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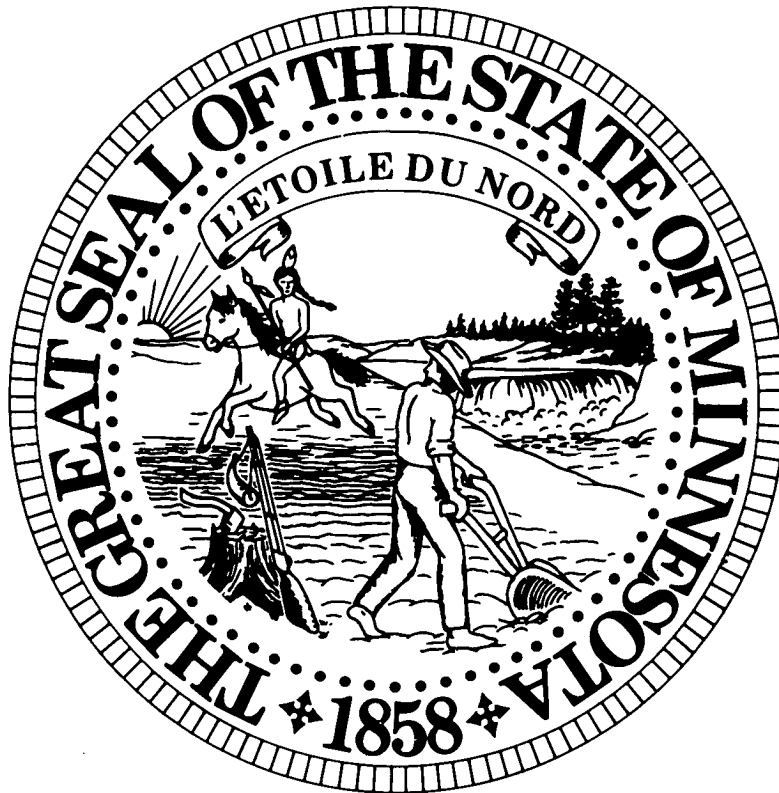
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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Rules edition
Published every Monday

16 January 1990

Volume 14, Number 29

Pages 1789-1828

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 and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
29	Friday 29 December	Monday 8 January	Tuesday 16 January
30	Monday 8 January	Friday 12 January	Monday 22 January
31	Friday 12 January	Monday 22 January	Monday 29 January
32	Monday 22 January	Monday 29 January	Monday 5 February

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

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

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

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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

Rudy Perpich, Governor
Sandra J. Hale, Commissioner
Department of Administration

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Paul Hoffman, Assistant Editor
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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Proposed Rules

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

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

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

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

Department of Health

Proposed Permanent Rules Relating to Emergency Medical Technician Certificates

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health intends to adopt amendments to the above entitled rule without a public hearing following the procedures of the Administrative Procedures 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 144.804, subdivision 3.

All persons have thirty (30) days or until 4:30 p.m. on February 14, 1989, 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 written request for a public hearing on the rule within the thirty day comment period. If twenty-five (25) or more persons submit a written request for a public hearing within the thirty 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:

Wayne Arrowood
Minnesota Department of Health
Emergency Medical Services
393 North Dunlap Street
Box 64900
St. Paul, Minnesota 55164-0900
(612) 643-2162

The proposed rule may be changed if the changes are supported by data and views submitted to the agency, and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule, and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Wayne Arrowood 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.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney

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

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 Wayne Arrowood.

Dated: 20 December 1989

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4690.5000 LAPSED CERTIFICATES.

An applicant may renew a lapsed certificate as follows:

A. within 12 months of the certificate expiration date, complete an approved emergency care refresher course and pass the written and practical examinations approved by the commissioner; ~~or~~

B. if more than 12 months have passed since the certificate expiration date, complete an approved emergency care course and pass the written and practical examinations approved by the commissioner; ~~or~~

C. petition the commissioner for reinstatement as a state-certified emergency medical technician upon successful completion of an emergency care refresher course approved by the commissioner. The applicant must provide evidence of registration with the National Registry of Emergency Medical Technicians or certification as a Minnesota emergency medical services technician. The registration or certification must have an expiration date before January 1, 1989. Proper evidence may consist of the following:

(1) a copy of an emergency medical technician-ambulance or nonambulance registration issued by the National Registry of Emergency Medical Technicians;

(2) a copy of a Minnesota emergency medical care certificate issued by the commissioner under part 4690.4600; or

(3) a statement from a training institution with an approved emergency care refresher course, that documents the applicant's past status as an emergency medical technician under subitems (1) and (2). This statement must be accompanied by written verification from the medical advisor or medical director and the chief administrative representative of an ambulance service licensed by the commissioner to operate within Minnesota.

This item expires August 1, 1994. Only applicants enrolled in an approved emergency care refresher course on or after April 27, 1989, may apply for reinstatement as a state certified emergency medical technician under this item.

Housing Finance Agency

Proposed Permanent Rules Relating to the Urban Indian Housing Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency 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* 462A.06, Subd. 4 and 11.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request 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*, section 14.131 to 14.20.

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

Susan K. Noren
Legal Division
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998
Telephone: 612-296-9794

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

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

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Susan K. Noren upon request.

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 Susan K. Noren.

Dated: 12 January 1990

James J. Solem
Commissioner

Rules as Proposed

4900.1520 THE URBAN INDIAN HOUSING LOAN PROGRAM.

The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented in whole or in part directly by the agency or through administrators selected by the agency. The eligible areas within the state of Minnesota are the metropolitan area as defined in *Minnesota Statutes*, section 473.121, subdivision 2, and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian loan program funds equitably among eligible areas, based upon American Indian population estimates, ~~but~~. However, the agency may also set aside a portion of program funds for alternative program components as described in part 4900.1580 without regard to a prescribed allocation formula. The agency maintains the authority to reallocate funds at its discretion based on varying loan demand.

4900.1574 LOW AND MODERATE INCOME UNDER URBAN INDIAN HOUSING LOAN PROGRAM.

For the purpose of the urban Indian housing loan program, "persons and families of low and moderate income" means recipients or beneficiaries of a limited unit development mortgage loan whose ~~adjusted~~ income does not exceed ~~the amount in the following tables:~~ 80 percent of the greater of the state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

A. Maximum adjusted income for loans for new construction:

(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright:

<u>Mortgage Interest Rate</u>	<u>Maximum Adjusted Income</u>
0 - 6.0%	\$27,000
6.01 - 7.0%	\$29,000
7.01 - 8.0%	\$31,000
8.01 - 9.0%	\$33,000
9.01 - 10.0%	\$35,000

(2) in all other counties:

<u>Mortgage Interest Rate</u>	<u>Maximum Adjusted Income</u>
0 - 6.0%	\$18,000
6.01 - 7.0%	\$20,000
7.01 - 8.0%	\$22,000

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Proposed Rules

8.01 - 9.0%	\$24,000
9.01 - 10.0%	\$26,000

B. Maximum adjusted income for loans for existing dwelling unit:

(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	\$23,000
6.01 - 7.0%	\$25,000
7.01 - 8.0%	\$27,000
8.01 - 9.0%	\$29,000
9.01 - 10.0%	\$31,000

(2) in all other counties:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	\$13,000
6.01 - 7.0%	\$15,000
7.01 - 8.0%	\$17,000
8.01 - 9.0%	\$19,000
9.01 - 10.0%	\$21,000

4900.1580 ALTERNATIVE PROGRAM COMPONENTS.

The agency may consider alternative program components to provide unique housing opportunities under the program given the availability of additional resources with which to leverage urban Indian housing loan program funds. The agency may directly administer the components, or may select an alternate administrator. An alternate administrator must be a nonprofit entity or local community as defined by part 4900.0010 or an Indian tribal organization eligible under parts 4900.0900 to 4900.1080. It is anticipated that the alternative program component will deal primarily with rental and rehabilitation of housing. An alternative program component may deal with a limited geographical area, but in this event the statewide allocation of urban Indian funds will be adjusted to reflect the direction of funds to the limited geographical area.

Department of Human Services

Correction to Proposed Permanent Rules Relating to Community Alternatives for Disabled Individuals

At least one copy of the Department of Human Services' notices and proposed rules relating to community alternatives for disabled individuals under age 65 published at *State Register* pages 1627 to 1646 on January 2, 1990 (CITE 14 S.R. 1627-1646) was printed with a blank page 1640. Below is a copy of page 1640.

Dated: 3 January 1990

9505.3095 FAMILY SUPPORT SERVICES.

Subpart 1. **Availability as CADI service.** Family support services that are the training and counseling services in items A and B are available under CADI. The services may be provided to the recipient as well as to persons with whom the recipient lives or who routinely are the recipient's informal caregivers.

A. Training must be designed to increase the recipient's or family member's ability to care for the recipient at home and must be necessary to avoid the recipient's admission to a nursing home. Training includes instruction about the use of equipment and treatment regimens that are specified in the recipient's care plan.

B. Counseling includes helping the recipient or members of the recipient's family with crises, coping strategies, and stress reduction as required for family functioning to maintain the recipient in the community.

Subp. 2. **Standards to be a CADI provider of training services.** A provider of training services under CADI must meet the applicable qualification specified in items A to H.

A. A physician must be licensed to practice in Minnesota.

B. A registered nurse must be licensed and have one year of experience as a professional nurse.

C. A physical therapist must have a current Minnesota certificate of registration.

D. An occupational therapist must be currently certified by the American Occupational Therapy Association as an occupational therapist.

E. A respiratory therapist must meet the criteria established for a respiratory therapist in part 9505.0295, subpart 2, item E.

F. A medical equipment supplier must be authorized by the case manager to provide training in use of equipment and must be a provider under part 9505.0195.

