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State of Minnesota

# STATE REGISTER

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# STATE REGISTER

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

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

### Printing Schedule and Submission Deadlines

Vol. 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
4	Monday 11 July	Monday 18 July	Monday 25 July
5	Monday 18 July	Monday 25 July	Monday 1 August
6	Monday 25 July	Monday 1 August	Monday 8 August
7	Monday 1 August	Monday 8 August	Monday 15 August

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

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

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

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. 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. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

## Department of Agriculture

### Proposed Permanent Rules Relating to Grade A and Manufacturing Grade Milk and Dairy Products

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

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above-entitled amendments without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22-14.28. The statutory authority to adopt these amendments is *Minnesota Statutes*, Section 31.11.

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

Any person may make a written request for a public hearing on the amendments 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 their name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed amendments 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 amendments as noticed.

A copy of the proposed amendments is attached to this Notice.

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

The proposed amendments to the rules must be applied to all businesses including those defined as small businesses by *Minnesota Statutes* section 14.115. These changes are necessary to protect the public health and to allow for the free movement of milk and dairy products across state lines. Establishment of less stringent compliance or reporting requirements for any individual or business could jeopardize their ability to sell products or could endanger public health.

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

**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

cation of the date of submission of this material to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

Dated: 1 July 1988

Jim Nichols, Commissioner  
Department of Agriculture

### Rules as Proposed

#### 1525.1110 COOLING.

All milk received for fluid use or for use in cottage cheese Grade A products, unless it is to be pasteurized within two hours of receipt, ~~shall~~ must be cooled immediately to a temperature of ~~50~~ 45 degrees Fahrenheit or lower, in properly operated equipment approved by the commissioner and maintained at ~~50~~ 45 degrees Fahrenheit or lower, until pasteurized; except, that mixed milk from two or more consecutive milkings ~~shall~~ must be at a temperature of ~~50~~ 45 degrees Fahrenheit or lower, when received.

#### 1525.1410 SANITARY QUALITY OF INGREDIENTS OTHER THAN MILK AND MILK PRODUCTS.

In determining the sanitary quality of ingredients other than milk and milk products, the commissioner shall employ the methods set forth in the current editions of Standard Methods for the Examination of Dairy Products, 11th edition, 1960, of the American Public Health Association and the Official Methods of Analysis, tenth edition, 1965, of the Association of Official Agricultural Analytical Chemists and may be guided by tentative standards recommended for ~~such ingredients other than milk and milk products~~ by the United States Public Health Service in its Frozen Desserts Ordinance and Code, ~~1940 edition~~.

### PRODUCERS QUALITY RECORDS FOR MILK AND CREAM

#### 1525.1470 MAINTENANCE OF QUALITY RECORDS.

Subpart 1. **Record and contents.** Every licensed purchaser of milk and cream and butterfat shall maintain a record of all the quality tests made of milk and cream as required by *Minnesota Statutes*, section 32.411, as amended and the rules promulgated ~~adopted~~ by the commissioner of agriculture, for a period of at least one year from the date of the test. ~~Such~~ The record shall must show the name and address of the producer and the patron's number assigned to ~~him~~ the producer. The semimonthly record ~~shall~~ must show at least the day, month, and year the test was made.

Subp. 2. **Semimonthly record Monthly records for milk.** ~~Type of test; for example, methylene blue, resazurin, microscopic, or other comparable test approved by the commissioner; the result of the test; classification of milk sediment pad; and grade of milk~~ Tests used to analyze milk samples must comply with the current edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association and the current edition of Official Methods of Analysis of the Association of Official Analytical Chemists. These tests must be conducted in a certified laboratory approved by the department.

Subp. 3. [See repealer.]

Subp. 4. **Reporting of monthly test results.** Results of these tests must be reported back to the producer and to the regulatory agency monthly in a manner that assures timely enforcement procedures. Producers whose milk is found to be out of compliance on any quality tests must be notified by the licensed purchaser and enforcement action taken under part 1530.0820.

Maintenance and delivery of records must comply with Minnesota Statutes, section 32.411, subdivisions 2, 3, 4, and 5.

#### 1525.1510 PROCEDURE WHEN NO QUALITY RECORD IS AVAILABLE.

A licensed purchaser who accepts milk or cream from a producer without receiving a copy of ~~such~~ the producer's quality record for the three months immediately preceding with the first delivery of milk or cream received shall make all quality tests required by law or promulgated by the commissioner and shall make and file with the commissioner a report of ~~such~~ patron's the purchaser's acceptance showing:

- A. date first cream or milk received;
- B. to G. [Unchanged.]

#### 1525.2020 ALTERNATIVE TESTS.

The following test methods are accepted by the commissioner as being equivalent to the Babcock test for fat in milk and fluid milk products as specified in each method described Tests considered to be equivalent to the Babcock test for fat in milk and milk products are those in the current edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association and the current edition of Official Methods of Analysis of the Association of Official Analytical Chemists.

#### 1525.2320 REQUIREMENTS FOR CERTIFICATION.

A milk laboratory ~~which~~ that desires to be certified to conduct tests for the purpose of enforcement of requirements for distribution of milk, milk products, or goat milk under the Grade A label must: ~~utilize~~ use only analysts approved to conduct laboratory sampling procedures, bacterial counts, detection of inhibitory substances, coliform determinations, and/or phosphatase and temperature checks;

employ sampling procedures and required laboratory examinations ~~which that~~ are in substantial compliance with the most recent edition of Standard Methods for Examination of Dairy Products of the American Public Health Association and ~~for~~ the most recent edition of Official Methods of Analyses of the Association of Analytical Chemists; and otherwise meet the requirements of the Grade A Pasteurized Milk Ordinance 1965 Recommendation of the United States Public Health Service or subsequent editions.

#### **1525.2330 EVALUATION OF LABORATORIES FOR CERTIFICATION.**

The following ~~shall~~ apply to evaluation of milk laboratories for the purpose of certification:

A. An assessment of the milk laboratory's operation relative to the requirements of the current edition of the Grade A Pasteurized Milk Ordinance 1965 Recommendation, and subsequent editions, ~~shall must~~ be made at the time of application for certification and not less frequently than once each two years thereafter, ~~except that a certified laboratory of record on June 5, 1975, shall be deemed to meet the requirements for initial certification afterwards.~~ In the case of a certified milk laboratory ~~which that~~ moves to another building ~~which that~~ uses another source of tap water, distilled water, ~~and/or or~~ steam supply for the autoclave, a resurvey may be conducted even though no change in personnel or procedures is planned.

B. Approval of analysts to conduct required laboratory procedures ~~shall must~~ be based on the ability of the analyst to meet the criteria established in Evaluation of Milk Laboratories — Recommended by the United States Health Service, and its supplements thereto, issued by the Food and Drug Administration and the Public Health Service, relating to standards for sampling, preparation of cultures, viable counts, detection of inhibitory substances, coliform groups, phosphatase tests, and inspection of pasteurized milk containers. An analyst may be approved for one or more procedures and need not be approved to make all tests. Nonetheless, no analyst ~~shall may~~ perform a procedure for which he or she has not been approved.

#### **1525.2390 FEES.**

An application for initial certification or for recertification following suspension or revocation of a permit ~~shall must~~ be accompanied by a the fee of not less than \$50 nor more than \$200 established in Minnesota Statutes, section 32.394, subdivision 8a. The amount of the application fee for an individual laboratory ~~shall must~~ be based on the costs of conducting laboratory evaluation prior to issuance of the permit. The fee for each set of split samples required for evaluation of laboratories ~~shall not must be less than \$20 nor more than \$50 as established by Minnesota Statutes, section 32.394, subdivision 8a.~~ The actual fee ~~shall must~~ be based on the direct costs to the state laboratory for analysis of samples plus the cost of labor involved in providing the analysis. Fees may be adjusted annually within the prescribed range.

#### **1525.2430 SAMPLES COLLECTION AND HANDLING.**

Samples to be used for the testing of protein content ~~shall must~~ be collected and handled in the same manner as samples used for bacterial tests as prescribed in the current edition of Standard Methods for the Examination of Dairy Products, 13th Edition, published by the American Public Health Association. The minimum size for a fresh milk sample ~~shall must~~ be two ounces (0.0592 liter).

#### **1525.2520 FEES.**

The fee for each initial license shall be \$15 and each renewal thereof shall be \$6 to test for protein content will be as established in Minnesota Statutes, section 32.074 and ~~shall must~~ be paid to the commissioner before ~~any~~ a license or renewal ~~thereof~~ is issued.

#### **1530.0740 DEFINITIONS.**

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Regulatory agency.** "Regulatory agency" ~~shall mean means~~ the ~~commissioner of the Minnesota Department of Agriculture or an agency designated by the department.~~

#### **1530.0750 ENFORCEMENT.**

Subpart 1. Procedures. The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products intended to bear the Grade A label, and sold for ultimate consumption within the state of Minnesota, including the inspection of dairy herds, dairy farms, milk plants, receiving stations, and transfer stations and the issuing and revocation of permits to milk producers, haulers, distributors, milk plants, receiving stations, and transfer stations, ~~shall must~~ be regulated in accordance with the provisions of the 1978 current edition of the Grade A Pasteurized Milk Ordinance, with the following exceptions: omit sections 9, 16, and 17 in their entirety; the definitions of egg-nog-flavored milk and cottage cheese ~~as set forth~~ in parts 1530.0760 to 1530.0790 ~~shall must~~ be included in the definition of milk products.

Subp. 2. Finished products. Monthly samples of Grade A finished products must be tested and reported as required by the current edition of the Grade A Pasteurized Milk Ordinance. In addition, products must be tested for fat, solids-not-fat, and other ingredients as stated on the product label. Products must also be tested for weight or volume. Processors of products for which two out of the last four samples have been determined to be out of compliance must be sent a warning letter. When three out of the last five samples are out of compliance, action must be instituted to suspend the permit to market that product.

## Proposed Rules

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### 1530.0810 EXAMINATION OF MILK AND MILK PRODUCTS.

Sampling procedures and laboratory examinations shall must be in substantial compliance with the ~~4th~~ current edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the ~~13th~~ current edition of Official Methods of Analysis of the Association of Official Analytical Chemists.

Dairy plants shall submit for testing a representative sample of raw milk from each producer to a certified laboratory approved by the department. For Grade A producers, the sampling frequency must be as outlined in the current edition of the Grade A Pasteurized Milk Ordinance, and for manufacturing grade producers, as outlined in the Federal Register for April 7, 1972, volume 37, number 68, part II.

Dairy plants shall report these analyses to the regulatory agency monthly and in a manner that assures timely enforcement procedures.

After notice and opportunity for a hearing, the department may withdraw approval of any laboratory if tests are not conducted in accordance with prescribed laboratory test procedures, or test reports or results are fraudulent or inaccurate.

**REPEALER.** Minnesota Rules, parts 1525.0510; 1525.0520; 1525.0550; 1525.1470, subpart 3; 1525.2030; 1525.2040; 1525.2050; 1525.2060; 1525.2070; 1525.2090; 1525.2100; 1525.2110; 1525.2120; 1525.2130; 1525.2140; 1525.2150; 1525.2160; 1525.2170; 1525.2180; 1525.2190; 1525.2200; 1525.2210; 1525.2220; 1525.2230; 1525.2240; 1525.2250; 1525.2260; 1525.2270; 1525.2280; 1525.2290, are repealed.

## Department of Health

### Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

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

NOTICE IS HEREBY GIVEN that the State Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 144.071.

All persons have 30 days or until 4:30 p.m. on August 24, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 *CFR* Part 900).

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 7 July 1988

Sister Mary Madonna Ashton  
Commissioner of Health

## Rules as Proposed

### 4670.2300 CERTIFICATION METHODS.

Subpart 1. **Entrance Competitive register.** After receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, ~~he~~ the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the ~~three~~ seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~third~~ seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Multiple vacancies.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified on a competitive certification or as that of the ~~third~~ seventh person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are less than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Inadequate registers.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~seven~~ 15 on a competitive certification or ~~three~~ seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional appointments.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 4670.2510, subpart 1.

Subp. 7. Expanded certification. When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in Minnesota Statutes, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

**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

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### Department of Human Services

#### Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

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

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256.012.

All persons have 30 days or until 4:30 p.m. on August 24, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 *CFR* Part 900).

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 7 July 1988

Sandra S. Gardebring  
Commissioner of Human Services

**Rules as Proposed****9575.0620 CERTIFICATION METHODS.**

Subpart 1. **Entrance Competitive register.** Upon receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open-competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the ~~three~~ seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination scores as that of the ~~third~~ seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Certification for more than one vacancy.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the last person certified on a competitive certification or as that of the last person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are fewer than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Too few names on a certification.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~seven~~ 15 on a competitive certification or ~~three~~ seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional filling of vacancy.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 9575.0660.

