their functions. They recognize the potential expense but also see opportunities, benefits, productivity gains and new ways of providing service.

A prospective vendor pre-bid conference will be held on Monday, October 31, 1988 at 2:30 at:

League of Minnesota Cities
2nd Floor Conference Room
183 University Avenue, East
St. Paul, MN 55101

The deadline for the receipt of proposals by IISAC is 2 p.m. on Monday, November 28, 1988.

The seminar is planned for mid April 1989.

The maximum amount of funds available for this effort is \$7,000.00.

The RFP has been sent to firms known to have an interest in this type of project. Anyone having an interest who has not received the RFP and has an interest in bidding is requested to contact John C. Asmus, Executive Director of the IISAC, at 612-297-2172.

Department of Corrections

Request for Proposal American Indian Battered Women Shelter

The Minnesota Department of Corrections Program for Battered Women announces the availability of grant funds to provide the following service to battered women:

Emergency shelter and both individual and systems advocacy in a culturally sensitive environment for American Indian battered women and their children. Community education, cultural education to other battered women programs, and networking with other programs serving American Indian women can be included in the program design and goals and objectives but are secondary to the goals of emergency shelter and advocacy.

A total of \$95,910 general operating funds plus a onetime start-up grant of \$34,100 are available. The grant period will cover January 1, 1989 through June 30, 1989 with future general operating funds renewable on a 12-month period.

Nonprofit corporations are eligible to apply. Deadline for applications is 4:30 p.m., November 18, 1988. For a Request for Proposal, which explains how to apply for funding, and the required application materials, contact Barbara Raye or Monica Herrera, Program for Battered Women, Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, Minnesota 55104, phone (612) 642-0255.

Department of Corrections

Request for Proposal Legal Advocacy Project

The Minnesota Department of Corrections Program for Battered Women announces the availability of grant funds for projects which will provide statewide legal advocacy services for battered women and legal information and referral services for programs that serve battered women. Program designs must include all of the following components:

- Provide consultation to programs that serve battered women and to individual battered women and their counsel regarding details of court cases including the specific legal needs of cultural communities of color.
- Initiate or facilitate the initiation of precedent-setting case law and public policy (family, criminal and civil law).
- Provide training for legal professionals and Minnesota Department of Corrections funded programs as well as produce training materials for future use.
- Act as a clearinghouse of legal information for Minnesota Department of Corrections funded programs and issue regular reports to the Minnesota Department of Corrections on issues of statewide or regional concern.

A total of \$30,000 is available for a six-month period, January 1, 1989 to June 30, 1989. While future funding is not secured, continuation of the project will be considered a priority based upon the availability of new funds.

Nonprofit corporations are eligible to apply. Deadline for applications is 4:30 p.m., November 18, 1988. For a Request for Proposal, which explains how to apply for funding, and the required application materials, contact Barbara Raye or Pat Peterson, Program for Battered Women, Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, Minnesota 55104, phone (612) 642-0254.

Department of Health

Health Resources Division—Emergency Medical Services Section

Notice of Request for Proposal to Examine EMS Training and Testing Certification Issues

The Minnesota Department of Health is requesting proposals from interested parties to undertake a comprehensive study of pre-hospital emergency medical services (EMS) training and testing certification issues in the State of Minnesota.

The U.S. Department of Transportation has recently issued new curricula for basic, intermediate, and paramedic levels of emergency medical technicians (EMTs). The objective of this study is to enable the Department of Health to establish priorities and implement programs consistent with high-quality training and testing procedures for pre-hospital emergency medical care personnel. The study is to include an examination of key training and testing indicators within the state and to evaluate their impact on the statewide EMT training and certification program.

Applicants must respond in the form of a proposal to enter into a contract with the Department of Health for an amount not to exceed \$10,000. The study is expected to begin December 15, 1988, and be completed by March 15, 1989. Deadline for the submission of proposals is Friday, November 4, 1988.

Copies of the Request for Proposal are available from:

Donald O. Hedman, Grants Manager
Emergency Medical Services Section
Minnesota Department of Health
393 N. Dunlap St.
P.O. Box 64900
St. Paul, MN 55164-0900
(612) 643-2165

Spanish Speaking Affairs Council

Notice of Availability of Contract For Consultant Services of Expert in Program Management and Knowledge of AIDS Education and Risk Reduction

NOTICE IS HEREBY GIVEN that the Spanish Speaking Affairs Council is seeking applications for professional services from recognized experts in program management with knowledge of AIDS education and risk reduction strategies. The contractor will provide assistance in establishing a statewide, coordinated and comprehensive AIDS education and risk reduction project. Assistance will include program development, coordination of communications strategies, monitoring of project contracts and fundraising for future activities.