G. A speech-language pathologist must be certified by the American Speech-Language-Hearing Association.

H. A nutritionist must have a bachelor's degree and be registered by the Commission on Dietetic Registration.

Subp. 3. **Standards for providers of family support counseling services.** A provider of family support counseling services must be one of the following:

A. a Medicaid enrolled psychiatrist or individual who works under the supervision of a Medicaid enrolled psychiatrist;

B. a Medicaid enrolled psychologist or individual who works under the supervision of a Medicaid enrolled psychologist;

C. a mental health clinic that is an enrolled Medicaid provider;

D. a social worker licensed under *Minnesota Statutes*, sections 148B.18 to 148B.28; and

E. an independent practitioner who provides counseling services and who has been determined by the lead agency to:

(1) have a general knowledge of disabilities and chronic illnesses that may affect individual or family functioning;

(2) have skills in mental health assessment, including client interviewing and screening;

(3) have skills in mental health management including treatment planning, general knowledge of social services, record keeping, reporting requirements, confidentiality rules, and any federal or state regulations which apply to mental health services;

(4) have skills in individual and group counseling, including crisis intervention; and

(5) provide proof that:

(a) The individual possesses at least a bachelor's degree with a major in social work, nursing, sociology, human services, or psychology and has successfully completed 960 hours of experience as a counselor supervised by a licensed psychiatrist or psychologist. The experience can be either as a student, volunteer, or employee.

(b) The individual has successfully completed a minimum of:

i. 40 hours of classroom training in a health related field;

ii. 40 hours of classroom training in mental health assessment including interviewing skills;

iii. 40 hours of classroom training in mental health management including treatment planning, social services, record keeping, reporting requirements, and confidentiality;

iv. 40 hours of classroom training in individual and group counseling techniques; and

v. successful completion of 960 hours of experience as a counselor supervised by a licensed psychiatrist or licensed psychologist as either a student, volunteer, or employee; or

This ends the page that was printed in Vol. 14, #27, page 1640 of the January 2, 1990 STATE REGISTER.

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Proposed Rules

Department of Natural Resources

Proposed Permanent Rules Relating to Public Use of State Parks and Other Recreational Areas

Notice of Intent to Adopt Rule Amendments Without a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt the above entitled amendments without a public hearing, following the procedures set forth in *Minnesota Statutes* 14.21-14.28. The statutory authorities to adopt these rules are *Minnesota Statutes* 84.03, 85.052, 85.20, 89.031, 89.19, and 89.21.

Numerous changes are proposed to Parts 6100.0100 to 6100.2400 to update the rules and bring them more in line with the current philosophies of managing state parks and state forests. The proposed rule changes protect park and forest resources while allowing for public enjoyment of the facilities.

The agency believes that these rule amendments have no fiscal impact on local governments, no impact on small business and no impact on agricultural lands.

Persons interested shall have 30 days to submit written comments in support of or in opposition to the proposed rule or any part or sub-part thereof. 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. A public hearing will not be held unless 25 or more persons submit a written request for a public hearing. Any person requesting a public hearing must submit his or her name and address and specify the amendment that they desire a public hearing on. Identification of the specific objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20.

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

John Hellquist
Division of Forestry
Box 44, 500 Lafayette Road
St. Paul, MN 55155-4044
Phone (612) 297-3508

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

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

A STATEMENT THAT DESCRIBES THE NEED FOR AND REASONABLENESS of each provision of the proposed amendments is available from the Department upon request at the above address.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* Chapter 10A requires a lobbyist to register with the State Ethical Practices Board within 5 days after he/she commences lobbying. The statute provides some exceptions. Questions should be directed to the Ethical Practices Board, 625 Robert Street, St. Paul, MN 55101-2520, telephone (612) 296-5148.

Dated: 28 December 1989

Joseph N. Alexander
Commissioner of Natural Resources

Rules as Proposed

6100.0100 STATUTORY AUTHORITY.

Parts 6100.0100 to 6100.2400 are authorized by *Minnesota Statutes*, sections 84.03, 85.052, 89.031, and 89.21.

6100.0200 PURPOSE.

The purpose of these parts 6100.0100 to 6100.2400 is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

6100.0300 SCOPE.

These Parts 6100.0100 to 6100.2400 apply to ~~these~~ state parks, recreational areas, historic sites, waysides, forest campgrounds, and forest day use areas ~~which are~~ under the control of or operated by the commissioner of natural resources.

Parts 6100.1910, 6100.1920, and 6100.2000 also apply to posted state forest lands in the Richard J. Dorer Memorial Hardwood State Forest which are under the control of, or operated by, the commissioner of natural resources.

These Parts 6100.0100 to 6100.2400 shall not apply to any person lawfully engaged in the performance of his or her duties in the ~~development, maintenance, and operation~~ management and administration of these areas including, but not limited to, the commissioner of natural resources, ~~his~~ the commissioner's agents, employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers.

6100.0400 PENALTY.

~~Any~~ A person who violates any of ~~these~~ parts 6100.0100 to 6100.2400 is guilty of a misdemeanor and subject to immediate removal from the park, forest campground, ~~or~~ forest day use area, or the Richard J. Dorer Memorial Hardwood State Forest and to appropriate legal action.

6100.0500 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of ~~these~~ parts 6100.0100 to 6100.2400, unless a different meaning is manifest from the context, the terms defined in this part have the meanings given them.

[For text of subs 2 to 4, see M.R. 1989]

Subp. 5. **Forest day use area.** "Forest day use area" means a ~~posted~~ designated area to be used for daytime activities such as picnic areas, swimming beaches, boat accesses, and the like.

Subp. 5a. **Forest officer.** "Forest officer" means a certified Department of Natural Resources, Division of Forestry employee authorized by Minnesota Statutes and commissioner's operational orders to enforce rules; and, for the purposes of parts 6100.0100 to 6100.2400, Minnesota state conservation officers.

Subp. 5b. **Richard J. Dorer Memorial Hardwood State Forest.** "Richard J. Dorer Memorial Hardwood State Forest" means all posted state forest lands over which the commissioner of natural resources has regulatory authority within the boundaries of the state forest as defined in Minnesota Statutes, section 89.021, subdivision 33.

Subp. 5c. **Highway.** "Highway" means roads or highways as defined in Minnesota Statutes, section 160.02.

Subp. 6. **Intoxicating liquor.** "Intoxicating liquor" means intoxicating liquor as defined in Minnesota Statutes, section 340A.101, subdivision 14 and intoxicating malt liquors as defined in Minnesota Statutes, section 340.401.

[For text of subp 7, see M.R. 1989]

Subp. 7a. **Park manager.** "Park manager" means all managers of state parks acting directly or through authorized employees.

Subp. 7b. **Park officer.** "Park officer" means all certified Department of Natural Resources, Division of Parks and Recreation peace officers authorized by Minnesota Statutes and commissioner's operational orders; and, for the purposes of these rules, Minnesota state conservation officers.

Subp. 7c. **Recreational motor vehicle.** "Recreational motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including, but not limited to, snowmobile, trail bike, or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes.

[For text of subs 8 to 12, see M.R. 1989]

6100.0600 HOURS AND DAYS OF OPERATION.

Subpart 1. **State parks.** State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and except during emergencies.

After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a state park unless ~~he is a member of a registered camping party, or a registered cabin or lodge guest. Park managers may, at their discretion, allow entry earlier than 8:00 a.m. as a registered overnight guest, except that during these hours, park managers may, at their discretion, allow entrance for direct~~

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access to specific locations within the park so that guests may engage in specific approved activities. Between the hours of 10:00 p.m. and 8:00 a.m., motor vehicle travel by registered overnight guests shall be restricted to entering their registered place of lodging, or exiting their lodging area for specific locations, as above, or to leave the park.

Subp. 2. **Forest campgrounds and forest day use areas.** Forest campgrounds and forest day use areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year each day of the year unless otherwise posted.

In campgrounds where fees are charged, fees will be collected as long as the facility is being maintained.

After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a state forest campground unless as a member of a registered camping party.

Forest day use areas will be open from 6:00 a.m. to 10:00 p.m.

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in *Minnesota Statutes*, section 609.72.

Without prior permission from the park manager or forest officer, no person shall use make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, or power equipment, or otherwise make noise of a volume tending reasonably to arouse alarm, anger, or resentment in other park users, without prior permission from the park manager or forest officer by any other means.

It is unlawful for any person in a state park to consume intoxicating liquors, or to display in public intoxicating liquor containers. Possession of 3.2 beer in a keg is unlawful without written permission of the park manager.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

A person's possession and use of drugs shall be in accordance with state laws.

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

Subpart 1. Restrictions. While in a state park, or while in within 200 feet of a shelter or motor vehicle in a forest campground, or forest day use area during the official open season for these areas, except as provided in subpart 3 or by special permit from the commissioner, it is unlawful for any person to:

A. possess explosives of any kind;

B. possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

C. possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed; ~~and~~

D. use or display any other type of weapon including but not limited to slingshots, switchblade knives, ~~and~~ traps, and spears; and

E. hunt, trap, or in any manner take wild animals except as authorized by the commissioner.

Subp. 2. Waiver of restrictions. When hunting or trapping, or taking wild animals is authorized in a state park, the restrictions in the first paragraph subpart 1 on firearms, bows and arrows, and traps are waived to the extent necessary to allow the authorized activity. However, it is unlawful at any time to construct, occupy, or use any elevated scaffold or other elevated device for the purpose of hunting, watching for, or killing big game, except that portable tree stands may be used for this purpose provided they are removed each day at the close of hunting hours and do no permanent damage to trees in which they are placed.

Subp. 3. Exception. During the official open seasons for hunting, a person may carry an unloaded, uncased firearm or bow and arrows from a forest campground or day use area to engage in hunting outside of the state forest campground or forest day use area.

Subp. 4. Restriction on pursuit of wildlife. It is unlawful to pursue wildlife into or within a state park without permission of a park officer.

6100.0900 ENVIRONMENTAL PROTECTION.

Subpart 1. Generally. The environment is for the enjoyment of all. ~~Therefore,~~ No person shall disturb, destroy, injure, damage, deface, molest, or remove any state property, including, but not limited to, wildflowers or vegetation of any kind dead or alive, ruins, wildlife, wild animals; geological formations, historical or archaeological artifacts or sites; historic structures; signs, or facilities, except edible fruit, mushrooms, and wild animals legally taken, and vegetation unavoidably damaged or destroyed by the ordinary

uses of these areas as specifically permitted by ~~these~~ parts 6100.0100 to 6100.2400. Collections for scientific and educational purposes may be made only with the written ~~consent~~ permission of the commissioner ~~previously obtained~~. ~~Damaging~~ It is unlawful to damage vegetation or damage and deface rock formations with rock-climbing equipment is forbidden.