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in Minnesota Statutes, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

## Department of Public Safety

### Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

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

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on August 24, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**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

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

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

A free copy of the proposed rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 *CFR* Part 900).

*Minnesota Rules*, part 7520.0200, subp. 2 makes *Minnesota Rules*, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to *Minnesota Rules*, part 9575.0620 would then apply to local and county emergency management agencies. If adopted, the amendments would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 7 July 1988

Rudy Perpich  
Governor

### Rules as Proposed

#### 9575.0620 CERTIFICATION METHODS.

Subpart 1. ~~Entrance~~ **Competitive register.** Upon receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open-competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the ~~three~~ seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination scores as that of the ~~third~~ seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Certification for more than one vacancy.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the last person certified on a competitive certification or as that of the last person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are fewer than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Too few names on a certification.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~seven~~ 15 on a competitive certification or ~~three~~ seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional filling of vacancy.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 9575.0660.

Subp. 7. Expanded certification. When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in Minnesota Statutes, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

## 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.

## Board of Animal Health

### Adopted Permanent Rules Relating to Importation of Swine into Minnesota; State-Federal Approved Markets for Swine

The rules proposed and published at *State Register*, Volume 12, Number 44, pages 2377-2378, May 2, 1988 (12 S.R. 2377) are adopted as proposed.

## Department of Human Services

### Adopted Permanent Rules Relating to Licensing Requirements for Child Care Centers

The rules proposed and published at *State Register*, Volume 12, Number 26, pages 1296-1325, December 28, 1987 (12 S.R. 1296) are adopted with the following modifications:

**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.

# Adopted Rules

## Rules as Adopted

### 9503.0005 DEFINITIONS.

Subp. 2. **Age category.** "Age category" means the designation given a child according to the child's age. The age categories are as follows:

A. "Infant" means a child who is at least six weeks old but less than ~~12~~ 16 months old.

B. "Toddler" means a child at least ~~12~~ 16 months old but less than ~~24~~ 33 months old.

C. ~~"Two-year-old"~~ means a child at least ~~24~~ months old but less than ~~36~~ months old.

~~D.~~ "Preschooler" means a child who is at least ~~36~~ 33 months old but who has not yet attended the first day of kindergarten.

~~E.~~ D. "School age child" means a child who has at least attended the first day of kindergarten but is less than 13 years old.

The age designation given a child may be further modified in accordance with part 9503.0040, subpart 4.

Subp. 11. **Disinfected.** "Disinfected" means treated to reduce microorganism contamination after an object has been cleaned. Disinfection must be done by rinsing or wiping with a solution of one-fourth cup chlorine bleach plus water to equal one gallon, or an equivalent product or process approved by a health authority the Board of Health as defined in Minnesota Statutes, section 145A.02, or its designee.

Subp. 14. **Health authority.** ~~"Health authority" means the person designated by Minnesota Statutes, section 145.014, to prevent or suppress epidemic diseases, provide community health services, and enforce laws and rules relating to public health.~~

~~Subp. 15.~~ **Health consultant.** "Health consultant" means a physician licensed to practice medicine under *Minnesota Statutes*, chapter 147; a public health nurse or registered nurse licensed under *Minnesota Statutes*, section 148.171; or ~~a health authority or the Board of Health as defined in Minnesota Statutes, section 145A.02, or its designee.~~

Subp. ~~16.~~ 15. **License.** "License" means a certificate issued by the commissioner authorizing the license holder to operate a child care program in a center for a specified period of time in accordance with the terms of the license, rules of the commissioner, and provisions of *Minnesota Statutes*, chapter 245A, and section 252.28, subdivision 2.

Subp. ~~17.~~ 16. **License holder.** "License holder" means the individual, corporation, partnership, voluntary association, or other organization legally responsible for the operation of the child care program in a center that has been granted a license by the commissioner under *Minnesota Statutes*, chapter 245A; section 252.28, subdivision 2; and parts 9503.0005 to 9503.0170.

Subp. ~~18.~~ 17. **Licensed capacity.** "Licensed capacity" means the maximum number of children for which the license holder is licensed to operate a child care program in a center at any one time.

Subp. ~~19.~~ 18. **Medicine.** "Medicine" means a substance used to treat disease or injuries, maintain health, heal, or relieve pain. The term applies to prescription and nonprescription substances taken internally or applied externally.

Subp. ~~20.~~ 19. **Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the state fire marshal according to *Minnesota Statutes*, section 299E011.

Subp. ~~21.~~ 20. **Parent.** "Parent" means the person or persons with legal custody of the child.

Subp. ~~22.~~ 21. **Program staff person.** "Program staff person" means a ~~person~~ teacher, assistant teacher, or aide, whether paid or unpaid, who carries out the child care program plan in the center and has direct contact with children.

Subp. ~~23.~~ 22. **Sick child.** "Sick child" means a child with a condition or illness as specified in part ~~9503.0085~~ 9503.0080.

Subp. ~~24.~~ 23. **Staff person.** "Staff person" means a person, whether paid or unpaid, who works in the center.

Subp. ~~25.~~ 24. **State building code.** "State building code" means those codes and regulations adopted by the commissioner of the Department of Administration according to *Minnesota Statutes*, section 16B.59, and contained in chapter 1300.

Subp. ~~26.~~ 25. **Supervision.** "Supervision" occurs when a program staff person is within sight and hearing of a child at all times so that the program staff person can intervene to protect the health and safety of the child.

Subp. ~~27.~~ 26. **Variance.** "Variance" means time-limited written permission by the commissioner for an applicant or license holder to depart from the provisions of parts 9503.0005 to 9503.0170 if equivalent alternative measures are taken to ensure the health, safety, and rights of the children in care.

### 9503.0030 QUALIFICATIONS OF APPLICANT AND STAFF

Subpart 1. **Definitions.** In parts 9503.0030 to 9503.0034:

C. "Experience" means paid or unpaid employment serving children as a teacher, assistant teacher, or aide, in a licensed child care center, or work as a student intern in a licensed center, a school operated by the commissioner of education or by a legally constituted local school board, or a private school approved under rules administered by the commissioner of education.

Subp. 2. **General staff qualifications.** Staff persons who have direct contact with or access to children, and volunteers who have direct contact with or access to children and are not under the direct supervision of a staff person, must meet the qualifications in this subpart:

~~D. Staff persons must furnish the results of a preemployment physical examination before the first day of work. The examination must be given by a physician or person under the supervision of a physician. The examination must occur within 30 days before the first day of work.~~

Subp. 3. **Disqualification factors.** A staff person with direct contact with or access to children in care must disclose the arrest, conviction, and ~~criminal history~~ applicant background information specified in *Minnesota Statutes*, section 245.04 ~~245A.04~~, subdivision 3. A license holder must not be an individual or employ an individual who:

D. has mental illness as defined in *Minnesota Statutes*, section ~~245.461~~ 245.462, subdivision 20, and the behavior has or may have a negative effect on the ability of the person to provide child care or is apparent during the hours children are in care; or

Subp. 4. **Reevaluation of disqualification.** An applicant or license holder that is disqualified from licensure or an employee, volunteer, or contractor of an applicant or license holder who is not permitted to work based on the disqualification factors in subpart 3 may request that the commissioner reevaluate the disqualification decision and remove the disqualification. The request for reevaluation must be made in writing and sent to the commissioner by certified mail.

D. The commissioner's disposition is the final administrative agency action.

**9503.0032 TEACHERS.**

A teacher must be at least 18 years old and meet the qualifications in item E with the following exceptions:

E. A teacher with the credential listed in column A must have the education and experience listed in column B.

(5) Child Development Associate credential (center based <u>or family day care</u> ) for preschool or for infants and toddlers from the Council for Early Childhood Professional Recognition	Experience: 1,560 hours as assistant teacher, aide, or student intern  Education: no additional required
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**9503.0034 AIDES, VOLUNTEERS, SUBSTITUTES.**

Subp. 3. **Substitute staff.** A person designated as a substitute must meet the qualifications for the assigned staff position as specified in parts 9503.0030 to 9503.0034, except that the license holder may use substitutes who do not meet the qualifications for teacher in part 9503.0032, item E, or assistant teacher in part 9503.0033, item E, only if:

A. the amount of unqualified substitute hours per center per calendar year does not exceed 40 hours multiplied by the number of the center's full-time teacher and assistant teacher positions;

B. unqualified substitutes are not used as teachers or assistant teachers for more than ten consecutive working days for the same group of children per calendar year; and

C. there is always a person qualified as a teacher present within the center except as qualified in part 9503.0040, subpart 2, item B.

**9503.0035 ORIENTATION, FIRST AID, AND IN-SERVICE TRAINING.**

Subpart 1. **Orientation training.** The license holder must ensure that every staff person is, and volunteers who will have direct contact with or access to children and are not under the direct supervision of a staff person, are given orientation training and successfully completes the training before starting assigned duties. Completion of the orientation must be documented in the individual's personnel record. The orientation training must include information about:

~~A. the provisions of parts 9503.0005 to 9503.0170 relevant to the staff person's position;~~

B. all written policies on the center's philosophy, child care program, and procedures for maintaining health and safety, and handling emergencies and accidents;

~~C. B. specific job qualifications and responsibilities;~~

**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.**

# Adopted Rules

~~D. C.~~ the behavior guidance standards specified in part 9503.0055; and

~~E. D.~~ the reporting responsibilities specified in *Minnesota Statutes*, section 626.556, and part 9503.0130.

Subp. 2. **First aid training.** ~~The director, all staff persons who provide direct care to children, and staff persons operating a vehicle provided by the center.~~ All teachers and assistant teachers and at least one staff person present in a vehicle transporting children in care must satisfactorily complete, within 90 days of the start of work, eight hours of ~~child-related~~ first aid training unless this has been satisfactorily completed within the previous three years. The first aid training must be:

C. provided by a licensed physician, a registered nurse or a licensed practical nurse trained to provide instruction in ~~child-related~~ first aid, or an individual currently certified by the American Red Cross as a first aid instructor.

On the date of initial licensure, at least one staff person with first aid training must be present in the center when children are in care and at least one person with first aid training must accompany children on field trips.

Subp. 3. **Cardiopulmonary resuscitation (CPR) training.** A At least one staff person trained in CPR and in the treatment of obstructed airways must be present in the center at all times when children are in care and at least one person with CPR training must accompany children on field trips.

A. ~~All program staff persons~~ The individual must have completed four to six hours of ~~child-related~~ CPR training which covers the use of CPR techniques with children within one year before initial employment at the center or within one year of the effective date of parts 9503.0005 to 9503.0170. Current certification in CPR by the American Red Cross or American Heart Association may be substituted for this CPR training.

B. ~~Staff persons who provide direct care to children and who are~~ If the individual is not certified in CPR but have has taken the CPR training specified in item A, the individual must also complete a four-hour refresher course in CPR ~~for~~ which includes the use of CPR techniques with children within one year after the CPR training specified in item A, and every two years thereafter.

Subp. 4. **In-service training.** A license holder must ensure that an annual in-service training plan is developed and carried out and that it meets the requirements in the following items ~~A to G.~~

A. The in-service training plan must:

(3) provide training, at least ~~one-half~~ one-fourth of which is by a resource not affiliated with the license holder.

D. Training on the provisions of parts 9503.0005 to 9503.0170 relevant to the staff person's position must occur within two weeks of initial employment.

~~E.~~ One-half of the in-service training completed by a staff person each year of employment must pertain to the age of children for which the person is providing care.

~~E. F.~~ No more than four hours of the annual in-service training requirement for a ~~program staff person, other than the director, teacher, assistant teacher, or aide~~ may relate to administration, finances, and records. ~~No more than one-half of the annual in-service training requirement for a director may relate to administration, finances, and records.~~

~~F. G.~~ The remainder of the in-service training requirement must be met by participation in early childhood development training. In this part, "early childhood development training" means training in child development; children with special needs; early childhood education methods or theory; curriculum planning; child study techniques; family studies; parent involvement; behavior guidance; child nutrition; child health and safety; recreation, sports, arts, and crafts methods or theory; early childhood special education methods or theory; or child abuse and neglect prevention.

~~G. H.~~ The license holder must ensure that, when a staff person completes in-service training, a record of the fact is made in the staff person's personnel record. The record must include the date training was completed, the goal of the training and topics covered, trainer's name and organizational affiliation, trainer's signed statement that training was successfully completed, and the director's approval of the training.

~~H. I.~~ First aid and CPR training may be counted as in-service training.