The contract will be effective for six months beginning on or after December 1, 1988. The total contract price will not exceed \$18,000.

Interested persons must submit a written response containing the following:

1. Description of professional qualifications including:
 - Educational background
 - Professional qualifications and experience in program management, fundraising, communications and AIDS related issues
 - Academic achievement
 - Knowledge of Hispanic issues and concerns
 - Working knowledge of Hispanic community agencies, activities and programs
2. A statement indicating work hours available.
3. A statement indicating the hourly payment rate required, and
4. Any other pertinent information which will outline the experience and background in relation to the requirements listed above.

State Contracts and Advertised Bids

Evaluation and contractor selection will be completed by November 15, 1988. All respondents will receive a written notice of the results. The Council is not obligated in any way by this notice and reserves the right to reject all proposals if such action is determined to be in the best interests of the Council. All written responses must be received by the Council no later than 4:30 p.m. Friday, November 4, 1988. Responses and inquiries must be directed to:

Jose H. Trejo
Executive Director
Spanish Speaking Affairs Council
506 Rice Street
Saint Paul, MN 55103
(612) 296-9587

State Board of Vocational Technical Education

Office of Planning, Research and Administrative Services

Request for Proposals for Financial Audit of Student Organizations

The State Board of Vocational Technical Education is requesting proposals from any qualified individual or Accounting firm interested in performing a financial audit of the Student Organizations administered by the Minnesota State Board of Education and Minnesota State Board of Vocational Technical Education.

The specifications and scope of the audit are contained in a formal RFP. To obtain a copy of the RFP and/or register for the Bidders Conference scheduled for Tuesday, November 1, 1988, at 9:00 a.m., State Office Building, Basement Hearing Room, 100 Constitution Avenue, St. Paul, Minnesota 55102.

CONTACT:

Karen Kedrowski
State Board of Vocational Technical Education
552A Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-7590

The maximum amount committed to perform this audit is \$10,000. The deadline for proposal submission is 4:00 p.m., Wednesday, November 30, 1988.

Supreme Court Decisions

Decisions Filed 14 October 1988

C7-87-827 Warren H. Lenz, Jr., petitioner, Appellant v. Connie P. Lenz. Court of Appeals.

The trial court's findings of fact that neither party was the minor child's "primary caretaker" and that the best interests of the child would be promoted by an award of custody to the father were not clearly erroneous.

Reversed. Amdahl, C.J.

C6-88-778 Richard L. Morrissey v. Country Club Markets, Inc. and American Hardware Mutual Insurance Co., Relators. Workers' Compensation Court of Appeals.

Pursuant to *Parson v. Holman Erection Company*, 428 N.W.2d 72 (Minn. 1988) temporary partial benefits were not available to the employee for the one-month period during which he was unemployed; however, under *Gasper v. Northern Star Co.*, 422 N.W.2d 727, 730 (Minn. 1988), the employee became eligible for temporary partial benefits when he thereafter found work but at a wage loss.

Affirmed in part and reversed in part. Simonett, J.

C9-88-323 Carl Richard Wold, petitioner, Appellant v. State of Minnesota. St. Louis County.

A police stop and "pat down" search of a person at the scene of a late night street crime of violence resulting in a comatose victim did not violate that person's right afforded him by Amendment IV to the United States Constitution to be free from an unreasonable search and seizure.

A trial court finding that an accused's waiver of his right to be a witness against himself under Amendment V to the United States Constitution was knowingly, voluntarily, and intelligently made was not clearly erroneous notwithstanding that the accused, one whose intelligent quotient was at the lower end of the scale, had shortly before waiving his rights voluntarily consumed some alcoholic beverages.

Affirmed. Kelley, J.

C5-88-464 Henry Tews v. Geo. A. Hormel & Company, Self-Insured, Relator. Workers' Compensation Court of Appeals.

A finding of fact based on an assessment of credibility—that the employer did not serve the maximum medical improvement report prior to an administrative conference—will not be disturbed on appeal.