Subp. 2. State parks. Within a state park, any collecting, harvesting, or taking of any tangible object for resale or commercial use is prohibited, except by written permission of the commissioner.

Collection of firewood in state parks, except where expressly permitted, is prohibited.

Within posted restrictions, rock specimens and fossils may be collected at Hill Annex Mine State Park for noncommercial use.

Harvesting wild rice on bodies of water totally enclosed within a state park boundary is prohibited except by written permission of the commissioner.

Collecting watercress and ginseng or possessing such plants in a fresh state in state parks is prohibited.

Except for scientific research conducted under special permit from the commissioner and with a state archaeological license, the use of metal detectors in state parks is permitted only for locating specifically identified items of lost personal property. Metal detectors may not be used in any instances without prior written permission from the park manager and under the supervision of the park manager.

Subp. 3. State forest campgrounds and forest day use areas. Within state forest campgrounds and forest day use areas, wood that is dead and lying on the ground may be used to build fires, as long as it is used within the area and not removed.

6100.1000 FIRES AND REFUSE.

Subpart 1. Prohibition and permitted uses. It is unlawful to build or maintain a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas- or liquid-fueled camp stoves or charcoal burners may be used within a camping or rest day use area if such use does not create a hazard or danger to the area or to others. It is unlawful to disobey a park officer or forest officer when ordered to extinguish a fire in any location at any time.

Subp. 2. Fire bans. The commissioner may limit or ban fires when he declares by declaring that a forest fire emergency exists. Such The declaration will be posted conspicuously at the entrance of the area affected.

Subp. 3. Firewood. Where If firewood is provided at no charge its use shall be within reasonable limits, the removal of the firewood from the state park, state forest campground, or forest day use area is prohibited.

Subp. 4. Refuse. Where refuse receptacles are provided, they shall only be used for refuse generated at the area. Refuse is to be removed from areas where receptacles are not provided. It is unlawful to place refuse anywhere except in receptacles provided. If no receptacle is available, the refuse shall be removed from the state park, forest campground, or forest day use area. It is unlawful to place refuse generated outside the state park, forest campground, or forest day use area into the receptacles.

[For text of subp 5, see M.R. 1989]

Subp. 6. Hot coal disposal. The disposal of hot coals or ashes anywhere within state parks, except in special containers for that purpose or other sites approved by the park manager, is prohibited.

6100.1100 PETS.

Although pets are permitted, provided no person shall allow any dog, cat, or other pet animal except hearing or seeing eye dogs, to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. Such Pet animals shall be personally attended at all times and shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended in length, and such the animals shall not deprive or disrupt the enjoyment or use of any area by other persons disrupt other persons or deprive them from using any area.

Pet waste deposited in mowed or maintained areas must be immediately cleaned up by the pet owner or caretaker and deposited in an appropriate waste container. Horse waste must be removed, by the owner or custodian, from all areas except designated horse trails.

Pets and horses are prohibited on ski trails during the winter skiing season.

6100.1200 PICNICKING.

Picnicking is not permitted except only in designated picnic areas designated for picnicking. No person or group of persons shall

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Proposed Rules

unreasonably exclude others from a picnic area or shelter, except when the shelter has been reserved with consent of the park manager or forest officer.

6100.1300 CAMPING AREAS.

Subpart 1. **State parks.** The following camping restrictions apply in state parks:

A. A campsite's occupancy is limited to:

- (1) one camping group of six people or less using;
- (2) one camping shelter;
- (3) one vehicle; and
- (4) additional shelters, persons, or vehicles only with prior approval of the park manager.

B. Camping is permitted only at assigned sites in designated camping areas or in watercraft within the restrictions described in item A.

~~B C.~~ A person, other than a campground host, may not camp in the same state park for more than 14 days aggregate during the period of June 15 through Labor Day, in succession, provided, however, that the park manager may in his discretion allow camping for such additional days as he may prescribe when use conditions of nonuse so warrant.

~~C D.~~ Each camping party must register. Registration must be in person and is as follows:

(1) A senior responsible person of a camping party may shall register for the group, giving the number in the group. Names may be of all persons in the party are required when requested by the park manager.

~~Registration must be in person.~~

(2) The rental period must begin with the day of registration, and all fees must be paid in full at the time of registration. The registration may be canceled if the site is not personally occupied the first night. The park manager may, upon order, remove or have removed any camping equipment placed on a campsite by an unregistered party, or any equipment on a site which has been forfeited by failure to occupy the site on the first night of registration.

(3) Camping permits shall expire at 4:00 p.m. On departure, the campsite shall be left in a neat and clean condition.

(4) Campers occupying a campsite must re-register by 11:00 a.m. to hold the campsite for that night.

~~D.~~ A campsite may be occupied by any group of six or less using one shelter for sleep or by a family using one shelter, and an additional shelter with prior approval of the park manager. A family consists of a father and/or mother accompanied by any of the following: their parents, their children, and their blood relatives.

E. Power units including those used to generate electricity for camping units, shall not be operated between the hours of 10:00 p.m. and 8:00 a.m., nor at other hours of the day if such operation causes a disturbance for other visitors.

Subp. 2. **Forest campgrounds and forest day use areas.** ~~Forest campgrounds and forest day use areas:~~

A. A nominal charge camping fee per campsite per night shall be collected in certain forest campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay the camping fee immediately upon occupying a campsite.

B. Camping is permitted only in outside of designated camping areas within the prescribed limitations for the particular camping area camp sites is prohibited.

C. Each camping party must register in fee camping areas. The senior A responsible person of a camping party may shall register for the group giving the number therein in the party.

D. Camping shall be limited to a total period of 14 days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that camping for longer periods may be allowed at the discretion of the forest officer of any forest campground in his discretion, allow camping for such longer periods as he may prescribe when conditions or nonuse so warrant.

E. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

F. Camping permits in fee campgrounds shall expire at 4:00 p.m.

G. Setting up camp between the hours of 10:00 p.m. and 6:00 8:00 a.m. is prohibited.

H. Any group desiring to occupy more than two six campsites must obtain prior approval from the forest officer.

I. Only one individual, family, or group shall occupy a single campsite. A group other than a family cannot exceed eight people unless camping at a posted designated group camping site. Additional fees will be charged for the use of these sites.

J. A maximum of two motor vehicles per campsite is permitted except that no more than one motor vehicle may be a motorized camper.

K. The maximum number of camping shelters permitted per campsite is two, however, no more than one of the camping shelters may be a camping trailer or motorized camper. More than two shelters are permitted at posted designated group sites.

L. Disposal of liquid waste from a camping trailer or motorized camper must be in accordance with chapter 4630.

M. Moving or removing picnic tables, fire-rings, or other facilities from a campsite, day use area, or the campground is prohibited.

Subp. 3. **Other prohibitions.** It shall be ~~is~~ unlawful for ~~any~~ a person to install or affix in a permanent manner any camping facility, equipment, or structure.

The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

A watercraft used for shelter or sleeping which is tied on water frontage of a state park, state forest campground, or forest day use area, or is anchored in waters which are completely within the boundary of a state park, constitutes camping and is subject to ~~these~~ rules parts 6100.0100 to 6100.2400.

In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are ~~for outdoor solitude,~~ designated quiet hours and it ~~shall be~~ is unlawful to make noise at a level above that of a quiet conversation.

6100.1400 BOATING.

Boating conforming to Minnesota laws and rules is permitted on waters within or adjacent to state parks, forest campgrounds, and forest day use areas: except that:

A. no one shall operate a boat, watercraft, or motor on any body of water or portion of any body of water specifically posted prohibiting that use;

B. no one shall moor a boat on any beach or area specifically posted prohibiting that use; and

C. on any lake entirely within a state park, no person shall water-ski or surf, or operate a motorized watercraft in excess of ten miles per hour, unless the lake is otherwise designated and posted.

6100.1500 FISHING.

Fishing for fish only, is permitted when conforming to Minnesota laws and rules ~~is permitted~~ in the waters within and adjacent to state parks, forest campgrounds, and forest day use areas. When spear fishing or bow and arrow fishing is permitted, the restriction on spears or bows and arrows is waived to the extent necessary to allow the activity.

If a fish-cleaning facility is provided, no person shall clean fish and dispose of the remains except at that ~~place~~ facility. In state parks, where a fish cleaning facility is not provided, fish cleaning shall take place only in areas or sites approved by the park manager.

6100.1600 STATE PARK BEACHES SWIMMING IN STATE PARKS.

~~No person shall swim in a state park except at beaches designated for such use, and as directed by the lifeguard, if one is present.~~

Activities in and upon the beaches and swimming areas shall be under the direction of the lifeguard, if one is present.

~~It is unlawful on a beach:~~ to swim in or enter any body of water or area where prohibited.

It is unlawful in any area where swimming is not prohibited, including designated beaches, to:

~~A. to allow any dog or other pet to enter the water with swimmers;~~

~~B. to possess glass containers;~~

~~C. while in the water, to use air mattresses, inner tubes, and other flotation devices not approved by the Coast Guard, except when an area is specifically designated for that use;~~

~~D. to use the beach enter the water before sunrise or after sunset;~~

~~E. to enter with any boat, canoe, or raft;~~

~~F. to fish;~~

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- G. to swim beyond boundary buoy or marker;
- H ~~D~~. to engage in any activity which is hazardous and could cause injury to others; or
- I ~~E~~. to use any soap, detergent, or shampoo; and
- J. to change clothes except in structures designated for such use.

In addition to items A to E, it is unlawful on designated beaches to possess glass containers; enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

6100.1700 STATE PARK MOTOR VEHICLE PERMITS.

Requirements for motor vehicle permits for entry into state parks shall be Vehicles entering state parks shall be in accordance with motor vehicle permit requirements as stated in *Minnesota Statutes*, section ~~85.05~~ 85.053, subdivision 2, ~~clauses (a) and (e)~~.

The permit shall be completely affixed by its own adhesive to the lower right-hand corner of the windshield, and may not be transferred to another vehicle.

6100.1710 GROUP DAILY VEHICLE PERMITS.

~~All~~ State park managers ~~will~~ have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of \$1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally ~~limited~~ minimal, such as weekdays, weekends in some parks, or off-season weekends.