## 9503.0040 STAFF RATIOS AND GROUP SIZE.

Subpart 1. **Staff-to-child ratios and maximum group size.** Except as provided in subpart 2, the minimally acceptable staff-to-child ratios and the maximum group size within each age category are:

Age Category	Minimum Staff:Child Ratio	Maximum Group Size
Infant	1:4	8
Toddler	<del>1:5</del> <u>1:7</u>	<del>10</del> <u>14</u>
<del>Two-year-old</del>	<del>1:7</del>	<del>14</del>
Preschooler	1:10	20
School age child	1:15	30

Subp. 4. **Age designation.** A child must be designated as a member of the age category that is consistent with the child's date of birth with the following exceptions:

A. A child may be designated as an "infant" up to the age of ~~45~~ 18 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that such a designation is in the best interests of the child. A child may be designated as a "toddler" up to the age of 35 months, or as a "preschooler" at the age of 31 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that the designation is in the best interests of the child. The child's age category, either "infant," or "toddler," or "preschooler" must be noted in the child's record.

#### **9503.0045 CHILD CARE PROGRAM PLAN.**

Subpart 1. **General requirement.** The applicant must develop a written child care program plan, and the license holder must see that it is carried out. The child care program plan must:

E. be developed and evaluated in writing annually by a staff person qualified as a teacher under part ~~9503.0030~~ 9503.0032;

Subp. 2. **Interest areas.** A child care program that operates for more than three hours a day must provide daily access to interest areas of the center that are supplied with the equipment and materials needed to carry out the activities specified in items A to H, except that a child care program serving only school age children and operating for less than 90 consecutive calendar days or any program operating for less than three hours a day must provide each child with daily access to indoor or outdoor large muscle activities specified in item G and at least ~~six~~ five of the following interest areas:

#### **9503.0050 NAPS AND REST.**

Subp. 3. **Confinement limitation.** A child who has completed a nap or rest of ~~rested~~ rested quietly for 30 minutes must not be required to remain on a cot or mat or in a crib or bed.

Subp. 4. **Placement of equipment.** Naps and rest must be provided in a quiet area that is physically separated from children who are engaged in activity that will disrupt a napping or resting child. Cribs, cots, beds, and mats must be placed so there is are clear aisles and unimpeded access for both adults and children on ~~three sides~~ at least one side of each piece of napping and resting equipment. Cribs, cots, beds, and mats must be placed directly on the floor and must not be stacked when in use.

#### **9503.0055 BEHAVIOR GUIDANCE.**

Subp. 4. **Separation from the group.** No child may be separated from the group unless the license holder has ~~documented that~~ tried less intrusive methods of guiding the child's behavior which have been ineffective and the child's behavior threatens the well-being of the child or other children in the center. A child who requires separation from the group must remain within an unenclosed part of the classroom where the child can be continuously seen and heard by a program staff person. When separation from the group is used as a behavior guidance technique, the child's return to the group must be contingent on the child's stopping or bringing under control the behavior that precipitated the separation, and the child must be returned to the group as soon as the behavior that precipitated the separation abates or stops. A child between the ages of six weeks and ~~24~~ 16 months must not be separated from the group as a means of behavior guidance.

Subp. 5. **Separation report.** ~~The license holder must ensure that a daily report is kept of the frequency and duration of unacceptable behavior that results in separation from the group. A report must be made for each child who is separated from the group as a means of behavior guidance. The report must be placed in the child's record and in the center's administrative record. All separations from the group must be noted on a daily log. The license holder must ensure that notation in the log includes the child's name, staff person's name, time, date, and information indicating what less intrusive methods were used to guide the child's behavior and how the child's behavior continued to threaten the well-being of the child or other children in care. If a child is separated from the group three times or more in one day, the child's parent shall be notified and notation of the parent notification shall be indicated on the daily log. If a child is separated five times or more in one week or eight times or more in two weeks, the procedure in subpart 2 must be followed.~~

#### **9503.0060 FURNISHINGS, EQUIPMENT, MATERIALS, AND SUPPLIES.**

Subpart 1. **General requirements.** Each child care program must have the quantity and type of equipment specified in subparts 3 to 6 for the age categories of children served. Equipment must be appropriate to the age categories and any special needs of the children served. A center must have enough equipment for the number of children for which the center is licensed unless the use of

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equipment is rotated among groups of children. If the equipment is rotated among groups of children, the center must have enough for the ~~largest number of children~~ maximum group size of the age category scheduled to use the equipment at times shown on the child care program plan. When the term "group" is used in this part it means the maximum group size for the age category specified in part 9503.0040, subpart 1. The minimum equipment specified for an age category in subparts 3 to 6 must be accessible every day to the children of that age category and arranged as specified in the child care program plan. Centers operating for less than three hours a day do not have to provide the outdoor equipment required in subpart 4, item B, subitem (9); subpart 5, item B, subitem (9); and subpart 6, item B, ~~subitems subitem (7) and (11).~~

**Subp. 3. Equipment and materials for infants.** The minimum equipment and materials required for a center serving infants are as follows:

A. Furnishings:

- (3) one changing table ~~per group~~ for every group of 12 infants and succeeding group of 12 or fewer infants;
- (4) one foot-operated, covered diaper container ~~per group~~ changing table;

B. Program equipment and materials:

- (3) ~~four~~ two pieces of infant mobility equipment, such as ~~jumpers,~~ strollers, and wagons per group;
- (4) two ~~sets~~ pieces of manipulative equipment per child such as shape toys and clutch balls;
- (8) ~~pictures, at child's eye level, as needed to create a pleasant environment and provide sensory stimulation;~~
- (9) ~~one set of sensory stimulation materials per child~~ visual and tactile sensory stimulation materials as needed to provide visual and tactile stimulation; and
- (10) (9) one soft washable toy per child.

**Subp. 4. Equipment and materials for toddlers and two-year-olds.** The minimum equipment required for a center serving toddlers ~~and two-year-olds~~ is as follows:

A. Furnishings:

- (1) one area rug or carpet per group;
- (2) one nonfolding child-size chair, including high chairs, per child;
- (3) one changing table ~~per group~~ for every group of 14 toddlers and succeeding group of 14 or fewer toddlers;
- (4) one foot-operated, covered diaper container ~~per group~~ changing table;
- (5) one ~~crib and waterproof mattress, or cot~~ per child (mats are acceptable for programs operating during the day for less than five hours) ~~per child;~~

B. Program equipment and materials:

- (4) ~~200~~ 100 small building blocks per group;
- (5) three pieces of dramatic play equipment or sets of Montessori Practical Life equipment per group;
- (12) one set of cognitive developmental equipment and materials, such as puzzles and matching games, per child;
- (13) ~~three~~ two sets of manipulative equipment, such as interlocking plastic forms or beads and string, per child;
- (16) ~~one set of~~ sensory stimulation materials ~~per child~~ as needed to provide visual and tactile stimulation.

C. Supplies:

- (1) ~~two sets of blankets and sheets for each crib or bed if cribs or beds are used;~~
- (2) ~~an~~ adequate amount of disposable paper for the changing table;
- (3) (2) an adequate amount of diapers;
- (4) (3) an adequate amount of facial tissue;
- (5) (4) an adequate amount of single-service towels; and
- (6) (5) an adequate amount of liquid hand soap.

**Subp. 5. Equipment and materials for preschoolers.** The minimum equipment required for a center serving preschoolers is as follows:

A. Furnishings:

- (3) one cot or bed and waterproof mattress per child (mats are acceptable for programs operating during the day for less

than five hours) per child. This subitem is not required for preschoolers in programs operating for less than five hours per day if rest is not indicated as part of the center's child care program;

B. Program equipment and materials:

(2) ~~one book~~ two books per child;

(5) five pieces of dramatic play equipment or sets of Montessori Practical Life equipment per group;

(12) ~~three sets~~ one set of cognitive developmental equipment and materials, such as puzzles and number and letter games, per child;

(13) ~~three~~ two sets of manipulative equipment, such as interlocking plastic forms, per child;

Subp. 6. **Equipment and materials for school age children.** The minimum equipment and materials required for a program serving school age children are as follows:

B. Program equipment and materials:

(2) ~~one book~~ two books per child;

(9) ~~three sets~~ one set of cognitive developmental equipment and materials, such as puzzles and games, per child;

(10) five sets of manipulative equipment, such as interlocking plastic forms, per group; and

### **9503.0065 CHILD CARE FOR CHILDREN WITH SPECIAL NEEDS.**

Subp. 3. **Individual child care program plan.** When a license holder admits a child with special needs, the license holder must ensure that an individual child care program plan is developed to meet the child's individual needs. The individual child care program plan must be in writing and specify methods of implementation and be available to reviewed and followed by all staff who interact with the child.

### **9503.0070 NIGHT CARE PROGRAM.**

Subp. 2. **Furnishings.** Each child enrolled in a night care program must be provided with a crib, a bed, or a cot with a mattress. A crib and two sets of clean linens must be provided for ~~infants~~ each infant and meet the standards specified in part 9503.0050. A bed or a cot with a mattress, two sets of sheets, a blanket or quilt, and personal towels and washcloths must be provided for each child in all other children age categories.

### **9503.0075 DROP-IN PROGRAM.**

A license holder operating a drop-in program must comply with parts 9503.0005 to 9503.0170 with the following exceptions:

B. ~~A health care summary and immunization record must be provided by the second visit to the program. An immunization record as specified in part 9503.0140, subpart 5, must be obtained by the license holder by the first visit to the program. However, the health information specified in part 9503.0140, subpart 3, need not be provided until the child's second visit to the program.~~

D. The intellectual, physical, social, and emotional progress of each child as specified in part 9503.0045, item H, need not be provided.

E. Fifty percent of the cots and mats specified in part 9503.0060, subpart 4, item A, subitem (5) for toddlers and subpart 5, item A, subitem (3) for preschoolers are required.

### **9503.0080 EXCLUSION OF SICK CHILDREN.**

A child with any of the following conditions or behaviors is a sick child and must be excluded from a center not licensed to operate a sick care program. If the child becomes sick while at the center, the child must be isolated from other children in care and the parent called immediately. A sick child must be supervised at all times. The license holder must exclude a child:

A. with a reportable illness or condition as specified in part 4605.7040 that the ~~health authority~~ commissioner of health determines to be contagious and ~~that a physician determines~~ has not had sufficient treatment to reduce the health risk to others;

F who has a bacterial infection such as streptococcal pharyngitis or impetigo and has not completed 24 hours of antimicrobial therapy;

G. who has unexplained lethargy;

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~~G.~~ H. who has lice, ringworm, or scabies, or ~~impetigo~~ that is untreated and contagious to others;

~~H.~~ I. who has a ~~102~~ 100 degree Fahrenheit axillary or higher temperature of undiagnosed origin before fever reducing medication is given;

~~I.~~ J. who has an undiagnosed rash or a rash attributable to a contagious illness or condition;

~~J.~~ K. who has significant respiratory distress;

~~K.~~ L. who is not able to participate in child care program activities with reasonable comfort; or

~~L.~~ M. who requires more care than the program staff can provide without compromising the health and safety of other children in care.

### 9503.0085 SICK CARE PROGRAM.

Subp. 3. **Evaluation of a sick child.** A license holder who operates a sick care program must provide for the evaluation of the condition of a sick child before admitting the child to the center. The evaluation must be based on the physical symptoms of the child each day of admission, the probable contagion and risk to the health of others present, and the ability of the program to provide the care the child requires. A physician or registered nurse affiliated with the center must perform the evaluations specified in items A to C.

A. A preliminary evaluation must be made before the parent brings the child to the center. The preliminary evaluation must consist of the parent's reporting the child's symptoms to the center's physician or registered nurse by phone. The physician or registered nurse must tell the parent whether the parent may bring the child to the center for further evaluation. Children with a communicable reportable illness or condition as specified in part 4605.7040 must be evaluated by a physician prior to admission to the center.

Subp. 3a. Illness separation. Children recovering from a noncontagious condition must be cared for in a room separate from children with contagious conditions.

Subp. 4. **Chicken pox.** Children with chicken pox must be excluded from care in any child care program ~~until they are no longer infectious to others or until the lesions are crusted over,~~ including a sick care program, unless care is provided in a room that is separate from other parts of the facility and has its own air circulation system and street entrance.

Subp. 15. **Outdoor activity area, activities and equipment exception.** A license holder operating a sick care program that provides care exclusively to sick children need not provide the outdoor activity area required in part 9503.0115, subpart 7; outdoor activities as specified in part 9503.0045, subpart 1, item I; and the outdoor equipment required in part 9503.0060, subpart 4, item B, subitem (9); subpart 5, item B, subitem (9); and subpart 6, item B, subitems ~~(8)~~ (7) and ~~(12)~~ (11).