Pursuant to *Parson v. Holman Erection Company, Inc.*, N.W.2d (Minn. 1988), the award of temporary partial compensation for that period the employee was unemployed is vacated as statutorily unavailable.

Affirmed in part, reversed in part. Coyne, J.

Kelley, J.

Orders**C8-88-894 In Re Petition for Disciplinary Action against Alan J. Bradbury, an Attorney at Law of the State of Minnesota. Supreme Court.**

Disbarred. Amdahl, C.J.

C8-88-2029 In Re Petition for Disciplinary Action against James A. Del Vecchio, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Amdahl, C.J.

C7-88-1261 In Re Petition for Disciplinary Action against Michael H. Burns, an Attorney at Law of the State of Minnesota. Supreme Court.

Transferred to disability inactive status. Popovich, J.

Tax Court**Tax Court—Regular Division**

Docket Nos. 4810, 4874 and 4963—Dated: September 19, 1988

David M. Olson and Barbara A. Giesner, Appellants, vs. Commissioner of Revenue, Appellee.

AND

Frank Romano, III and Gill L. Romano, Appellants, vs. Commissioner of Revenue, Appellee.

The above entitled cases were submitted to the Court by a Stipulation of Facts filed with the Court on July 27, 1988.

All appellants were represented by William F. Kolbinger, Captain, Judge Advocate, Minnesota Army National Guard.

Jerilyn K. Aune, Special Assistant Attorney General, represented the appellee, Commissioner of Revenue.

Briefs were filed by both parties and the cases were assigned to the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court.

The Court, having considered the facts as stipulated, and upon all of the files and records, now makes the following:

FINDINGS OF FACT

1. At all times relevant to these appeals, appellants David M. Olson and Barbara A. Giesner were husband and wife, and appellants Frank and Gill L. Romano were husband and wife.

Tax Court

2. All appellants were residents of the State of Minnesota during tax year 1985.
3. All appellants were members of the Minnesota National Guard during the respective tax years at issue and individually qualified for the military pay exclusion under *Minnesota Statutes* § 290.01, subd. 20b(7).
4. David M. Olson and Barbara A. Giesner filed a joint federal income tax return for the year 1985, as did Frank and Gill L. Romano.
5. Appellants Olson/Giesner filed a joint Minnesota income tax return for the year 1985, and appellants Romano also filed a joint Minnesota income tax return for tax year 1985.
6. On their 1985 Minnesota income tax return, appellants Olson/Giesner subtracted \$8,000 from their federal adjusted gross income as military pay under *Minnesota Statutes* § 290.01, subd. 20b(7).
7. On their 1985 Minnesota income tax return, appellants Frank and Gill Romano subtracted \$9,277.40 from their federal adjusted gross income as military pay under *Minnesota Statutes* § 290.01, subd. 20b(7).
8. By Order dated January 15, 1987, the Commissioner denied \$3,000 of the deduction claimed by appellants Olson/Giesner.
9. By Order dated September 4, 1987, the Commissioner denied \$4,277.40 of the deduction for military pay claimed for the tax year 1985 by appellants Frank and Gill Romano.
10. By Order dated April 24, 1987, the Commissioner denied \$4,229.02 of the deduction for military pay claimed for the tax year 1986 by appellants Frank and Gill Romano.
11. The attached Memorandum is hereby make a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The Commissioner of Revenue properly disallowed the military pay exclusion which exceeded \$5,000.
2. The Commissioner's Order dated January 15, 1987, disallowing \$3,000 of the deduction for military pay claimed for the tax year 1985 by appellants Olson/Giesner, is hereby affirmed.
3. The Commissioner's Order dated September 4, 1987, disallowing \$4,277.40 of the deduction for military pay claimed for the tax year 1985 by appellants Frank and Gill Romano, is hereby affirmed.
4. The Commissioner's Order dated April 24, 1987, disallowing \$4,229.02 of the deduction for military pay claimed for the tax year 1986 by appellants Frank and Gill Romano, is hereby affirmed.

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

BY THE COURT,
Arthur C. Roemer, Judge
Minnesota Tax Court

Announcements

Sentencing Guidelines Commission: The commission will hold a meeting Thursday 20 October at 6:30 p.m. in the Prentiss Room of the Holiday Inn—Capitol, 161 St. Anthony, St. Paul. The regular meeting will be followed by a meeting of the Nonimprisonment Guidelines Committee of the Whole with a discussion of nonimprisonment guidelines on the agenda.