6100.1800 MOTOR VEHICLE USE; STORAGE, AND ABANDONMENT OF BOATS, TRAILERS, FISH HOUSES, AND OTHER EQUIPMENT.

[For text of subpart 1, see M.R. 1989]

Subp. 2. **Designated roads.** The motor vehicle may be operated only on designated roads and parking areas, and ~~may~~ shall be properly parked only in designated parking areas or parking spurs only. It may not be driven on roads which are posted, chained, or gated prohibiting motor vehicles. Parking in any area not designated as a parking area is prohibited and subjects the vehicle to being towed at the owner's expense.

Subp. 3. **Speed limit; recklessness.** The motor vehicle shall not be operated in excess of posted speeds or in a reckless ~~or~~ careless, or exhibit manner. No person shall operate any vehicle in such a manner as to create unnecessary engine noise, tire squeals, skidding, or sliding.

Minnesota Statutes, chapter 169, governing motor vehicle use on public roads is incorporated by reference to apply to all roads within state parks.

Subp. 4. **Forest areas Storage and abandonment.** Within forest campgrounds and forest day use areas:

A. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, ~~or~~ boat, fish house, or any other equipment or material in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, water access, parking area, or winter sport facility.

B. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored ~~or~~ abandoned, or parked overnight. This ~~item~~ shall does not apply, however, to overnight parking for the appropriate use of campsites or to fish houses on lakes where overnight use is permitted, or to the temporary storage of such items by a person who remains in the immediate vicinity during normal operating hours. In state parks, for certain approved activities, overnight parking or storage of equipment by persons not remaining in the immediate vicinity may be allowed with prior approval of the park manager. In state forest campgrounds and forest day use areas, overnight parking is permitted in designated parking lots.

C. Any vehicle, trailer, boat, ~~fish house,~~ or any other equipment or material except fish houses located on the ice surface of a body of water, left for a period longer than 30 days shall be deemed abandoned and shall be transferred to the custody of the commissioner of administration for disposal pursuant to *Minnesota Statutes*, section 16B.25.

6100.1910 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES IN STATE FOREST CAMPGROUNDS AND FOREST DAY USE AREAS.

No person shall operate a snowmobile or recreational motor vehicle in any state forest campground or forest day use area unless on a trail or road posted and designated for that use.

6100.1920 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES; RICHARD J. DORER MEMORIAL HARDWOOD STATE FOREST.

No person shall operate a snowmobile or recreational motor vehicle on state forest lands within the Richard J. Dorer Memorial Hardwood State Forest unless on trails, roads, and areas posted and designated for such use.

6100.2000 NONMOTORIZED USE.

Subpart 1. **On foot, ski, or snowshoe.** People on foot, ski, or snowshoe may go anywhere that is not posted otherwise, or is not further limited by stipulations in subparts 2 to 6.

Subp. 2. **Horses.** No person shall ride ~~or~~, lead, or have a horse except ~~on~~ upon trails and areas designated for ~~such~~ use by horses. Horses are prohibited from using state forest campgrounds unless the area has been specifically designated for use by horses or a special use permit from a forest officer has been obtained.

Subp. 3. **Bicycles.** People riding bicycles may ~~go~~ travel only on designated bike trails, or where motor vehicles are allowed, ~~and on trails and areas designated for~~ except in areas posted to prohibit such use.

Subp. 4. **Restricted sensitive areas.** Hikers, skiers, and snowshoers shall not knowingly enter deer yards or other sensitive restricted areas.

Subp. 5. **Ski trails.** On groomed and tracked ski trails, activities which tend to damage the track or interfere with and disrupt use by skiers are prohibited.

Subp. 6. **Dogsledding.** Dogsledding is permitted in state parks only on trails designated for such use, or as approved by the park manager. Any other dogsledding use is prohibited.

No person in a state park, forest campground, or forest day use area, shall bicycle, ski, or ride a horse in a reckless or careless manner, at an unreasonable or out of control speed, or in any way that unnecessarily endangers oneself or other users.

6100.2100 RESTRICTED AREAS.

~~It shall be~~ is unlawful to enter by any means a ~~posted~~ restricted area which has been posted to prohibit entrance.

It is unlawful for any person to use a state park facility that requires a special use permit or a fee, without first obtaining a permit or paying the fee.

6100.2200 AIRCRAFT.

It is unlawful for any person to land any aircraft on lands or waters totally within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in ~~the conducting or assisting in the conduct~~ of official business of the United States of America, the state of Minnesota, or the ~~country~~ county in which the park is located.

6100.2300 PROTECTION FROM PEDDLING AND SOLICITING.

It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, or to post signs, handbills, or advertisements, except for authorized concessions, without the prior written consent of the park manager or forest officer.

6100.2400 SUSPENSION OF RULES.

In situations of emergency or in the case of authorized special events, the commissioner may provide temporary exceptions to the general rules for a specific state park, forest campground, or forest day use area by posting notice of ~~such~~ the exception at ~~said~~ the unit.

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

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

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

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

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

Department of Health

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 14, Number 17, pages 1037-1042, October 23, 1989 (14 S.R. 1037) are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 14, Number 17, pages 1042-1053, October 23, 1989 (14 S.R. 1042) are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 14, Number 17, pages 1053-1057, October 23, 1989 (14 S.R. 1053) are adopted as proposed.

Department of Revenue

Adopted Permanent Rules Relating to Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies)

The rules proposed and published at *State Register*, Volume 14, Number 12, pages 713-722, September 18, 1989 (14 S.R. 713) are adopted with the following modifications:

Rules as Adopted

8100.0100 DEFINITIONS.

Subp. 14a. **Qualifying construction work in progress.** "Qualifying construction work in progress" means the cost of materials and associated charges ~~included in construction work in progress which is not yet attached to the utility property which are not yet placed in a permanent site.~~

Official Notices

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.

Minnesota State Arts Board

Notice of Board Meeting

A meeting of the Minnesota State Arts Board will take place at 9:30 a.m. on Thursday, January 18, 1990 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect.

Agenda items will include board decisions on fellowship grants to visual artists, selection of panel members for all Arts Board programs, and announcement of new Career Opportunity Grant awards.

For more information on this meeting or other activities, contact the Arts Board at 432 Summit Avenue, Saint Paul, MN 55102 or call (612) 297-2603.

Minnesota Comprehensive Health Association

Notice of Meeting of Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 10:00 a.m. on Tuesday, January 23, 1990, at Group Health Inc., 2829 University Avenue SE, Minneapolis, Minnesota, 55414. For additional information, please call (612) 456-8466.

Minnesota State Lottery

Notice of Meeting of the Board

MEETING NOTICE
MINNESOTA STATE LOTTERY BOARD
Gene Bier, Chair
Friday, January 19, 1990
1:00-3:00 p.m.
Minnesota State Lottery Conference Room
2nd Floor, Centennial Building
658 Cedar Street
St. Paul, Minnesota

Regent Candidate Advisory Council

Applications Sought for Council Membership

Senate Majority Leader Roger Moe and House Speaker Robert Vanasek are seeking public recommendations for membership on the Regent Candidate Advisory Council. Created in 1988, the Council recruits potential candidates for the Board of Regents of the University of Minnesota and recommends candidates for each vacancy to the legislature. The membership has staggered terms of six years and there will be several appointments made after January 31, 1990. The per diem for service is \$48.00 per meeting.

To receive an application for Council membership, please contact Janet Lund by calling 612-297-3697 or writing Room 85, State Office Building, St. Paul, MN 55155. Applications must be postmarked by February 25, 1990.

Dated: 8 January 1990

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.

Department of Revenue

Appeals and Legal Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Sales Tax on Producing, Fabricating, Printing, or Processing of Property Furnished by Consumer; Property used in Agricultural and Industrial Production; and Capital Equipment

NOTICE IS HEREBY GIVEN that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rules governing Sales Tax on Producing, Fabricating, Printing, or Processing of Property Furnished by Consumer; Property used in Agricultural and Industrial Production; and Capital Equipment. The adoption of these rules is authorized by *Minnesota Statutes*, section 297A.29, which requires the agency to promulgate all needful rules for the administration and enforcement of *Minnesota Statutes*, sections 297A.01 to 297A.44 not inconsistent with its provisions.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

The State Department of Revenue requests information and opinions concerning the subject matter of these rules. 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:

Stephen E. Krenkel, Attorney
Minnesota Department of Revenue
Appeals and Legal Services Division
10 River Park Plaza
Mail Station 2220
St. Paul, MN 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-3438 and in person at the above address.

All statements of information and opinions shall be accepted until February 16, 1990. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 4 January 1990

Stephen E. Krenkel
Attorney

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, February 1, 1990, at 1:30 p.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

Department of Veterans Affairs

Veterans Home Board

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules for Governance of the Minnesota Veterans Homes

NOTICE IS HEREBY GIVEN that the Veterans' Home Board of the Minnesota Department of Veterans Affairs is drafting rules authorized by *Minnesota Statutes*, section 198.003, concerning the services, facility and resident rights and responsibilities of the Minnesota Veterans Homes.

All interested persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Eileen Hanlon
Minnesota Veterans Homes
Building 6, Room 105
5101 Minnehaha Avenue South
Minneapolis, Minnesota 55417

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 721-0600, extension 283.

All statements of information and comment will be accepted until further notice is given or the Notice of Hearing or Notice of Intent to Adopt Without a Hearing are published in the *State Register*. Any written material received by the Department shall become part of the hearing record.

State Board of Vocational Technical Education

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in General licensure rules: Voluntary surrender of teacher licenses, Consultant, Substitute License, Letter of approval, Adult Supplementary; New Ventures; Marketing Occupations, Customer Service Management, Postal Service Management; Health Occupations: Athletic Medicine Technology; Technical Occupations, Electronics Technology. Promulgation of these rules is authorized by *Minnesota Statutes* § 136C.04, subd. 9, and 125.185, subd. 4.

The State Board of Vocational Technical Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Ms. Jeanette Daines
State Board of Vocational Technical Education
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0679

Ms. Georgia Pomroy
State Board of Vocational Technical Education
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Oral statements will be received during regular business hours over the telephone at (612) 296-0680 or in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m., Thursday, February 22, 1990. Any written material received by the State Board of Vocational Technical Education shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie, Interim State Director
State Board of Vocational
Technical Education

Board of Water and Soil Resources

Notice of Meeting Location

The Board of Water and Soil Resources will hold their January 24, 1990 meeting at the Holiday Inn-North, 2540 North Cleveland, Roseville, MN 55113.