### 9503.0090 INFORMATION FOR PARENTS.

Subpart 1. **Policies given to parents.** At the time of a child's enrollment, the parent must be provided with written notification of the:

E. type and ~~limits of level of liability~~ insurance coverage held by the license holder for the center and for all vehicles owned and operated by the license holder for the transportation of children;

### 9503.0100 PARTICIPATION IN FIELD TRIPS.

The license holder must ensure that written permission is obtained from each child's parent before taking a child on a field trip. A ~~separate~~ written permission form must be obtained before each field trip or on a form that annually summarizes all field trips that will be taken. The parent's written permission must state that the parent has been informed of the purpose and destination of the field trip; ~~the expected time of departure from and return to the center, the method of transportation, and the name and title of the program staff person who will be present and in charge of the field trip.~~

### 9503.0120 PERSONNEL RECORDS.

The license holder must ensure that a personnel record for each staff person is maintained at the center. The personnel record for each staff person must contain:

F. ~~documentation of compliance with the health assessment in part 9503.0030, subpart 2;~~

~~G.~~ documentation that the staff person has completed the orientation to the center required in part 9503.0035, subpart 1;

~~H.~~ G. documentation, when applicable, that the staff person has completed the first aid and CPR training required in part 9503.0035, subparts 2 and 3;

~~I.~~ H. documentation of completion of the in-service training required by part 9503.0035, subpart 4, showing the training topic, source of training, number of hours completed, and method used to document mastery of the subject;

~~J. I.~~ documentation of procedures for and completion of an annual evaluation of the staff person's work and specification of in-service training needs; and

~~K. J.~~ documentation of any disciplinary action including termination.

The license holder shall not disclose a staff person's personnel record to any person other than the staff person, the staff person's legal representative, the staff person's supervisor, or employees of the license holder designated by the license holder to maintain personnel records, and the commissioner, unless the staff person has given written consent or as otherwise required by law.

#### **9503.0125 CHILDREN'S RECORDS.**

At the time of enrollment in the center, the license holder must ensure that a record is maintained on each child. The record must contain:

M. documentation of any individual child care program needs for the child; and

N. ~~any separation reports as specified in part 9503.0055; and~~

~~O.~~ the date of parent conferences and a report of the child's growth and progress evaluations summary of the information provided to the parent at the conference.

The license holder shall not disclose a child's record to any person other than the child, the child's parent or guardian, the child's legal representative, employees of the license holder, and the commissioner unless the child's parent or guardian has given written consent or as otherwise required by law.

#### **9503.0130 REPORTING.**

Subp. 2. **Other reporting.** The license holder must inform the commissioner within:

C. 48 hours ~~after~~ of the occurrence of a fire during the hours of operation that requires the service of a fire department; and

Subp. 3. **Animal bites.** The license holder must immediately inform the ~~local health authority commissioner of health~~ commissioner of health according to part 4605.7600, and the child's parent, whenever a child is bitten by an animal specified in that part while in the care of the license holder.

Subp. 4. **Reportable disease.** The license holder must report to the ~~local health authority or the~~ commissioner of health suspected cases of reportable disease according to parts 4605.7000 to 4605.7800.

#### **9503.0140 HEALTH.**

Subp. 2. **Health consultation.** The center must have a health consultant who must review the center's health policies and practices specified in items A to ~~D~~ C and certify that they are adequate to protect the health of children in care.

The review must be done before initial licensure, submitted with the application for initial licensure and repeated every year after the date of initial licensure. For programs serving infants, this review must be done initially and ~~semiannually~~ monthly thereafter. Additionally, the license holder must request a review by the health consultant of the center's health policies and practices if there is a proposed change in the center's health policies or practices or an outbreak of contagious reportable illness as specified in part 4605.7040. A copy of the consultant's findings must be placed in the center's administrative record.

The consultant must review:

B. The diapering procedures and practices specified in ~~part 9503.0140~~, subpart 12.

Subp. 7. **Administration of medicine.** A license holder who chooses to administer medicine must ensure that the procedures in items A to ~~G~~ E are followed.

D. Sunscreen lotions and insect repellents supplied by the license holder may be used on more than one child. A product to control or prevent diaper rash, including premoistened commercial wipes that cannot be dispensed in a manner that prevents cross contamination of the product and container as determined by the health consultant, must be labeled with the child's name and used only for the individual child whose name is written on the label.

Subp. 21. **Emergencies.** The license holder must ensure that written procedures for emergencies and accidents are posted in a visible place. The procedures must:

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F list the phone numbers and sources of emergency medical and dental care, poison control center, fire department, health authority, and licensing division of the Department of Human Services.

### 9503.0145 FOOD AND WATER.

Subp. 8. **Water.** The center must have a safe water supply. A center that uses water from a privately owned well that is not governed by chapter 4720 must be tested annually by a Minnesota Health Department certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. The license holder must ensure that a record of the test results is in the center's administrative record. Any results indicating an unsafe a level of coliform bacteria and nitrate nitrogen levels not within the coliform bacteria and nitrate nitrogen levels specified in chapter 4720, must be sent to the health authority with jurisdiction commissioner of health, the Board of Health as defined in Minnesota Statutes, section 145A.02, and the licensing division of the Department of Human Services. The health authority commissioner of health may then issue an advisory order for retesting and corrective measures.

### 9503.0150 TRANSPORTATION.

A license holder who provides transportation for children or contracts to provide transportation must comply with the following transportation policies:

A. The vehicle must be licensed according to the laws of the state Minnesota Statutes, chapter 168, and comply with the equipment standards in Minnesota Statutes, chapter 169.

F. When children are driven in a motor vehicle other than a bus or school bus operated by a common carrier:

(1) a child may be transported only if the child is fastened in a safety seat, seat belt, or harness appropriate to the child's weight, and the restraint is installed and used in accordance with the manufacturer's instructions; and

(2) transported, they must be restrained in accordance with Minnesota Statutes, section 169.686, and a child under the age of four may be transported only if the child is securely properly fastened in a child passenger restraint system that meets the federal motor vehicle safety standards contained in Code of Federal Regulations, title 49, section 571.213.

### 9503.0155 FACILITY.

Subp. 7. **Outdoor activity area.** An outdoor activity area that complies with the following items A to F must be provided or available for all child care programs except those licensed to exclusively provide sick care as specified in part 9503.0085, drop-in care as specified in part 9503.0075, and those operating for less than three hours a day.

Subp. 14. **Sewage disposal.** Centers must have toilet facilities and sewage disposal systems that conform to the State Building Code chapter 7080 or the a local septic system sewage disposal system ordinance.

Subp. 18. **Toilets and hand sinks.** Toilets and hand sinks must be provided as specified in items A to H:

A. The center must have at least one hand sink and one toilet for each 15 children or portion of 15 children specified in the licensed capacity. One toilet training seat or training chair must be provided for every five 15 toddlers and two-year-olds specified in the licensed capacity. Any hand sink required for children, other than infants, must be in the toilet area.

H. Portable steps may be used to meet the requirement in item G for toddlers, two-year olds, and preschoolers, if the steps are sturdy and washable.

### 9503.0165 INSURANCE.

A license holder must provide notice to a child's parent at the time of enrollment of the level of liability coverage carried by the license holder for the center and on all vehicles owned and operated by the center for the transportation of children. The license holder must ensure that copies of a notice, signed by the parent to indicate he or she has read and understood it, are maintained in the child's record.

### 9503.0170 LICENSING PROCESS.

Subp. 6. **Variations.** An applicant or license holder may request a variance to parts 9503.0005 to 9503.0170 with the exception of those specified in item D if the request follows the procedures and standards specified in items A, B, and C.

D. A variance will not be granted from any law or rule prohibiting the maltreatment of children including but not limited to illegal or unauthorized use of physical, mechanical, or chemical restraint; the illegal or unauthorized use of aversive or deprivation procedures; corporal punishment; and parts 9503.0005, subpart 27 25 (supervision); 9503.0030, subpart 3 (disqualification factors); 9503.0040 (staff ratios and group size); 9503.0050, subpart 3 (confinement limitation); 9503.0055 (prohibited actions); 9503.0070, subpart 6 (staffing); 9503.0080 (exclusion of sick children); 9503.0085 (sick care program); 9503.0130, subparts 1 and 2 (reporting); 9503.0140, subpart 17 (hazardous objects); 9503.0145, subpart 3 (sanitation); 9503.0150 (transportation); and 9503.0155, subparts 1 (occupancy designation), 2 (fire inspection), and 3 (reinspection for cause).

Subp. 7. **Correction orders and fines.** If the commissioner finds that the license holder does not comply with parts 9503.0005 to 9503.0170, the commissioner may issue a correction order ~~and~~ as set forth in *Minnesota Statutes*, section 245A.06, subdivisions 1 and 2. If the license holder has not corrected the violation within the time set for correction, the commissioner may impose a fine under *Minnesota Statutes*, section 245A.06, subdivisions 3 to 6. Fines must be assessed as follows:

B. The license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to failure to comply with parts 9503.0005, subpart 27 ~~25~~ (supervision); 9503.0030, subpart 3 (disqualification factors); 9503.0035, subpart 1 (orientation training); 9503.0040 (staff ratios and group size); 9503.0050, subpart 3 (confinement limitation); 9503.0070 (night care program), subpart 6 (staffing); 9503.0080 (exclusion of sick children); 9503.0085 (sick care program); 9503.0125, items A to I (children's records); 9503.0130, subparts 1 and 2 (reporting); 9503.0140 (health); 9503.0145 (food and water); 9503.0150 (transportation); 9503.0155 (facility); and 9503.0170, subparts 4 (change in license terms) and 5 (commissioner's right of access).

**EFFECTIVE DATE.** Parts 9503.0005 to 9503.0170 are effective six months after their notice of adoption is published in the *State Register*, except as those parts apply to a person, corporation, partnership, voluntary association, or other organization who applies for licensure to operate a sick care program. In that case, parts 9503.0005 to 9503.0170 are effective five working days after their notice of adoption is published in the *State Register*.

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## Executive Orders

### **Emergency Executive Order # 88-8: Providing for Transportation of Baled Hay to Drought Areas**

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, because of drought conditions existing in the state and the need to transport hay to affected areas of the state to provide feed for livestock; and

WHEREAS, the economic vitality of the farming industry is extremely dependent on the availability of hay for feed for the livestock; and

WHEREAS, in order to provide emergency assistance to Minnesota's farmers, the state is willing to waive certain permits, fees, and other obligations normally incurred by transporters;

NOW, THEREFORE, I hereby order that:

The Commissioner of Transportation, the Commissioner of Public Safety, the Commissioner of Revenue, and the Transportation Regulation Board waive the following statutory requirements for the shipment of hay:

1. *Minnesota Statutes* 1986, Section 221.021. Any person while engaged in the transportation of hay to victims of the drought shall be exempt from applying for operating certificates or permits.

2. *Minnesota Statutes* 1986, Section 221.60, subd. 1 (2) and (3). Interstate carriers while engaged in the transportation of hay to the victims of the drought shall be exempt from registering with the Minnesota Commissioner of Transportation.

3. *Minnesota Statutes* 1986, Section 221.161, subd. 1, and Section 221.171. All carriers while engaged in the transportation of hay to the victims of the drought may reduce tariffs and rates from those on file with the Minnesota Department of Transportation.

4. *Minnesota Statutes* 1986, Section 169.862. All carriers while engaged in the transportation of hay to the victims of the drought shall be exempt from the requirement to have a permit and may operate on the interstate highway system. The following statutory provisions shall remain in effect:

- the maximum available width of loader vehicles is 11½ feet;
- vehicles must operate only during daylight hours Monday through Saturday and from sunrise to noon on Sunday;

## Executive Orders

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- vehicles must operate on pavement at least 24 feet wide;
- vehicles must be equipped with mirrors so that drivers are able to have a clear view of the highway at least 200 feet to the rear of the vehicle;
- vehicles must display red, orange or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load; and
- loads must be securely bound to transporting vehicles.

5. *Minnesota Statutes* 1986, Section 168.187, subd. 17. While engaged in the transportation of hay to victims of the drought, a vehicle legally registered in its home state shall be exempt from the trip permit requirement.

6. *Minnesota Statutes* 1986, Section 296.17, subds. 10 and 17. A vehicle while engaged in the transportation of hay to victims of the drought shall be exempt from fuel tax license and trip permit requirements.

Pursuant to *Minnesota Statutes* 1986, Section 4.035, this Order shall be effective July 15, 1988, and shall remain in effect for 90 days or until rescinded by proper authority.

IN TESTIMONY WHEREOF, I have set my hand this 15th day of July, 1988.



Rudy Perpich  
Governor

## Official Notices

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

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

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## Department of Commerce

### Bulletin of Pending Applications under the Reciprocal Interstate Banking Act, *Minnesota Statutes* § 48.98, Subdivision 2,(2)

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes* § 48.93 and shall be disapproved if:

- (1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;
- (2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;
- (3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area; or
- (4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or developmental investments in the community affected.