National Quality Control Training Center: The U.S. Department of Labor (DOL) will operate a new national Quality Control Training Center in the American Center Bldg., St. Paul through the MN Dept. of Jobs and Training. The center, expected to begin operations in January 1989, will be run with a grant of \$578,000 and provide data processing training for quality control personnel and will run for two years, with an option for a one-year renewal. The cooperative agreement calls for one-week training sessions for 40 weeks each year. Approximately 35-40 people will come in each week for training, including quality control employees from all 50 states, as well as DOL staff from regional offices.

Brochure Critique Service: Minnesota's small business organizations and communities can take advantage of a free brochure critiquing service from the Small Business Development Center of the Minnesota Extension Service. Assistance is also provided in developing a new brochure. For more information, contact Bud Crewdson at 612-625-1715.

Tourism Consultants Selected: Flint Communications, Minneapolis, has been awarded the Minnesota Office of Tourism advertising/creative services contract for fiscal year 1989. Ten agencies responded to the request for proposals and four finalists provided oral presentations before Flint was selected. Klatzky and Associates, Duluth, was selected by the Minnesota Tourism Regional Offices to provide advertising and creative services for fiscal year 1989. Twin Cities Unlimited of Minneapolis, providers of meeting and special event services, have been selected by the Office of Tourism to provide organizational services for the 1989 Annual Conference on Tourism, to be held January 18-20 in Moorhead, MN. Contact Deborah Flicek for information (612) 297-2901.

Tourism Joint Venture Funds Awarded: A total of 34 projects have received joint venture funds from the Minnesota Tourism Joint Venture Marketing Program. Grants totaling \$162,876 will be awarded to 32 tourism organizations for such projects as brochures, festival promotions, travel trade association memberships, marketing and advertising. Deadline for the next funding cycle is February 15, 1989. Guidelines and application information is available by calling 612-297-2333.

Property Taxes Due: The deadlines for property owners to pay the second half of their property tax payment are Monday 17 October for non-farm property (normally due the 15 of Oct., but extended this year because it falls on a Saturday) and November 15 for farm property. In 1986 the legislature gave farm property owners an extra month to pay property taxes without penalty because of the poor farm economy and common delays in harvesting and marketing crops due to unpredictable autumn weather. This extension is still in force.

Speech-Hearing Occupations Regulated: The MN Dept. of Health recently assumed responsibility for regulating sales and sellers of hearing instruments and regulating speech-hearing occupations. The Health Occupations Program in the Health Systems Development Division has hired two new staff to implement the regulatory systems. Susan Winkelmann (623-5752) will establish a consumer complaint and information center and write rules requiring sellers of hearing aids to apply and obtain permits from the commissioner of health. Jean Klosowski (623-5751) will write rules to establish three registration systems for the occupations of speech-language pathology, audiology and hearing instrument dispensing.

Home Care Task Force Meeting: The Minnesota Home Care Advisory Task Force will meet on October 19, at the Minnesota Department of Health in Minneapolis, from 9:00 a.m. to 3:00 p.m. in the Chesley Room, first floor, Department of Health Building, 717 Delaware St. S.E., Minneapolis. The task force meetings are open to the public. The task force was created by the 1987 Minnesota Legislature, to assist the health department in developing rules for the licensing of home care and hospice providers in the state. For more information contact Julianne Johnston at (612) 643-2158 or David Siegel at (612) 643-2159—or write to the Division of Health Resources, Minnesota Department of Health, 393 N. Dunlap, Box 64900, St. Paul 55164-0900.

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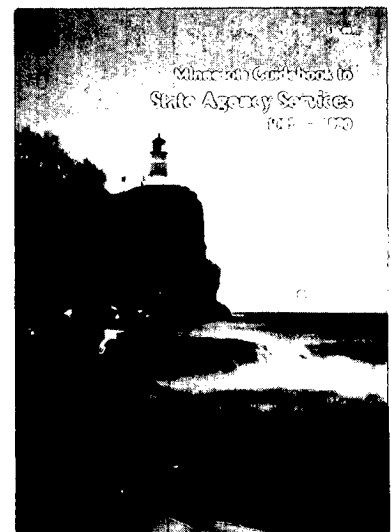
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Minnesota Rules 1988 Supplement Number 1. Updates *Minnesota Rules 1987* and is part of the subscription service for that 11-volume set of administrative rules. A second supplement will be available in December 1988.

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