Board of Water and Soil Resources

Outside Information or Opinions Sought Regarding a Proposed Program to Cost-Share the Sealing of Improperly Abandoned Wells

NOTICE IS HEREBY GIVEN that the Board of Water and Soil Resources is seeking specific information or opinions from sources outside the agency in developing a program to cost-share the sealing of improperly abandoned wells. Establishment of this program is authorized by *Minnesota Statutes*, Chapter 1031.331.

The Board requests information and opinions concerning criteria for selecting counties for well sealing and well sealing priorities. Comments must address the criteria listed in *Minnesota Statutes*, Chapter 1031.331, subdivisions 2 and 3. Interested persons or groups may submit data or views in writing concerning the criteria listed in subdivision 2 or 3. Statements should be addressed to: Eric Mohring, Board of Water and Soil Resources, 155 South Wabasha Street, Suite 104, St. Paul, MN 55107.

Statements will be accepted until February 16, 1990.

Dated: 4 January 1990

Jim Birkholz, Executive Director
Board of Water and Soil Resources

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.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

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

Commodity: Data General laser printers-rebid
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 19
Agency: State University Board
Deliver to: St. Paul
Requisition #: 26137 05225 1

Commodity: Compaq 286 and Toshiba printers—rebid
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 19
Agency: Revenue Department
Deliver to: St. Paul
Requisition #: 67350 23369 1

Commodity: Local area network extension
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 19
Agency: Aeronautics Division—Transportation Department
Deliver to: St. Paul
Requisition #: 79000 03907

Commodity: Bi-directional loader tractors
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 22
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382 01853

Commodity: Van
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 22
Agency: Transportation Department
Deliver to: Mankato
Requisition #: 79382 01874

Commodity: Trucks
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 22
Agency: Transportation Department
Deliver to: Oakdale
Requisition #: 79382 01844

State Contracts and Advertised Bids

Commodity: Stop van/delivery truck
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 22
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382 01873

Commodity: Chassis cab truck w/
telescoping aerial lift
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 22
Agency: Transportation Department
Deliver to: Oakdale
Requisition #: 79382 01878

Commodity: Asphalt reclamation &
storage unit
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 22
Agency: Transportation Department
Deliver to: Duluth
Requisition #: 79382 01884

Commodity: 3/4 ton 4x4 pickup w/body
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 22
Agency: Transportation Department—
Central Shop
Deliver to: St. Paul
Requisition #: 79382 01845

Commodity: Aluminium planking/
bleachers
Contact: Pam Anderson 296-1053
Bid due date at 2pm: January 22
Agency: Southwest State University
Deliver to: Marshall
Requisition #: 26175 00308

Commodity: Software—autocal
Contact: Joan Breisler 296-9071
Bid due date at 2pm: January 22
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073 21525

Commodity: Holding cabinet
Contact: Joan Breisler 296-9071
Bid due date at 2pm: January 22
Agency: Correctional Facility
Deliver to: St. Cloud
Requisition #: 78830 10183

Commodity: Shelving
Contact: John Bauer 296-2621
Bid due date at 2pm: January 22
Agency: Minnesota Veterans Home
Deliver to: Minneapolis
Requisition #: 75201 70329

Commodity: Digital microwave
equipment
Contact: Pam Anderson 296-1053
Bid due date at 2pm: February 2
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 03741

Commodity: Thermal Analysis
Systems—Rebid
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: January 31
Agency: State University
Deliver to: Winona
Requisition #: 26074 13220

Commodity: Rubbish Disposal
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: January 23
Agency: Correctional Facility
Deliver to: Sauk Centre
Requisition #: Price Contract

Commodity: Grand Uniform Clothing
and Accessories
Contact: Norma Cameron 296-2546
Bid due date at 2pm: January 23
Agency: Corrections Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Information Technology
Solutions (Microcomputers,
maintenance, software)
Contact: Donald Olson 296-3771
Bid due date at 2pm: February 7
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Window Cleaning—
Capitol Complex
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: February 14
Agency: Administration Department—
Plant Management
Deliver to: St. Paul
Requisition #: Price Contract

For Real Estate Professionals:

REAL ESTATE RULES 1987

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

REAL ESTATE LAWS 1988

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$7.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*



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

State Contracts and Advertised Bids

Department of Administration: Print Communications Division

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.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: License certificate seal, 1M 4"x2½", permanent adhesive, dull laminate foil, over laminate single, type to set, 1-sided

Contact: Printing Buyer's Office

Bids are due: January 18

Agency: Minnesota Health Department

Deliver to: Minneapolis

Requisition #: 4167

Commodity: Authorization for services and commodities, 5M 3-part sets, 9½"x11" overall, negs available, 1-sided, 1-fan fold, left/right crimp

Contact: Printing Buyer's Office

Bids are due: January 18

Agency: Minnesota Health Department

Deliver to: Minneapolis

Requisition #: 4168

Commodity: Deposit with State Depository, 12M 3-part sets, 8½"x3¾" overall, perf at top, negs available, 1-sided

Contact: Printing Buyer's Office

Bids are due: January 18

Agency: Administration Department—
Central Stores

Deliver to: St. Paul

Requisition #: 4213

Commodity: Receipt/Invoice, 80M 4-part sets, 8½"x8¾" with stub, type to set, 1-sided 3 parts, 2-sided 1 part

Contact: Printing Buyer's Office

Bids are due: January 19

Agency: Secretary of State

Deliver to: St. Paul

Requisition #: 4248

Commodity: Sheriff's Boat Inspection Stickers, 35M 1½"x2¾", type to set, 1-sided, .002 clear (mylar) polyester film with pressure sensitive acrylic adhesive

Contact: Printing Buyer's Office

Bids are due: January 19

Agency: Natural Resources Department

Deliver to: St. Paul

Requisition #: 4286

Commodity: Teachers Licenses, 20M 3-part sets, 3-ply continuous, 9½"x11" overall, fanfold 1-up, negs available, 1-sided

Contact: Printing Buyer's Office

Bids are due: January 19

Agency: Education Department

Deliver to: St. Paul

Requisition #: 4310



Morel: Minnesota's mushroom

The Mushroom Hunter's Field Guide. An all-color guide by Alexander Smith and Nancy Smith Weber with clear and orderly facts, explicit pictures and scientific accuracy. Stock # 9-10, \$14.95 + tax.

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

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

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

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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

Professional, Technical & Consulting Contracts

State Designer Selection Board

Request for Proposal for a Project at the University of Minnesota

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select a designer for a project at the University of Minnesota. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., February 6, 1990, 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 7 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 the 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) 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.

Professional, Technical & Consulting Contracts

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.

7) PROJECT—1-90

Earth Sciences and Materials Engineering Building
University of Minnesota—Minneapolis

The University of Minnesota is planning to construct an Earth Sciences and Materials Engineering Building to be located at the Minneapolis campus. The project consists of approximately 150,000 asf and 273,700 gsf, to be assigned to a group of units including the School of Earth Sciences and materials science and engineering programs. It will also include advanced technology laboratories for new centers and programs, office space for the Center for the office, general purpose classrooms, and student commons space. The major categories of spaces are as follows:

• research laboratories	83,000 asf
• instructional laboratories	5,000 asf
• offices for faculty, research associates, post-docs, adjunct faculty, visiting faculty, and scientists	16,000 asf
• student offices	13,000 asf
• administrative offices	10,000 asf
• common shops for constructing and maintaining scientific apparatus and instrumentation	3,000 asf
• common analytical facilities for shared instrumentation	4,000 asf
• classrooms	7,000 asf
• student commons space	4,500 asf

Within the research laboratory space described above there are special considerations such as: approximately 20,000 asf of vibration isolation space; 3,000 asf of class 100 clean rooms; clean benches; 2,000 asf for acid rooms; 1,000 asf for cold rooms; spaces with magnetic shielding; and laboratory spaces for high static and dynamic floor loading.

The site for the project is the open space between Akerman Hall and Memorial Stadium. As a prominent building on the campus, it is important that the overall design express a very positive aesthetic image and that the architect demonstrate these abilities.

The construction budget is approximately \$42,450,000.00. The design team is to have applicable experience in design projects of this type.

Questions concerning this project may be referred to Clinton Hewitt at (612) 625-7355.

Mark Anderson, Chairman
State Designer Selection Board

Minnesota Higher Education Coordinating Board

Notice of Request for Proposals for Financial Consultant Services

The Minnesota Higher Education Coordinating Board (MHECB) has legislatively mandated responsibility in the area of post-secondary education. This project will focus on the financing of the student loan programs administered by the MHECB and will be to provide consultative services in the developing of financial offerings or other financing alternatives to provide funding for the loan programs and to provide other financial services, as requested, relative to the funding and operation of the loan program. The contract emanating from this proposal will be for the period beginning with the execution of the contract through June 30, 1991, with the option to renew the contract through June 30, 1993.

This request for proposal (RFP) does not obligate the MHECB to complete this project and the MHECB reserves the right to cancel the solicitation if it is considered to be in its best interest.

It is estimated that the total cost of this proposal will exceed \$15,000 for the original contract period.

For further information and formal RFP documents, contact:

Administrative Services
Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-9696

Proposals will be accepted until 4:00 p.m. February 9, 1990.

State Planning Agency

Governor's Planning Council on Developmental Disabilities

Developmental Disabilities Program

Request for Proposals for Increasing the Independence, Productivity, and Integration into the Community of Individuals by Increasing the Accountability of Community Service Providers, Parents and Advocates, Generic Agencies, and Citizens

The Governor's Council announces that it is seeking proposals from eligible public or private nonprofit organizations to undertake projects related to increasing the independence, productivity, and integration into the community of individuals with developmental disabilities of all ages by increasing the accountability of community service providers, parents and advocates, generic agencies, and citizens. Approximately \$400,000 will be available for projects. The successful contractors must be able to provide at least 25 percent of the total cost of the project. Eligible applicants include nonprofit organizations, units of government, joint powers organizations, institutions of higher education, and school districts. Over 1,300 copies of the Request for Proposals have been mailed to potential contractors. Applications are due before 4:30 p.m. on Friday, March 16, 1990. For additional information contact:

Ronald E. Kaliszewski
Developmental Disabilities Program
300 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone (612) 297-3207
TDD (612) 296-9962

Department of Trade & Economic Development

Minnesota Project Outreach Corporation

Request for Proposals for Comprehensive Set of Database and Information Transfer Services for Small and Medium-Sized Businesses

The Minnesota Project Outreach Corporation has released a Request for Proposals for a project entitled:

EXPERT—TECHNOLOGY—BUSINESS
DATABASE
AND
INFORMATION TRANSFER
SERVICES

This RFP is for a comprehensive set of database and information transfer services for small and medium-sized businesses in the State of Minnesota. This information has two major components:

- (1) delivery of expert technology referral and information services and
- (2) the delivery of business assistance services information.