**Current List of Pending Applications:**

- The First Wisconsin Corporation, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, proposes to acquire the Century Bancorp, Inc., Circle Pines, Minnesota 55014, and thereby indirectly acquire control of the Centennial Bank, One Commercial Street, Circle Pines, Minnesota 55014
- The First Wisconsin Corporation, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, proposes to acquire the Metropolitan Bank Group, Inc., Bloomington, Minnesota 55425, and thereby indirectly acquire control of MetroBank, 1550 East 79th Street, Bloomington, Minnesota 55425. MetroBank has detached banking facilities at the following locations:
  - Minneapolis-St. Paul International Airport Terminal Building, St. Paul, Minnesota 55111
  - 601 Marquette Avenue, Minneapolis, Minnesota 55402
  - 146 Town Square, 53 East Sixth Street, St. Paul, Minnesota 55101
  - 4930-34th Avenue South, Minneapolis, Minnesota 55417
  - 13605-27th Avenue North, Plymouth, Minnesota 55441.

**NOTICE**

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the bulletin of Pending Applications which includes the listing of the acquisition.

**Public Information**

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner is available without charge to any person upon request by writing to Department of Commerce, Bulletin of Pending Applications, Reciprocal Interstate Banking Act, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

Dated: 19 July 1988

Michael A. Hatch  
Commissioner of Commerce

**Department of Health****Maternal and Child Health Division****Notice of Solicitation of Outside Information and Opinions Regarding the Fiscal Year 1989 Minnesota State Plans for the Special Supplemental Food Program for Women, Infants and Children (WIC Program) and for the Commodity Supplemental Food Program (CSFP) carried out by the United States Department of Agriculture.**

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information and opinions from sources outside the department in the preparation of the Fiscal Year 1989 State Plans for the Special Supplemental Food Program for Women, Infants and Children (WIC Program) and for the Commodity Supplemental Food Program (CSFP). Copies of the draft Plans are available for public inspection by telephoning (612) 623-5266.

Interested persons or groups may submit data or views on the subject matter of the Plans in writing or orally. Written statements should be addressed to Pati Maier, Minnesota Department of Health, 717 S.E. Delaware Street, P.O. Box 9441, Minneapolis, MN 55440. Oral statements will be received during regular business hours over the telephone at the above telephone number and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m., August 10, 1988. Any written material received by the Minnesota Department of Health shall become part of the Plan record subject to inspection by the United States Department of Agriculture.

**Minnesota Historical Society****Requests for Nominations for the Unsalariated Position of State Archaeologist**

The Board of the Minnesota Historical Society is seeking nominations for the appointment of the Minnesota State Archaeologist to a four year term as stipulated in *Minnesota Statute* 138.35 Subdivision 1. The state archaeologist position is not salariated. Qualifications for the position are:

## Official Notices

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1. Graduate degree in anthropology with a specialization in archaeology plus at least 5 years of experience in archaeological research, administration and cultural resource management
2. A specialization in prehistoric and historic archaeology of the upper midwest
3. Demonstrated ability to successfully manage complex research programs
4. Demonstrated ability in oral and written communications
5. Demonstrated ability to work with a diverse public and government agencies
6. Not an employee of the Minnesota Historical Society

Duties of the State Archaeologist are stipulated in *Minnesota Statutes* 138.31 to 138.42 and 307.08.

Nominations should be addressed to Selection Committee—State Archaeologist, c/o Robert Clouse, Head, Archaeology Department, Fort Snelling History Center, St. Paul, MN 55111. Application deadline is August 5, 1988.

## Department of Labor and Industry

### Workers' Compensation Division

#### **Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry Governing Fees for Medical Services, Charges for Medical Reports, and Charges for Copies of Medical Records.**

Notice is hereby given that the Minnesota Department of Labor and Industry, Workers' Compensation Division, is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing fees for medical services, charges for medical reports and charges for copies of medical records in workers' compensation cases. The adoption of the rules is authorized by *Minnesota Statutes* § 176.136 (Supp. 1987); section 176.135, subd. 7 (Supp. 1987) and section 176.83 (Supp. 1987).

The Minnesota Department of Labor and Industry, Workers' Compensation Division, requests information and opinions concerning the subject matter of the rules. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing to:

Mary Jo O'Brien  
Director of Rehabilitation and Medical Affairs  
Department of Labor and Industry  
Workers' Compensation Division  
443 Lafayette Road  
St. Paul, Minnesota 55101

Any written material received by the Minnesota Department of Labor and Industry, Workers' Compensation Division, 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.

Information and opinions will be accepted until August 22, 1988.

Dated: 18 July 1988

Ray Bohn, Commissioner  
of the Department of Labor and Industry

## Department of Labor and Industry

### Labor Standards Division

#### **Notice of Intent to Solicit Outside Opinion in the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Labor Standards Division, of Amendments to Rules Governing Employment Agencies**

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry, Labor Standards Division, is seeking information

or opinions from sources outside the agency in preparing to propose the amendment of the rules governing Fee Employment Agencies. The adoption of the rule is authorized by *Minnesota Statutes*, section 184.24 Subd. 1 (1986) which requires the agency to make all rules and regulations not inconsistent with law needed in performing its duties in connection with licensing and regulating employment agencies. The proposed rules amend existing fee employment agency rules, 5200.0500 through 5200.0850.

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:

Donald Jackman  
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 (612) 296-2282 and in person at the above address. All statements of information and opinions shall be accepted until August 15, 1988. Any written material received by the State Department of Labor and Industry 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: 14 July 1988

Commissioner Ray Bohn

## **Department of Labor and Industry**

### **Workers' Compensation Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rule Governing Workers' Compensation Rehabilitation Services**

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 propose the amendment of the rule governing Workers' Compensation Rehabilitation Services. The adoption of the rule is authorized by *Minnesota Statutes*, section 176.83, subs. 2 and 15 which permit the agency to promulgate rules necessary to implement and administer workers' compensation rehabilitation services including qualifications necessary to be a qualified rehabilitation consultant or registered vendor; penalties for those who fail to provide rehabilitation consultation; procedures for initial rehabilitation consultation and the prescription of forms and other reporting procedures.

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

Mary Jo O'Brien  
Rehabilitation and Medical Affairs  
Workers' Compensation Division  
Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55101  
(612) 296-8213

Any written material received by the State Department of Labor and Industry 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.

All statements of information and opinions shall be accepted until August 24, 1988.

Dated: 14 July 1988

Ray Bohn, Commissioner  
of the Department of Labor  
and Industry

## Official Notices

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### Minnesota Pollution Control Agency

#### Ground Water and Solid Waste Division

#### Adoption of Minnesota Ground Water Protection Strategy

The Minnesota Ground Water Protection Strategy will be presented for adoption at the Environmental Quality Board's Water Resources Committee meeting on August 4. Subsequent adoption by the full Environmental Quality Board will be sought at their August 21 meeting. Copies of this document are now available from:

Gretchen Sabel  
Minnesota Pollution Control Agency  
Ground Water and Solid Waste Division  
520 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 296-7358

Gerald L. Willet  
Commissioner

### 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 August 16, 1988.

#### BOARD OF ANIMAL HEALTH

1 member, livestock producer.

#### BOARD OF CHIROPRACTIC EXAMINERS

1 public member.

#### MINNESOTA EDUCATIONAL COMPUTING CORPORATION

3 members, knowledgeable about computing in education or the business community.

#### BOARD ON AGING

1 member.

#### HAZARDOUS WASTE MANAGEMENT PLANNING COUNCIL

3 members, 1 local government representative, 1 citizen representative, 1 industry representative.

#### SOLID WASTE MANAGEMENT ADVISORY COUNCIL

3 members, 1 local government representative, 1 citizen representative, 1 industry representative.

#### SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL

1 member.

#### MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

2 chiropractic members.

#### MINNESOTA CRIME VICTIM AND WITNESS ADVISORY COUNCIL

2 members, 1 public defender, 1 professional.

#### MINNESOTA ACADEMIC EXCELLENCE FOUNDATION

4 members, 1 representative of business/private sector outside metro area—women and minorities encouraged, 1 representative of an education group outside metro area, 1 representative of business/private sector fund development background helpful, 1 representative of an educational group, women and minorities please apply.

**MEDICAL SERVICES REVIEW BOARD**

Chiropractor with familiarity or knowledge of workers' compensation issues.

**Board of Animal Health**

160 Agriculture Bldg., 90 W. Plato Blvd., St. Paul 55107, 612-296-2942

*Minnesota Statutes 35.02*

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: \$35 per diem plus expenses.

The board carries out disease control programs for livestock and poultry. Five members, include three livestock producers and two licensed veterinarians. Quarterly meetings at the dept. of agriculture. Members must file with the Ethical Practices Board.

**Board of Chiropractic Examiners**

2700 University Ave. W., Suite 102, St. Paul 55114-1089, 612-642-0591

*Minnesota Statutes 148.02*

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

The board examines, licenses, and regulates chiropractors; handles complaints; reviews and approves continuing education programs; and registers professional corporations. Seven members, include five chiropractors with at least three years experience, and two public members. Meetings as necessary. Members must file with the Ethical Practices Board.

**Minnesota Educational Computing Corporation**

3490 Lexington Ave. N., Shoreview 55126, 612-481-3510

*Minnesota Statutes 119.01*

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

The corporation provides cost-effective computing and technology related products and services to the educational programs of educational institutions and agencies in Minnesota and elsewhere. The nine member board will be knowledgeable about the use of computing in elementary, secondary, vocational, and public and private higher education or the business community. Terms are for four years and are staggered. Members must file with the Ethical Practices Board.

**Board on Aging**

Suite 204, Metro Square Bldg., St. Paul 55101, 612-296-2770

*Minnesota Statutes 256.975*

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

The board develops, coordinates, evaluates, and administers federal and state funds for programs for the aging; makes grants to 14 area agencies on aging and non-profit agencies; serves as advocate for older persons. Twenty-five members include at least one member from each congressional district. Monthly meetings. Members must file with the Ethical Practices Board.

**Hazardous Waste Management Planning Council**

1350 Energy Ln., St. Paul 55108, 612-649-5750

*Minnesota Statutes 115A.12*

APPOINTING AUTHORITY: Chair, Waste Management Board. COMPENSATION: Reimbursed for expenses.

The council makes recommendations to the waste management board on planning and siting hazardous waste processing and disposal facilities. The council may have up to eighteen members and include public members, representatives of local government units, hazardous waste generators and private hazardous waste management firms. Meetings once a month.

**Solid Waste Management Advisory Council**

1350 Energy Ln., St. Paul 55108, 612-649-5750

*Minnesota Statutes 115A.12*

APPOINTING AUTHORITY: Chair, Waste Management Board. COMPENSATION: Reimbursed for expenses.

The council makes recommendations on solid waste management activities. Members include five public members, five representatives of local government units, and five representatives of the solid waste industry; at least one member must be experienced in each of the following areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. Meetings twice monthly.

## Official Notices

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### **Small Business Procurement Advisory Council**

112 Administration Bldg., St. Paul 55155, 612-297-4412

*Minnesota Statutes* 16B.20

APPOINTING AUTHORITY: Commissioner of Administration. COMPENSATION: None.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. Thirteen members.

### **Minnesota Board of Chiropractic Examiners Peer Review Committee**

2700 University Ave. W., Suite 102., St. Paul 55114-1089, 612-642-0591

*Minnesota Statutes* 148.01-148.101

APPOINTING AUTHORITY: Executive director, chiropractic board. COMPENSATION: \$50 per day.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. Seven members consist of five chiropractors and two consumer members. Terms are varied.

### **Minnesota Crime Victim and Witness Advisory Council**

Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155, 612-296-6642

*Minnesota Statutes* 611A.70

APPOINTING AUTHORITY: Commissioner of Public Safety. COMPENSATION: None.

The council reviews on a regular basis the treatment of victims by the criminal justice system and the need and availability of services to crime victims. Twelve members include two members of the Minnesota legislature who have demonstrated expertise and interest in crime victim issues, one from each house; one district court judge; one county attorney; one public defender; one peace officer; one medical or osteopathic physician licensed to practice in this state; five members who are crime victims or crime victims assistance representatives; three public members. The appointments should take into account sex, race and geographic distribution.

### **Minnesota Academic Excellence Foundation**

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

*Minnesota Statutes* 121.162

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.

### **Medical Services Review Board**

Dept. of Labor and Industry, Office of Public Affairs, 443 Lafayette Rd., St. Paul 55101, 612-296-8946

*Minnesota Statutes* 176.103

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

The board advises on medical matters relating to workers compensation and hears appeals under chapter 14. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer member, and one public member plus eight alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

# 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. Contact listed buyer.

**Commodity:** Telephone installations—  
purchase & install key telephone  
system  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** July 25  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29000 50188

**Commodity:** TV lighting & control  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** July 27  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20399

**Commodity:** 12 passenger van  
**Contact:** Bernadette Vogel 612-296-  
3778  
**Bid due date at 2pm:** July 27  
**Agency:** Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 29000 50488

**Commodity:** Hydraulic bench fluid  
power system  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** July 27  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 18222

**Commodity:** State university  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** July 27  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20397

**Commodity:** MacIntosh PC's  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** July 27  
**Agency:** Lakewood Community College  
**Deliver to:** White Bear Lake  
**Requisition #:** 27154 46885

**Commodity:** Cold storage bldg-  
materials  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** July 27  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 79050 21102

**Commodity:** Plumbing supplies—rebid  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** July 27  
**Agency:** Reg. Treatment Center  
**Deliver to:** Willmar  
**Requisition #:** 55106 06530

**Commodity:** CMC turbo AT PC's to  
match existing equipment  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** July 27  
**Agency:** Council on Disability  
**Deliver to:** St. Paul  
**Requisition #:** 99510 94005

**Commodity:** Barrister word processing  
equipment  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** July 27  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000 90657

**Commodity:** MacIntosh PC's—  
education  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** July 28  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 25000 01222

**Commodity:** Laundry systems  
**Contact:** Doug Thompson 612-296-  
3775  
**Bid due date at 2pm:** July 28  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 55000 91042

**Commodity:** Athletic complex  
remodeling  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** July 28  
**Agency:** Anoka-Ramsey Community  
College  
**Deliver to:** Coon Rapids  
**Requisition #:** 27000 46541

**Commodity:** TV production system  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** July 28  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20398

**Commodity:** Radio communications  
equipment  
**Contact:** Ed Shank 612-296-3770  
**Bid due date at 2pm:** July 28  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

## State Contracts and Advertised Bids

**Commodity:** Telephone equipment  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** July 29  
**Agency:** Department Natural Resources  
**Deliver to:** Various  
**Requisition #:** 29000 50188

**Commodity:** Carryall truck  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** July 29  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79382 01398

**Commodity:** Scantron scanners  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** July 29  
**Agency:** Correctional Facilities  
**Deliver to:** Various  
**Requisition #:** 78000 19684

**Commodity:** Lease purchase of Toshiba RD9110 copier  
**Contact:** Teresa Ryan (612) 296-7556  
**Bid due date at 2pm:** August 2  
**Agency:** Community College, Lakewood  
**Deliver to:** White Bear Lake  
**Requisition #:** 27154 46774

**Commodity:** Telephone equipment  
**Contact:** Don Olson (612) 296-3771  
**Bid due date at 2pm:** August 2  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** MacIntosh II color system health  
**Contact:** Mary Jo Bruski 612-296-3772  
**Date opens:** July 25  
**Agency:** MN Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** 12800 25423

**Commodity:** One maintenance contract to cover: Hamada 600 CD, Kompac HMD-5060 A.B. Dick 360 Press etc.  
**Contact:** Joyce Dehn 612-296-2621  
**Date opens:** July 26  
**Agency:** Anoka Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** 27152 46546

**Commodity:** Athletic tape  
**Contact:** Brenda Thielen 612-296-9075  
**Date opens:** July 26  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20545

**Commodity:** QMS 810 Laser printer—Human Services  
**Contact:** Mary Jo Bruski 612-296-3772  
**Date opens:** August 1  
**Agency:** Department Human Services  
**Deliver to:** St. Paul  
**Requisition #:** 55000 93011

**Commodity:** Signmaker IV system  
**Contact:** Joyce Dehn 612-296-2621  
**Date opens:** August 2  
**Agency:** Lakewood Community College  
**Deliver to:** White Bear Lake  
**Requisition #:** 27154 46795 01

**Commodity:** Two station inserter  
**Contact:** Joyce Dehn 612-296-2621  
**Date opens:** August 2  
**Agency:** Normandale Community College  
**Deliver to:** Bloomington  
**Requisition #:** 27156 10377 01

**Commodity:** Hewlett Packard plotters  
**Contact:** Mary Jo Bruski (612) 296-3772  
**Date opens:** August 2  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 18261

## Contract Awards—Materials Management Division

**Item:** Computer equipment  
**Req.#:** 21200 17866 02  
**Awarded to:** Weldon Elec., Plymouth, MN  
**Awarded amount:** \$37,100.00  
**Awarded date:** July 14, 1988  
**Expir/deliv date:** August 10, 1988  
**Shipped to:** MN Department of Jobs & Training

**Item:** Snowmobile half-track & attachments  
**Req.#:** 29000 50489 01  
**Awarded to:** Road Machinery & Supplies, Savage, MN  
**Awarded amount:** \$269,154.00  
**Awarded date:** July 14, 1988  
**Expir/deliv date:** November 25, 1988  
**Shipped to:** DNR—Northern Service Center

**Item:** Data processing equipment rental/lease  
**Req.#:** 21200 18816 01  
**Awarded to:** IBM Corp., Mpls., MN  
**Awarded amount:** \$399,301.40  
**Awarded date:** July 15, 1988  
**Expir/deliv date:**  
**Shipped to:** MN Department of Jobs & Training

**Item:** Computer equipment  
**Req.#:** 21200 18704 01  
**Awarded to:** Nat'l Computer System, Edina, MN  
**Awarded amount:** \$32,694.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** August 10, 1988  
**Shipped to:** MN Department of Jobs & Training

**Item:** Large van, 15-passenger  
**Req.#:** 32100 17488 01  
**Awarded to:** Superior Ford, Mpls., MN  
**Awarded amount:** \$17,576.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** October 20, 1988  
**Shipped to:** MN Pollution Control Agency

**Item:** Tractor wheeled industrial  
**Req.#:** 79382 01378 01  
**Awarded to:** Lano Equip. Inc., Shakopee, MN  
**Awarded amount:** \$21,063.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** August 4, 1988  
**Shipped to:** MN Department of Transportation

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## State Contracts and Advertised Bids

**Item:** Auto HD truck & van  
**Req.#:** 79382 01356 02  
**Awarded to:** Boyer Ford Trucks, Mpls., MN  
**Awarded amount:** \$20,597.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01366 01  
**Awarded to:** Rathert Chevrolet Inc., Duluth, MN  
**Awarded amount:** \$93,072.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01370 01  
**Awarded to:** Lakeland Ford, So. St. Paul, MN  
**Awarded amount:** \$25,213.15  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** December 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01371 01  
**Awarded to:** Lakeland Ford, So. St. Paul, MN  
**Awarded amount:** \$25,183.15  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** December 20, 1988  
**Shipped to:** Mn/Dot Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01375 01  
**Awarded to:** Lakeland Ford, So. St. Paul, MN  
**Awarded amount:** \$222,284.85  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** December 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01372 01  
**Awarded to:** North Star Int'l Trucks, Mpls., MN  
**Awarded amount:** \$26,773.72  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** November 30, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01373 01  
**Awarded to:** North Star Int'l Trucks, Mpls., MN  
**Awarded amount:** \$27,395.72  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** December 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01355 01  
**Awarded to:** Superior Ford, Mpls., MN  
**Awarded amount:** \$20,645.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01356 01  
**Awarded to:** Superior Ford, Mpls., MN  
**Awarded amount:** \$18,641.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01365 01  
**Awarded to:** Superior Ford, Mpls., MN  
**Awarded amount:** \$22,075.00  
**Awarded date:** July 15, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Photocopy & copy machine expense  
**Req.#:** 79000 90426 01  
**Awarded to:** Xerox Corp., Edina, MN  
**Awarded amount:** \$63,064.80  
**Awarded date:** July 18, 1988  
**Expir/deliv date:** July 22, 1988  
**Shipped to:** MN Dept. of Transportation

**Item:** Compressor & vacuum pump  
**Req.#:** 79382 01403 01  
**Awarded to:** Apollo Equip. & Leasing, Shakopee, MN  
**Awarded amount:** \$26,337.57  
**Awarded date:** July 18, 1988  
**Expir/deliv date:** August 20, 1988  
**Shipped to:** Various locations

**Item:** Auto HD truck & van  
**Req.#:** 79382 01364 01  
**Awarded to:** Boyer Ford Trucks, Mpls., MN  
**Awarded amount:** \$27,382.27  
**Awarded date:** July 18, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01367 01  
**Awarded to:** Boyer Ford Trucks, Mpls., MN  
**Awarded amount:** \$40,072.30  
**Awarded date:** July 18, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01368 01  
**Awarded to:** Boyer Ford Trucks, Mpls., MN  
**Awarded amount:** \$22,235.90  
**Awarded date:** July 18, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Auto HD truck & van  
**Req.#:** 79382 01369 01  
**Awarded to:** Boyer Ford Trucks, Mpls., MN  
**Awarded amount:** \$28,327.47  
**Awarded date:** July 18, 1988  
**Expir/deliv date:** November 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

**Item:** Trailer cargo & utility  
**Req.#:** 79382 01392 01  
**Awarded to:** McGuire, Joe, New Ulm, MN  
**Awarded amount:** \$15,416.00  
**Awarded date:** July 19, 1988  
**Expir/deliv date:** September 15, 1988  
**Shipped to:** MN Dept. of Transportation

**Item:** Large van  
**Req.#:** 79382 01352 01  
**Awarded to:** Superior Ford, Mpls., MN  
**Awarded amount:** \$30,606.00  
**Awarded date:** July 18, 1988  
**Expir/deliv date:** October 20, 1988  
**Shipped to:** Mn/Dot, Central Shop

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:** Fish scale envelope, 50M, 2¼"x3½", 28# brown kraft  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 26  
**Agency:** DNR—Fisheries  
**Deliver to:** St. Paul  
**Requisition #:** 0166

**Commodity:** Voter registration display bins, 1,000 9"x4½"x2½", negs furnished  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 26  
**Agency:** Secretary of State  
**Deliver to:** St. Paul  
**Requisition #:** 0308

**Commodity:** Pressure sensitive labels, 27M 1½"x2", type to set  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 26  
**Agency:** Normandale Community College  
**Deliver to:** Bloomington  
**Requisition #:** 0334

**Commodity:** AFDC envelopes, 30M windowed, 3¾"x7⅞"  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 26  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 0217

**Commodity:** Unemployment insurance ID cards, 200M, 3½"x4½", 125# buff tag, type to set  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 26  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 0258

**Commodity:** Uniform traffic ticket, 50M 5-part sets, 2-sides, 20 sets per book, 4¼"x9¼" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 26  
**Agency:** State Patrol  
**Deliver to:** St. Paul  
**Requisition #:** 0110

**Commodity:** Two forms, 57M and 11M, 9⅞"x5½" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 26  
**Agency:** PERA  
**Deliver to:** St. Paul  
**Requisition #:** 0232

**Commodity:** Focus on Financial Aid booklets, 125M-20 page, camera ready, 13½" x 11"  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 27  
**Agency:** Higher Education Coordinating Board  
**Deliver to:** St. Paul  
**Requisition #:** 0136

**Commodity:** Physicians hospital order sheet, 50M 2-part forms, 8½"x11", negs furnished  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 28  
**Agency:** Human Services  
**Deliver to:** St. Paul  
**Requisition #:** 0239

**Commodity:** Resource review newsletter, 2M for 12 issues, 8pgs, 8½"x11", saddle stitch, two-sided, type to set  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 28  
**Agency:** DNR  
**Deliver to:** St. Paul  
**Requisition #:** 0192

**Commodity:** Benefits form, 12M 3-parts, negs furnished, one-sided 8½"x11" plus feeder strip, continuous  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 28  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 0264

**Commodity:** Recruitment package: 38M 8½"x11" 20-page viewbooks, camera ready; 25M 17"x22" posters; 5M brochures, 1M posters 12½"x24", 11M envelopes  
**Contact:** Printing Buyer's Office  
**Bid due date at 2pm:** July 29  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** 186 7 8 9 & 90

**Commodity:** Mpls. Community College Fall, Winter, Spring tabloid 1988-89, 376M total 3 issues, 12 pgs each, 22¾"x17½" sheet size folded twice, camera ready  
**Contact:** Printing Buyer's Office  
**Bid due date at 2pm:** July 29  
**Agency:** Minneapolis Community College  
**Deliver to:** Minneapolis  
**Requisition #:** 0317

**Commodity:** Sample card envelope, 25M, 6⅛" x 3⅞", camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 28  
**Agency:** MnDOT (Transportation Department)  
**Deliver to:** St. Paul  
**Requisition #:** 0342

**Commodity:** Mankato State University catalog & brochure: catalog 3M 8½" x 11", 8 sheets 17" x 11", camera ready; brochure 5M 3⅞" x 9" 8-pages + cover, camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 29  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 7667&8

**Commodity:** Education update 1988-89, 50M, 8½" x 11", type to set, bid on 4 pages  
**Contact:** Printing Buyer's Office  
**Bid due date at 2pm:** August 1  
**Agency:** Education Department  
**Deliver to:** St. Paul  
**Requisition #:** 250