Vendors having an interest in responding to this RFP are encouraged to contact:

Mr. Douglas Carnival
MPOC Legal Counsel
McGrann Shea Franzen Carnival & Lamb, Chartered
2525 Lincoln Centre
333 South 7th Street
Minneapolis, MN 55402
Telephone Number (612) 338-2525

Proposal in response to this RFP must be submitted by March 1, 1990.

Department of Transportation

Notice of Available Contract for Social Curriculum on Transportation Issues and Concepts

Background

The Minnesota Department of Transportation is striving to establish a partnership with state of Minnesota school systems to include transportation issues and concepts as part of an on-going curriculum within the junior and senior high school education program. The creation of a series of self-contained courses which will fit directly into the social studies curriculum presently being taught at the secondary level is desired. An awareness of the importance of transportation, the effects of it, safety concerns of the department and state, as well as transportation's role in the economy and environment are the desired outcomes.

Requirement

The program will consist of a six sets of materials (one for each grade level) which the teaching professional can take into the classroom and utilize without alteration. Each of the packages must meet the specified learner outcomes for their designed grade level. The completed materials will be in a publishable format but will allow enough flexibility to adapt to individual teaching styles.

Consultant Qualifications (Skill and Experience)

Respondents to this RFP must have a teaching degree, must be certified in Minnesota and have experience in secondary level curriculum writing within the social studies area.

They must have coursework or have done research in the transportation area, be familiar with governmental process as well as the functioning of a state agency.

The proposal should include a resume, examples of previously developed social studies curricula, a description of how it relates to learner outcomes and locations where it has been utilized successfully and individual contacts as references.

Timing and Funding

All professional services shall not exceed \$35,000. The state reserves the right to award more than one contract.

Individuals desiring consideration must express their interest by four o'clock (4:00) Friday, February 2, 1990.

Proposals should be submitted to:

Amy J. Purfeerst
External Education Coordinator
Minnesota Department of Transportation
Room 404
St. Paul, MN 55155
Telephone: (612) 296-5395

The individual stated above is the only one authorized to answer questions regarding this RFP.

Department of Transportation

Request for Proposals for Inter-City Bus Operations from Morris, MN to Minneapolis Response Date Extension

The Department of Transportation has previously announced a request for proposals (RFP) for the design, promotion, operation and evaluation of a one year inter-city bus service demonstration project from Morris, MN to Minneapolis. This RFP was published on Tuesday, 2 January 1990 at 14 S.R. 1733. Interested persons should please take notice that the Department of Transportation has extended the response date to **February 20, 1990**.

Non-State Public Contracts

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

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

Metropolitan Council

Request for Proposals for Recycling Advertising Campaign

The Metropolitan Council is requesting proposals from qualified, experienced contractors to develop a metro-wide advertising campaign to promote recycling and yard waste reduction. Services will include concept, design, production and purchase of ads for television, radio and newspapers. Approximately \$290,000 will be available to develop the campaign and purchase the ads.

A Request for Proposals for this project may be obtained by contacting Marge Hols, Director of Community Services, at 612 291-6423. An informational meeting for prospective proposers will be held Jan. 22, 10:30 a.m., in Room A at the Council offices, 230 East 5th Street, St. Paul.

Proposals will be accepted by the Council until Feb. 5 at 4 p.m. This request does not obligate the Council and it reserves the right to cancel this solicitation.

All proposals should be addressed to:

Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
ATTN: Marge Hols

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.

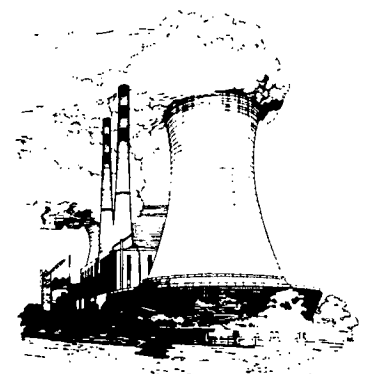
1988 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$16.00.

1989 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*



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

State Grants

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

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

Department of Corrections

Notice of Availability of Funds for Release Transition Services

The Minnesota Department of Corrections, Community Services Division, announces the availability of grant funds for pre/post release transition services.

A total of \$150,250.00 is available for services to Department of Correction inmates and supervised releasees from the Minnesota Correctional Facility—Shakopee and the Minnesota Correctional Facility—Lino Lakes, for a 15 month period, commencing April 1, 1990 through June 30, 1991.

Successful applicant(s) may be eligible for continued funding after the initial grant period.

Public and private units are eligible to apply. The deadline for grant proposal submission is *Friday, February 28, 1990, 4:30 p.m.* To receive a request for proposal which describes how to apply for this funding, contact: Ethel Jackman, Minnesota Department of Corrections, Community Services Division, 300 Bigelow Building, 450 North Syndicate, St. Paul, Minnesota, 55104. Telephone (612) 642-0235.

16 January 1990

Minnesota Historical Society

Notice of Federal Matching Grants for Cities with Local Historic Preservation Programs and for Non-Profit Organizations and Units of Government to Prepare Historic Structures Reports

Federal Certified Local Government Matching Grants

The deadline for applications to the Minnesota Historical Society for federal Certified Local Government matching grants is 4:30 p.m. on Friday, February 9, 1990. Only those cities with local historic preservation programs certified by the State Historic Preservation Office are eligible. It is anticipated that at least \$50,000 will be awarded in 1990. For further information contact Tim Glines, Grants Manager, at (612) 726-1171.

Historic Structures Report

The Minnesota Historical Society will administer a limited number of federal matching grants to assist nonprofit organizations and local units of state and local government to prepare Historic Structures Reports for properties listed on the National Register of Historic Places. These grants may not be used for actual restoration. It is anticipated that up to \$25,000 will be awarded and that the maximum awarded for a single project will be \$7,500. Applications must be received by 4:30 p.m. on Friday, February 9, 1990. For further information contact Tim Glines, Grants Manager, at (612) 726-1171.

Supreme Court Decisions, Opinions & Rules

Decisions Filed 12 January 1990

C9-89-42 State of Minnesota v. James T. Slowinski, Appellant. Hennepin County.

1. The trial court properly ruled that defendant's confession was voluntary and admissible for purposes of impeachment.
2. The *Spreigl* evidence was properly admitted.
3. The trial court did not err in admitting the tape-recorded conversations between defendant and his former wife.
4. The evidence is sufficient to provide beyond a reasonable doubt that defendant committed first degree murder.

Affirmed. Wahl, J.

C5-89-670 State of Minnesota, Appellant v. Rolland Lee Moffatt, Gerald Joe Moffatt and Terry Lee Theis. Court of Appeals.

Police did not violate defendants' Fourth Amendment rights (a) in stopping their car a short distance from scene of burglary moments after the burglary was committed; (b) in detaining suspects for one hour, where the reasonable suspicion justifying the detention remained and the officers acted diligently and reasonably under the circumstances; (c) in placing the suspects in separate squad cars; and (d) in temporarily seizing one shoe from each suspect for the purpose of comparing the shoes with footprints left at the scene of the burglary.

Reversed and remanded for trial. Simonett, J.

Dissenting, Wahl, J.

C8-89-1148 Suzanne Tomfohr, as trustee for the heirs of John Tomfohr, deceased, Plaintiff v. The Mayo Foundation and St. Mary's Hospital. United States District Court Division of Minnesota, First Division.

The certified question is answered in the negative. Kelley, J.

Took no part: Keith, J.

C3-88-1757 Clifford Ryan v. ITT Life Insurance Corporation, Appellant. Court of Appeals.

1. When a standard accident disability income insurance policy is governed by *Minnesota Statutes* § 62A.04 (1988), the required limitations provision of *Minnesota Statutes* § 62A.04 subd. 2(11) (1988) applies rather than the general six-year statute of limitations for contracts contained in *Minnesota Statutes* § 541.05, subd. 1(1) (1988).

2. Whether the insured was continuously totally disabled according to the terms of the standard accident and sickness policy is a question of fact that must be answered first in order to determine whether the three-year limitations period of *Minnesota Statutes* § 62A.04 subd. 2(11) bars insured's suit.

3. Determination of whether an insurer is prejudiced by the failure of one insured by a standard accident and sickness insurance policy to give timely Notice of Claim is a question of fact which renders a ruling on the issue of whether such failure bars suit inappropriate on a review of a summary judgment motion.

Reversed in part, affirmed in part and remanded. Keith, J.

C5-88-2070 Craig A. Knudsen v. Northwest Airlines, Inc., petitioner, Appellant. Court of Appeals.

In a stock option agreement providing for termination of the agreement in the event the employee who was granted the rights ceases to be employed for any reason, there is no implied covenant of good faith termination for cause.

Reversed. Keith, J.

C4-89-384 State of Minnesota v. Daniel Bruce Johnson, petitioner, Appellant. Court of Appeals.

Presence of aggravating circumstances justified trial court in imposing sentence of two times the presumptive sentence duration for offense of attempted criminal sexual conduct in the first degree; this is not that rare case in which severe aggravating circumstances are present justifying a greater-than-double durational departure.

Affirmed as modified. Keith, J.

Orders

CX-89-1815 In Re Petition for Disciplinary Action against Edward A. Kutcher, Jr., an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Kelley, J.