**Commodity:** PERA special newsletter,  
135M per issue, 8 pages, two issues,  
8½" × 11", type to set  
**Contact:** Printing Buyer's Office  
**Bid due date at 2pm:** August 2  
**Agency:** PERA  
**Deliver to:** St. Paul  
**Requisition #:** 0206

**Commodity:** PERA regular newsletter,  
135M per issue, four issues,  
5½" × 8½", type to set  
**Contact:** Printing Buyer's Office  
**Bid due date at 2pm:** August 2  
**Agency:** PERA  
**Deliver to:** St. Paul  
**Requisition #:** 0207

### Contract Awards—Printing & Mailing Services

**Item:** TODAY magazine  
**Req. #:** 8164  
**Awarded to:** House of Print, Madelia  
**Amount:** \$16,360.00  
**Date:** July 15  
**Deliver to:** Mankato

**Item:** Self adhesive labels  
**Req. #:** 0009  
**Awarded to:** Applied Power Products,  
St. Paul  
**Amount:** \$163.00  
**Date:** July 20  
**Deliver to:** St. Paul  
**Delivery date:** 21 days

**Item:** Snowmobile safety certificate  
**Req. #:** 0012  
**Awarded to:** Georgene Bergstrom Co.,  
Minneapolis  
**Amount:** \$1,563.00  
**Date:** July 20  
**Deliver to:** St. Paul  
**Delivery date:** 30 days

**Item:** Big game possession tag  
**Req. #:** 0030  
**Awarded to:** Action Tag & Label, Co.,  
Bloomington  
**Amount:** \$3,164.00  
**Date:** July 20  
**Deliver to:** St. Paul  
**Delivery date:** 21 days

**Item:** Deer registration list  
**Req. #:** 0031  
**Awarded to:** Printing Resources,  
Shoreview  
**Amount:** \$2,038.00  
**Date:** July 21  
**Deliver to:** St. Paul  
**Delivery date:** As requested

**Item:** Public Safety posters, brochure  
**Req. #:** 104 5 6 7  
**Awarded to:** Bolger Printing,  
Minneapolis  
**Amount:** \$5,131.25  
**Date:** July 21  
**Deliver to:** St. Paul  
**Delivery date:** August 15

**Item:** MnDOT structure inventory  
**Req. #:** 0168  
**Awarded to:** Custom Business Forms,  
Minneapolis  
**Amount:** \$810.26  
**Date:** July 20  
**Deliver to:** St. Paul  
**Delivery date:** 15 days

**Item:** Inspection report  
**Req. #:** 0169  
**Awarded to:** Bann Division, Stuart  
Hooper Co., St. Paul  
**Amount:** \$526.50  
**Date:** July 21  
**Deliver to:** St. Paul  
**Delivery date:** 30 days

**Item:** Willmar CC student handbook  
**Req. #:** 8160  
**Awarded to:** Printing Resources,  
Shoreview  
**Amount:** \$855.00  
**Date:** July 21  
**Deliver to:** Willmar  
**Delivery date:** As requested

## State Designer Selection Board

### Request for Proposal at the University of Minnesota—St. Paul

#### TO REGISTERED PROFESSIONALS IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for a project at the University of Minnesota. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., August 16, 1988, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

#### The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) Mandatory Proposal contents in sequence:
  - a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
  - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
  - d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.
  - e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

#### 5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes, 1981 Supplement*, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

#### The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
  - c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12-months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

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## State Contracts and Advertised Bids

7) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

### 8) PROJECT—17-88

Coal Storage Structure  
University of Minnesota  
St. Paul, Minnesota

The University of Minnesota is planning to construct a coal storage structure on the St. Paul campus with the primary intent of controlling fugitive dust emissions from the coal. This project consists of two silos, approximately 30' diameter by 80' high, holding 760 tons of coal each, or 1,520 tons of coal total, which will provide the St. Paul campus Heating Plant with approximately seven days coal storage. The construction budget is approximately \$2,400,000.00. As part of the project, the following systems will accompany the silos:

- Enclosed truck hopper east of the existing oil tank;
- An inclined conveyor in an enclosed gallery to convey the coal to the top of the silos;
- Conveyors at the top of the silos to convey the coal to one of the two silos;
- Coal would be reclaimed from hopper bottoms in the silo and conveyed to the existing system;
- The system should also utilize an inert gas fire extinguishing system with a sensing device to detect products of combustion.

Damon Farber, Chairman  
State Designer Selection Board

## Minnesota Department of Health

### AIDS Programs Unit

### Request for Proposals for AIDS Knowledge, Attitudes, and Behavior Surveys

#### Purpose

The Minnesota Department of Health is seeking proposals for the design and pilot testing of survey research on AIDS-related knowledge, attitudes, and behaviors. Selected target populations for survey research are: (1) the general public within communities of color, (2) gay and bisexual men, and (3) male and female persons who engage in prostitution. These three target populations have experienced high rates of AIDS and human immunodeficiency virus (HIV) infection. All survey research is to be conducted in Minnesota with appropriate samples of the Minnesota population. Applicants may submit proposals for conducting any single survey or combination of surveys. The Minnesota Department of Health (MDH) has funds available for a 32-week period (November 21, 1988-June 30, 1989); during this time period, contractors will develop the research designs and survey instruments, and will conduct pilot tests of all surveys.

#### Amount

Up to \$100,000

#### Duration

The grant period is established for 32 weeks, 11/21/88-6/30/89. Funds have only been appropriated for this time period. If additional funds are available, contracts may be renewed.

#### Eligibility Criteria

1. Any public or private agency (for-profit or not-for-profit) that can demonstrate administrative, organizational, programmatic and fiscal capability to conduct proposed surveys.
2. Demonstrated experience conducting survey research, including development of research design and data collection instruments, fielding surveys, analyzing survey data, and producing reports of findings.

# State Contracts and Advertised Bids

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## Procedure For Submitting Proposals

The complete request for proposals is available upon request, including instructions, format, necessary forms, and selected readings. Please submit 15 copies of the completed proposal by 4:30 p.m., Wednesday, August 31, 1988 to:

James M. Shultz, M.S., Ph.D.  
AIDS Prevention Services Section  
Minnesota Department of Health  
717 S.E. Delaware St.  
P.O. Box 9441  
Minneapolis, MN 55440  
(612) 623-5646

## Department of Natural Resources

### Notice of Availability of Contract for Professional Services

The Department of Natural Resources, Division of Forestry is seeking individuals and firms with experience in the interpretation of 35mm color infra-red aerial photography and Geographic Information System (GIS) computer digitizing. The specific project to be contracted for consists of identifying oak wilt pockets from aerial photos taken of wooded areas in a 46 township area located just north of the Twin Cities, and digitizing pertinent information for future mapping capabilities.

Contract terms include: 1) effective dates from August 15, 1988 to November 30, 1988; 2) total contract compensation shall not exceed \$25,000 and will be determined by contractors experience and ability to provide requested services.

Potential contractors may request additional information, and submit qualifications by 4:30 p.m. July 29, 1988, to:

Robert Tomlinson  
DNR—Division of Forestry  
Box 44, 500 Lafayette Road  
St. Paul, MN 55155-4044  
(612) 296-5970

## Minnesota Department of Trade and Economic Development

### Request for Proposals for Administration of Minnesota Marketplace Program

NOTICE IS HEREBY GIVEN that the Department of Trade and Economic Development is requesting proposals from nonprofit corporations to administer the Minnesota Marketplace Program created by *Minnesota Laws 1988*, Chapter 686, Article 2, Section 5. The purpose of the Minnesota Marketplace Program is to assist Minnesota businesses to meet their needs for goods and services within Minnesota before seeking suppliers from a wider marketplace. To be selected, a respondent to this RFP must meet two general requirements. Those requirements are:

1. To meet the selection criteria for a "marketplace assistance organization," and;
2. To describe methodology for marketing the program, recommend selection of seven local marketplace service centers, and provide for future administrative management and funding of both the marketplace assistance organization and the seven service centers.

Following is the specific criteria and requirements for selection of the Marketplace assistance organization:

1. The respondent must be a nonprofit corporation. Evidence must be provided which verifies the nonprofit status of the respondent.
2. The respondent must have officers and employees who are knowledgeable on the subject of community-based economic development and development strategies on a statewide basis.
  - A. Resumes of officers and employees must be submitted. The resumes should be sufficiently detailed to describe experience and accomplishments in community-based economic development.
  - B. Examples of work such as publications, business plans, workshop agendas or market analysis should be submitted.
  - C. References from businesses and local government officials should be submitted.
  - D. All material submitted should demonstrate statewide knowledge and experience.

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## State Contracts and Advertised Bids

3. The respondent must have demonstrated ability to provide economic development related technical assistance to communities and economic development organizations.

A. Provide examples of economic development technical assistance material designed for local governments and local economic development organizations.

B. Provide references from communities and economic development organizations that have benefitted from the technical assistance efforts.

Following is the specific criteria and requirements to demonstrate the ability to market the program, recommend the selection of seven local marketplace service centers, and provide for future administrative management and funding of both the marketplace assistance organization and the seven service centers:

1. The respondent must describe how the Minnesota Marketplace Program will be marketed. At a minimum, the respondent must, "provide promotional materials and conduct educational seminars to inform local communities, economic development organizations, and businesses about the Minnesota Marketplace Program."

A. Describe how the promotional materials will be developed and distributed. Provide possible outlines.

B. Describe how the education seminars will be conducted. Provide possible outlines and seminar locations.

2. The respondent must describe a proposed system for recommending the selection of local service centers. At a minimum, the respondent must:

A. Provide information and technical assistance to organizations interested in applying for service center grants. Describe the types of information and technical assistance that would be provided.

B. Develop local service center application procedures. Describe:

1. The criteria that should be used to review applications, including local match requirements, applicant's previous experience, applicant's business knowledge and applicant's ability to serve an entire region.

2. The method for receiving and evaluating applications, including possible application review forms.

3. The respondent must describe a proposed system for administering the Minnesota Marketplace Program.

A. Describe the proposed administrative structure including an organizational chart.

B. Describe the proposed method for recordkeeping and data retention.

C. Describe how the local service centers will interact with Minnesota businesses to achieve the goals of the Minnesota Marketplace Program.

D. Describe how the program will be coordinated with existing programs of the Minnesota Department of Trade and Economic Development.

E. Identify permanent funding sources for the program and describe how funds from those sources will be secured.

4. The respondent must provide a timetable for management of the Minnesota Marketplace Program.

5. The respondent must provide a proposed budget for both the marketplace assistance organization and the local service centers.

Proposals must be received by the Department of Trade and Economic Development by 4:30 p.m. on August 26, 1988. The proposals should be directed to:

Louis Jambois  
Community Development Division  
150 East Kellogg Boulevard, Ninth Floor  
St. Paul, MN 55101  
612/297-3172

Dated: 14 July 1988

David J. Speer, Commissioner

## Minnesota Department of Transportation

### Request for Expressions of Interest for Consultant Services for Electrical Engineering/ Communications Consultant

The Minnesota Department of Transportation (Mn/DOT) is requesting expressions of interest for consultant services in accordance

## State Contracts and Advertised Bids

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with the SCOPE OF SERVICES as shown below. The Consultant services are for recommendation and design of a communications subsystem to be a part of a freeway traffic management system including audio, video, and digital data communications.

The expression of interest should include Federal Forms 254 and 255 along with a description of the consulting firm, its history and financial background, examples of similar types of systems that the firm has designed, and information demonstrating the firm's design experience with a variety of communications media and techniques.

Further information about the freeway traffic management system and the communications subsystem and inspection of the existing equipment is available. Contact:

Ray Starr  
Minnesota Department of Transportation  
Transportation Building, Room 313  
St. Paul, Minnesota 55155  
Phone (612) 296-7596

Staff will be available for discussion and to answer questions.

All expressions of interest must be sent to:

James F. Weingartz  
Consultant Agreements Unit  
Minnesota Department of Transportation  
Transportation Building, Room 612C  
St. Paul, Minnesota 55155  
Phone (612) 296-3051

Four copies of the Expression of Interest must be received by August 26, 1988.

### **Scope of Services: Electrical Engineering/Communications Consultant**

#### **Phase 1**

1. Acquire and understand the detailed history of the traffic management system, and in particular the communications subsystems as they exist.
2. Review and understand the traffic management system long range plan.
3. Obtain information as to existing state-owned communications facilities that could potentially become part of the communications subsystem of the traffic management system, such as the state microwave systems.
4. Recommend communications subsystem(s)
  - detail in a report how the communications subsystem(s) will interface with the existing systems
  - detail how the communications subsystem(s) will accommodate data for vehicle detector counts; controlling ramp control signals, lane control signals, lane closure gates, and changeable message signs; video signals; and highway advisory radio
  - define hardware requirements for the communications subsystem(s)
  - define software requirements for the communications subsystem(s) including a description of required changes to existing software and/or of new software that must be purchased and/or developed, indicating the availability of the new software
  - indicate alternatives that were considered and demonstrate the superiority of the recommended communications subsystem(s) and the trade-offs with respect to quality of transmission, environmental suitability, design/operational life, maintenance requirements and costs

#### **Phase 2**

1. Review designs underway and provide any design changes that may be necessary for a transition from the present communications techniques to those recommended
2. Perform detailed design for the I394 communications subsystem(s) including Plans, Specifications, and Engineering Estimate
3. Monitor and provide system integration services for the hardware procurement, installation, and start-up of the I394 communications subsystem(s) to provide a complete working communications subsystem(s)

#### **Phase 3**

Recommend a video transmission scheme for remote sites, such as full video signals, compressed video, or freeze frame video and support the recommendation.

# State Grants

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

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

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## Department of Jobs & Training Minnesota Housing Finance Agency

### Joint Request for Proposals for Housing and Life Skills Grants for Homeless Persons Demonstration Program

The Minnesota Housing Finance Agency and the Minnesota Department of Jobs and Training are seeking proposals from community action agencies and other private and non-profit agencies for projects to be funded under the Housing and Life Skills Grants for Homeless Persons Demonstration Program. MHFA was appropriated \$150,000 and DJT was appropriated \$50,000 to make grants. In addition to non-profit sponsors, the MHFA will accept proposals from for-profit housing sponsors.

The MHFA will be accepting proposals to purchase, rehabilitate or construct housing for homeless individuals or families. The DJT will accept proposals to develop and administer life skills and employment plans for the homeless individuals residing in these units. The organizations receiving these grants are required to coordinate their efforts. Applicants wishing to receive grants for both structural development and program expenses must submit separate applications to the MHFA and DJT requesting the appropriate grants.

To request an application packet and discuss your proposals the following staff members should be contacted.

Minnesota Housing Finance Agency  
400 Sibley Street, Suite #300  
St. Paul, MN 55101  
Rhonda Lundquist  
(612) 296-9822  
/

Minnesota Department of Jobs & Training  
Office of Economic Opportunity  
690 American Center Building  
150 E. Kellogg Boulevard  
St. Paul, MN 55101  
Mark Kaszynski  
(612) 297-2890

An original and two copies of the completed application packet must be received at the respective agencies no later than 4:30 p.m. on September 9, 1988. An announcement of awards is expected in September 1988. Applications for this RFP are prepared at the sole risk, cost and expense of the applicant.

# Supreme Court Decisions

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## Decisions Filed 22 July 1988

**C1-87-1682, C7-87-1699 Joseph G. Brennan, Relator (C1-87-1682) v. Joseph G. Brennan, M.D., P.A. and St. Paul Fire and Marine Insurance Company, Relators (C7-87-1699). Workers' Compensation Court of Appeals.**

The Workers' Compensation Court of Appeals substituted finding as to the compensability of the 1979 back injury is reversed. The findings as to the degree of permanency of the 1976 back injury and the non-compensability of a heart condition are affirmed.

Affirmed in part, reversed in part and decision of the compensation judge reinstated. Amdahl, C.J.

Took no part, Coyne, J.

**C1-86-1428, CX-86-1430 Perry J. Shortridge, et al. v. John E. Daubney, defendant and third party plaintiff v. City of Maplewood, defendant and third party defendant, petitioner, Appellant. Court of Appeals.**

Property owners' delay of approximately 4 years in challenging a special assessment precludes relief from the assessment based upon a technical defect in the notice of assessment as to the length of time within which an appeal to district court may be taken.

Wahl, J.

Took no part, Popovich, J.

## Supreme Court Decisions

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### **C4-87-297 Rosemary Sherlock Offerdahl, et al. v. University of Minnesota Hospitals and Clinics, petitioners, Appellants. Court of Appeals.**

Where the patient sought treatment from the clinic as a whole rather than an individual physician, the treatment by the clinic as a whole is relevant for purposes of determining when treatment terminated and the statute of limitations began to run.

Patient's claim for medical malpractice against the hospital and clinic alleging negligent failure to disclose risks associated with use of an intrauterine device was barred by the two-year statute of limitations set forth in *Minnesota Statutes* § 541.07(1) (1986), as the claim involved a single act of negligence from which the patient incurred damage more than two years prior to commencement of the lawsuit.

Reversed. Popovich, J.

Dissenting, Wahl, Yetka, JJ.

### **C8-88-510 Gary Flint v. American Can Company and Employers Insurance of Wausau, Relators. Workers' Compensation Court of Appeals.**

The employee's noise-induced hearing loss is compensable.

The hearing evaluation was in substantial compliance with the applicable disability schedule.

The award of permanent partial disability is modified to reflect compensation for a 1% whole body impairment.

Affirmed as modified. Popovich, J.

## Announcements

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**Sentencing Guidelines Commission:** A meeting of the commission will be held at 6pm July 26 Tuesday in Hearing Room 10 State Office Bldg., St. Paul. Following the regular meeting of the commission will be a meeting of the Nonimprisonment Guidelines Committee of the Whole.

**National Honors:** The Smith Avenue High Bridge in St. Paul took more honors recently from the American Public Works Association this time for construction. Lunda Construction Co. and Edward Kraemer & Sons were honored as contractors of the year for the bridge's innovative deck-tied design, community relations and safety record.

**Boaters Warned of Scuba Divers' Flags:** Department of Natural Resources (DNR) Boating Safety officials are warning boaters to be on the lookout for scuba divers' flags in Minnesota lakes and rivers during the boating season. "Every summer there are reports of several close calls where boaters come dangerously close to injuring divers," explained DNR Boating Safety Specialist Tim Smalley. Smalley noted that divers' warning flags consist of a rectangular piece of plastic or other material that is at least 12 by 15 inches in size and has a white stripe running diagonally through a red background. "The flags are often attached to inner tubes or other types of floats, but they may also be displayed from a watercraft or anchored to the bottom," he said. Scuba divers are required by law to display the warning flag and must stay within 50 feet of it (measured across the surface). Boats must stay a minimum of 150 feet away from the flag. "Although the flag's purpose is to keep boats away, sometimes curious skippers actually approach them to investigate, and wind up putting the diver in danger from spinning propeller blades," Smalley added. For more information, contact: Tim Smalley, Boat and Water Safety Spec. (612) 296-0895.

**Research Facility Planned:** A newly proposed 2.5 mile segment of I-94 between Monticello and Albertville in Wright County will become the nation's first roadway to be used as an outdoor facility for analyzing the effects of traffic loads and environment on pavement, according to Leonard W. Levine, Commissioner of the Minnesota Department of Transportation (Mn/DOT). Construction will begin in 1989 on the test center which will be located next to the in place westbound roadway and will include a small monitoring building in addition to the two-lane test strip paralleling the interstate. The project will be built in phases, the first of which will cost about \$5 million. Located about 40 miles northwest of the Twin Cities, the center will be designed to test cold climate effects on new pavement materials, soils and drainage, as well as construction and maintenance practices for rehabilitation strategies of old roadways. Additional data will be gathered from an 8,000 foot access road that will be built nearby to help researchers more accurately determine design alternatives, construction practices and materials for low-volume county and city roads. Mn/DOT anticipates support from various sources including the Center for Transportation Studies at the University of Minnesota, the Federal Highway Administration, the U.S. Army Corps of Engineers, the county-municipal sector, the road construction industry and the public. This facility differs from others around the nation because others have had to artificially induce traffic. Results from testing at the new facility will have applicability to all states and foreign countries, not only those located in cold regions.

**Four State Parks Prohibit Campfires:** Campers and picnickers who plan to cook in Minnesota State Parks are urged to bring their own camp stove or charcoal. Although campfires may still be built in most Minnesota State Parks, some parks are beginning to impose open fire restrictions as severe drought and weather conditions dictate. Cooking on portable gas or liquid-fueled camp stoves or charcoal grills will continue to be allowed in all Minnesota State Parks. The open fire restrictions will be imposed on an individual park-by-park basis and will apply only to firewood campfires. Four metro area state parks began open fire restrictions on July 7. They include: Afton, Fort Snelling, William O'Brien and Minnesota Valley Trail and State Park. All state parks are open to visitors. Since wind and temperatures may change conditions quickly, visitors should call directly to the state park to find out if open fire restrictions apply. The drought has had only minimal effect on parks. Swimming facilities are in good condition and are popular places to beat the heat. Although lake levels are down in some parts of the state, most public accesses in state parks are still in good condition. For more information, contact the individual state park office, or call 1-800-652-9747 and ask for the DNR. In the Twin Cities, call 612-296-6157.

**Interstate State Park Agreement Begins:** A reciprocal agreement between the states of Minnesota and Wisconsin will allow the public to visit both Interstate State Park in Minnesota and Interstate State Park in Wisconsin for the price of one during weekdays. Under the agreement, which began July 5, each state will honor the other's park permit at the two Interstate State Parks. Each park will also honor National Park Service permits because of Wisconsin's federally funded Ice Age Program. The parks are located at St. Croix Falls, Wisconsin, and Taylors Falls, Minnesota, separated by the St. Croix River. The agreement applies Monday through Friday, except holidays. People camping Friday night will need a valid permit for the park where they will camp, since they will be in the park Saturday morning when the other park's permit is not honored. The same is true on holidays. The purpose of this agreement, which expires Dec. 31, 1991, is to try to build more interest and use in the parks during the week. Officials at the Minnesota and Wisconsin Department of Natural Resources (DNR) believe that the two parks complement each other. Together the parks offer visitors about 1,700 acres, with 12 miles of hiking trails, 14 miles of ski trails, and two miles of nature trails. In addition, the two parks together offer Nature and Ice Age Centers, a swimming beach staffed with a lifeguard, 132 campsites, as well as group campsites, picnic facilities, and boat launching facilities. Private operators provide canoe rental and excursion boat rides from the parks. Telephone reservations for camping may be made at either park. At Minnesota's Interstate State Park, reservations may be made up to 15 days in advance. According to park officials, revenue, attendance and camping data will be closely monitored during this test period to determine if the reciprocal agreement should become a more permanent arrangement. Either state may cancel this agreement for any reason upon 30-day written notice to the other party. Officials at the two parks plan to cooperate on interpretive programs and other projects, such as marketing. Potentially, this program could have beneficial economic impacts by attracting visitors to Taylors Falls and St. Croix Falls.

## Minnesota: national leader in education

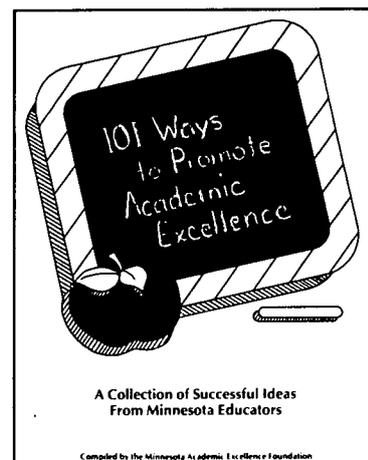
### 101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

### Education Directory, 1987-88

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$6.00.

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



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

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

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

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

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## Minnesota Manufacturer's Directory 1987-88

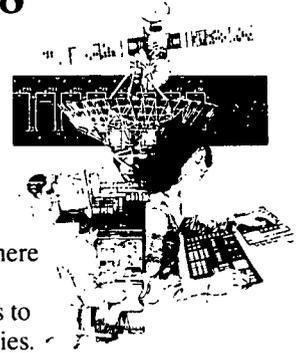


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00.

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



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



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## Voices of the Loon

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

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

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

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

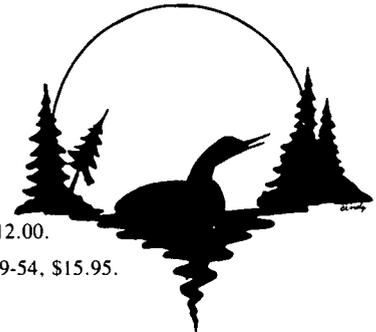
*Loon Lapel Pin*. Code #15-30, \$2.49.

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

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*Loon with baby*-poster, 16" x 20". Code #15-48d, \$3.00.

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# Minnesota's future environment

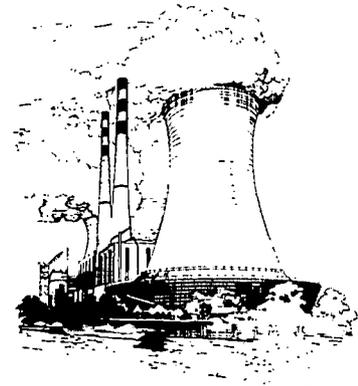
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

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

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Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

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