Order C6-89-2248 Order Establishing the Criminal Courts Study Commission and Appointing Members

WHEREAS, 1989 *Minnesota Laws*, Chapter 335, Article 3, Section 41, authorizes the Supreme Court to establish a commission to study ways to more expeditiously dispose of criminal cases and reports its conclusions to the Supreme Court by January 1, 1991; and

WHEREAS, the expeditious disposition of criminal cases can contribute to a higher quality of justice without sacrificing fair outcome and without denying due process of the law; and

WHEREAS, the Conference of Chief Judges, through its continuing efforts to actively manage the trial court caseload, has identified the timely disposition of criminal cases as essential to the effective administration of justice;

NOW, THEREFORE, IT IS HEREBY ORDERED that a Criminal Courts Study Commission is established to examine:

1. Whether systems, rules and statutes of other jurisdictions provide alternative models which would simplify procedures and expedite the processing of criminal cases without sacrificing fair outcome;

Supreme Court Decisions, Opinions & Rules

2. Whether certain kinds of minor offenses should be decriminalized and subjected to an administrative process, with the option of enhancing the matter to a misdemeanor if prior judgments have been entered against a party;

3. Whether the petty misdemeanor category should be expanded to replace current misdemeanor offenses in some instances, with criteria for enhancing a petty misdemeanor to a misdemeanor in specified circumstances; and

4. Whether other administrative or legislative action can be taken to facilitate the expeditious disposition of criminal and juvenile cases without sacrifice of due process of law.

The commission shall file its report with the Supreme Court on or before January 1, 1991.

IT IS FURTHER ORDERED that the following persons are hereby appointed to serve on the commission:

Edwin J. Butterfoss
Hamline University School of Law
1536 Hewitt Avenue
St. Paul, MN 55104
(612) 641-2141

Honorable James M. Campbell
Second Judicial District Court Judge
1633 Ramsey County Courthouse
St. Paul, MN 55102
(612) 298-4101

Kenneth V. Collins
Maplewood Chief of Police
1830 East County Road B
Maplewood, MN 55109
(612) 770-4533

Martin J. Costello
Attorney at Law
101 East Fifth Street, #2100
St. Paul, MN 55101
(612) 224-4703

Willard B. Crowley
Attorney at Law
Hennepin County Bar Association
430 Marquette Avenue, Suite 402
Minneapolis, MN 55402
(612) 340-0022

Michael Cunniff
Bureau of Community Corrections
C-2353 Government Center
Minneapolis, MN 55487
(612) 348-8982

Honorable Michael J. Davis
Fourth Judicial District Court Judge
12-C Government Center
Minneapolis, MN 55487
(612) 348-3677

Debora K. Ellis
Attorney at Law
345 St. Peter Street, Suite 300
St. Paul, MN 55102
(612) 227-0856

David Knutson
First Asst. Hennepin County Public Defender
2300-C Government Center
Minneapolis, MN 55487
(612) 348-6310

Mark N. Lystig
Assistant Ramsey County Attorney
350 St. Peter Street, Suite 350
St. Paul, MN 55102
(612) 298-4421

John E. MacGibbon
Sherburne County Attorney
321 Lowell
Elk River, MN 55330
(612) 441-1383

Ronald I. Meshbesher
Attorney at Law
1616 Park Avenue South
Minneapolis, MN 55404
(612) 339-9121

Honorable James A. Morrow
Tenth Judicial District Court Judge
Anoka County Courthouse
Anoka, MN 55303
(612) 422-7471

John D. Erskine
Richfield Department of Public Safety
6700 Portland Avenue South
Richfield, MN 55423
(612) 861-9810

Greg M. Ess
Scott County Court Administrator
Scott County Courthouse
Shakopee, MN 55379
(612) 496-8200

Honorable Donovan W. Frank
Sixth Judicial District Court Judge
St. Louis County Courthouse
Virginia, MN 55792
(218) 749-7142

William J. Gatten
Hennepin County Legal Rights Center
808 Each Franklin
Minneapolis, MN 55404
(612) 871-4886

James T. Hanks
First Assistant Public Defender—Ramsey County
900 American National Bank Building
St. Paul, MN 55101
(612) 298-5797

Supreme Court Decisions, Opinions & Rules

Honorable Doris Ohlsen Huspeni
Minnesota Court of Appeals
1300 Landmark Towers
St. Paul, MN 55102
(612) 297-1014

Debra Jacobsen
Assistant Olmsted County Attorney
Courthouse
Rochester, MN 55904
(507) 285-8138

Representative Randy C. Kelly
Chair, House Judiciary Committee
509 State Office Building
St. Paul, MN 55155
(612) 296-4277

Orville B. Pung
Commissioner, Department of Corrections
459 North Syndicate Street
St. Paul, MN 55104
(612) 642-0282

Candace Rasmussen
Third District Public Defender
P.O. Box 886
Winona, MN 55987
(507) 454-2590

Salvador M. Rosas
Executive Director
Neighborhood Justice Center
500 Laurel Avenue
St. Paul, MN 55102
(612) 222-4703

Sonya Steven
Assistant Hennepin County Attorney
Hennepin County Attorney's Office
2000-C Government Center
Minneapolis, MN 55487
(612) 348-3099

IT IS FURTHER ORDERED that Martin J. Costello, Attorney at Law, shall serve as chairperson of the commission and that Michael B. Johnson, Office of the State Court Administrator, shall serve as staff to the commission.

Dated: 29 December 1989

BY THE COURT
Peter S. Popovich
Chief Justice of the Supreme Court
of the State of Minnesota

Order C8-84-1650 In Re Petitions to Amend the *Minnesota Rules of Professional Conduct*

WHEREAS, on July 25, 1989, the Lawyers Professional Responsibility Board filed a petition to amend Rule 1.6(b), Rule 7.2(d) and (e), and Rule 8.4(g) of the *Minnesota Rules of Professional Conduct*; and

WHEREAS, on July 27, 1989, the Minnesota Bar Association filed a petition to amend Rule 1.15 and Rule 8.4(g) of the *Minnesota Rules of Professional Conduct*; and

WHEREAS, on December 14, 1989, a public hearing was held before this Court to determine whether the petitions should or should not be granted:

Based upon the files, records, and proceedings herein:

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The petition of the Lawyers Professional Responsibility Board to amend Rule 1.6(b) and Rule 7.2(d) and (e) is granted. The petition to amend Rule 8.4(g) is deferred, pending the outcome of litigation before this Court.

2. The petition of the Minnesota State Bar Association to amend Rule 1.15 is granted. The petition to amend Rule 8.4(g) is granted, but has been restricted to those actions within a lawyer's professional activities.

3. The attached amendments to the *Minnesota Rules of Professional Conduct* be, and the same hereby are, prescribed and promulgated as Rules regulating attorney discipline in the State of Minnesota.

4. The comments are included for convenience and the Supreme Court does not necessarily approve the content of the comments.

5. These amended rules shall govern all disciplinary actions commenced on or after January 1, 1990.

Dated: 27 December 1989

BY THE COURT:
Peter S. Popovich, Chief Justice

Supreme Court Decisions, Opinions & Rules

Amendments to the Rules of Professional Conduct, Effective January 1, 1990

Rule 1.6 Confidentiality of Information

- (a) Except when permitted under paragraph (b), a lawyer shall not knowingly:
- (1) reveal a confidence or secret of a client;
 - (2) use a confidence or secret of a client to the disadvantage of the client;
 - (3) use a confidence or secret of a client for the advantage of the lawyer or a third person, unless the client consents after consultation.
- (b) A lawyer may reveal:
- (1) confidences or secrets with the consent of the client or clients affected, but only after consultation with them;
 - (2) confidences or secrets when permitted under the Rules of Professional Conduct or required by law or court order;
 - (3) the intention of a client to commit a crime and the information necessary to prevent a crime;
 - (4) confidences and secrets necessary to rectify the consequences of a client's criminal or fraudulent act in the furtherance of which the lawyer's services were used;
 - (5) confidences or secrets necessary to establish or collect a fee or to defend the lawyer or employees or associates against an accusation of wrongful conduct.
- (c) A lawyer shall exercise reasonable care to prevent employees, associates and others whose services the lawyer utilizes from disclosing or using confidences or secrets of a client, except that a lawyer may reveal the information allowed by paragraph (b) through an employee.
- (d) "Confidence" refers to information protected by the attorney-client privilege under applicable law and "secret" refers to other information gained in the professional relationship that the client has requested to be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

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.

Comment—198589

General

Both the fiduciary relationship existing between lawyer and client and the proper functioning of the legal system require the lawyer to preserve confidences and secrets of one who has employed or sought to employ the lawyer. A client must feel free to discuss whatever the client wishes with the lawyer and a lawyer must be equally free to obtain information beyond what the client volunteers. A lawyer should be fully informed of all the facts of the matter the lawyer is handling in order for the client to obtain the full advantage of our legal system. It is for the lawyer in the exercise of independent professional judgment to separate the relevant and important from the irrelevant and unimportant.

Observance of the lawyer's ethical obligation to hold inviolate the client's confidences and secrets not only facilitates the full development of facts essential to proper representation of the client but also encourages people to seek early legal assistance.

Authorized Disclosure

The obligation to protect confidences and secrets obviously does not preclude a lawyer from revealing information when the client consents after consultation, when necessary to perform professional employment, when permitted by the Rules of Professional Conduct or when required by law.

The confidentiality required under this rule should not allow a client to utilize the lawyer's services in committing a criminal or fraudulent act. A lawyer is permitted to reveal the intention of a client to commit a crime and the information necessary to prevent the crime. In addition, where the lawyer finds out, after the fact, that the lawyer's services were used by the client to commit a criminal or fraudulent act, the lawyer has the discretion to reveal information necessary to rectify the consequences of the client's crime or fraud. A lawyer is not permitted, however, to disclose a client's criminal or fraudulent act committed prior to the client's retention of the lawyer's services.

Unless the client otherwise directs, a lawyer may disclose the client's affairs to partners or associates.

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It is a matter of common knowledge that the normal operation of a law office exposes confidential professional information to non-lawyer employees of the office, particularly secretaries and those having access to the files; and this obligates a lawyer to exercise care in selecting and training employees so that the sanctity of all confidences and secrets of clients may be preserved.

If the obligation extends to two or more clients as to the same information, a lawyer should obtain the permission of all before revealing the information.

A lawyer must always be sensitive to the client's rights and wishes and act scrupulously in making decisions which may involve disclosure of information obtained in the professional relationship. Thus, in the absence of the client's consent after consultation, a lawyer should not associate another lawyer in handling a matter; nor, in the absence of consent, seek counsel from another lawyer if there is a reasonable possibility that the client's identity or confidences or secrets would be revealed to that lawyer. Both social amenities and professional duty should cause a lawyer to shun indiscreet conversations concerning clients.

Unless the client otherwise directs, it is not improper for a lawyer to give limited information from the lawyer's files to an outside agency necessary for statistical, bookkeeping, accounting, data processing, banking, printing, or other legitimate purposes, provided the lawyer exercises due care in selecting the agency and warns the agency that the information must be kept confidential.

Protecting Confidences

The attorney-client privilege is more limited than the lawyer's ethical obligation to guard the client's confidences and secrets. The ethical obligation, unlike the evidentiary privilege, exists without regard to the nature or source of information or the fact that others share the knowledge.

A lawyer should endeavor to act in a manner which preserves the evidentiary privilege; for example, the lawyer should avoid professional discussions in the presence of persons to whom the privilege is not extended. A lawyer owes an obligation to advise the client of the attorney-client privilege and timely to assert the privilege unless it is waived by the client.

Using Confidences and Secrets

A lawyer should not use information acquired in the course of the representation of a client to the client's disadvantage, and a lawyer should not use, except with the client's consent after full disclosure, such information for the lawyer's own purposes.

Likewise, a lawyer should not be diligent in efforts to prevent misuse of such information by employees and associates.

A lawyer should exercise care to prevent disclosure of confidences and secrets of one client to another and should accept no employment that might require such disclosure.

Former Client

The lawyer's obligation to preserve the client's confidences and secrets continues after termination of the employment. Thus, a lawyer should not attempt to sell a law practice as a going business because, among other things, to do so would involve disclosure of confidences and secrets.

A lawyer should also provide for the protection of the client's confidences and secrets following the termination of the practice of the lawyer, whether termination is due to death, disability or retirement. For example, a lawyer might provide for the client's personal papers to be returned to the client and for the lawyer's papers to be delivered to another lawyer or to be destroyed. In determining the method of disposition, the client's instructions and wishes should be a dominant consideration.

Rule 1.15 Safekeeping Property

(i) Lawyer trust accounts shall be maintained only in financial institutions approved by the Office of Lawyers Professional Responsibility.

(j) A financial institution shall be approved as a depository for lawyer trust accounts if it shall file with the Office of Lawyers Professional Responsibility an agreement, in a form provided by the Office, to report to the Office in the event any properly payable instrument is presented against a lawyer trust account containing insufficient funds, irrespective of whether or not the instrument is honored. The Lawyers Professional Responsibility Board shall establish rules governing approval and termination of approved status for financial institutions, and shall annually publish a list of approved financial institutions. No trust accounts shall be maintained in any financial institution which does not agree to make such reports. Any such agreement shall apply to all branches of the financial institution and shall not be cancelled except upon (3) days notice in writing to the Office.

(k) The overdraft notification agreement shall provide that all reports made by the financial institution shall be in the following format:

(1) In the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor, and should include a copy of the dishonored instrument, if such a copy is normally provided to depositors.

(2) In the case of instruments that are presented against insufficient funds but which instruments are honored, the report shall identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment and the date paid, as well as the amount of overdraft created thereby.

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Such reports shall be made simultaneously with, and within the time provided by law for notice of dishonor, if any. If an instrument presented against insufficient funds is honored, then the report shall be made within (5) banking days of the date of presentation for payment against insufficient funds.

(l) Every lawyer practicing or admitted to practice in this jurisdiction shall, as a condition thereof, be conclusively deemed to have consented to the reporting and production requirements mandated by this rule.

(m) Nothing herein shall preclude a financial institution from charging a particular lawyer or law firm for the reasonable cost of producing the reports and records required by this rule.

(n) DEFINITIONS

“Financial Institution”—includes banks, savings and loan associations, credit unions, savings banks and any other business or person which accepts for deposit funds held in trust by lawyers.

“Properly payable”—refers to an instrument which, if presented in the normal course of business, is in a form requiring payment under the laws of this jurisdiction.

“Notice of dishonor”—refers to the notice which a financial institution is required to give, under the laws of this jurisdiction, upon presentation of an instrument which the institution dishonors.

Rule 7.2 Advertising

(a) Subject to the requirements of Rule 7.1, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor advertising, radio or television, or through written communication.

(b) A copy or recording of an advertisement or written communications shall be kept for two years after its last dissemination along with a record of when and where it was used.

(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written communication permitted by this Rule and may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.

(d) Any communication made pursuant to this Rule shall include the name of at least one licensed Minnesota lawyer responsible for its content if the legal services advertised are to be performed in whole or in part in Minnesota.

(e) Every lawyer associated with or employed by a law firm which causes or makes a communication in violation of this Rule may be subject to discipline for failure to make reasonable remedial efforts to bring the communication into compliance with this rule.

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's dishonesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official;

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or

(g) harass a person on the basis of sex, race, creed, religion, color, national origin, disability, sexual preference or marital status in connection with a lawyer's professional activities.

COMMENT—198589

Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offense carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving “moral turpitude.” That concept can be construed to include criminal and civil offenses concerning some matters of personal morality, such as adultery and comparable offenses discrimination or harassment on the basis of sex, race, creed, religion, color, national origin, disability, sexual preference or marital status that have no specific connection to fitness for the practice of law. Although a Each lawyer, of course, the same as any other citizen is personally answerable to the entire criminal law and, as well, the civil law relating to discrimination and harassment, but a lawyer should be professionally answerable in addition only for offenses that indicate lack of those characteristics relevant to the law practice of law. Offenses involving violence, dishonesty, or breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

Lawyers holding public office assume legal responsibility going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of attorney. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

Announcements

Environmental Quality Board (EQB): Comments are due February 7 on the following EAWs (environmental assessment worksheets) at their listed regional governing unit: **Second Avenue-Lino Lakes**, City of Lino Lakes (612) 464-5562; **Pope County/Tri-District High School**, Pope County (612) 634-5301; **UNIMIN Corp.—Randall Property**, Le Sueur County Planning and Zoning, County Highway Bldg., LeCenter, MN 56057, Attn.: Terry L. Bovee. • The EAW has been withdrawn for the **La Crescent Marina** project. • An alternative review will be conducted on the environmental assessment for **T.H. 210 Fergus Falls By-Pass** by the Minn. Dept. of Transportation (MnDOT), Ronald G. Hoofman, District Engineer, MnDOT, 1000 Highway 10 West, P.O. Box 666, Detroit Lakes, MN 56502; and for the final impact statement for **T.H. 169—Grand Rapids to Penguilly** by MnDOT's John E. Sandahl, District Engineer, MnDOT District 1, Transportation Office, 1123 Mesaba Avenue, Duluth, MN 55811. • Petitions for environmental review have been received by the City of Greenwood for the **Lyman Lodge**. Comments should be addressed to Wendy Anderson, clerk, City of Greenwood, 20225 Cottagewood Avenue, Excelsior, MN 55331. • **The EQB will meet** January 18 at 9 a.m. in the Metropolitan Council Chambers, 230 East 5th Street (5th and Wacouta) in St. Paul. Call (612) 296-2603 for more information. • At its meeting of December 21, 1989, the EQB ordered the preparation of a Generic EIS (environmental impact statement) on the **impacts of timber harvesting in Minnesota**. An advisory committee representative of stakeholders in this issue will be appointed to assist the board in preparing its GEIS. • Also at that meeting the EQB ordered the preparation of an EIS on Northern States Power Company's proposed expansion of spent fuel storage facilities at its **Prairie Island Nuclear Generation Plant at Red Wing**. Those who wish to be placed on a list for information mailings should contact Bob Cupit by calling (612) 296-2096, or writing the EQB, 300 Centennial Bldg., 658 Cedar Street, St. Paul, MN 55155.

Plumbers License Examinations: Examinations for state journeyman and master plumber's licenses, and water conditioning installer and contractor licenses, will be conducted in March at four locations: Albert Lea Technical Institute, Detroit Lakes Area Technical Institute, Duluth Area Technical Institute and North Hennepin Community College, Brooklyn Park. Applications may be obtained by calling (612) 623-5377 or by writing to the Plumbing Unit, Minnesota Department of Health, 717 Delaware Street S.E., Box 9441, Minneapolis 55440. Applications must be returned by February 15, to be eligible for the March examinations. The next scheduled examinations will be given in September of 1990.

Governor's Appointments: Governor Rudy Perpich appointed Tom Borman commissioner of the state Dept. of Commerce on Tuesday 9 January. Borman replaces Mike Hatch.

U.S. Supreme Court to Hear Guard Case: The U.S. Supreme Court will hear the dispute between the State of Minnesota and the U.S. Dept. of Defense over use of the National Guard. Attorney General Hubert Humphrey III and Governor Perpich filed suit after Minnesota National Guard personnel were dispatched to Central America. A panel of the Eighth U.S. Circuit Court of Appeals ruled in Dec., 1988 that the Montgomery Amendment (enacted by Congress in 1986 which removed from the states the power to veto overseas National Guard training missions during peacetime) was unconstitutional. That decision was later overturned by the full Circuit Court of Appeals. The U.S. Supreme Court expects to hear the Minnesota case during the last week in March, 1990.

Truck Watch Hotline: Illegal or unsafe action by truckers in Minnesota now can be reported via **Truck Watch**, a toll-free, truck safety hotline. Operated by the Minn. Dept. of Transportation (MnDOT), the toll-free number for greater Minnesota is 1-800-657-3521, and in the Twin Cities metro area 296-9122. The lines are staffed 8 a.m. to 4:30 p.m. weekdays. At other times, callers may leave a recorded message. Callers are encouraged to identify trucks driven in an illegal or unsafe manner by the color of the truck, the name of the company and the license plate number. Persons with questions about proper truck operation may also call the hotline.

Automated Truck Routing System Starts: An automated, computerized system that provides routing instructions in moments, provided by an expert system-driven computer system called **Route Builder**, began Thursday, Jan. 11. The system is called an "expert system" or artificial intelligence (AI), contains a knowledge base about truck permits and routing and uses a method which mimics the human mind's ability to process and apply information. **Route Builder** is the first system employing AI in the U.S. All a trucker needs to do is call the truck center for routing to find the safest permissible route available. That number is (612) 296-6441. For more information about the **Route Builder** AI system, contact Darrell Schierman (612) 296-0843.

Announcements

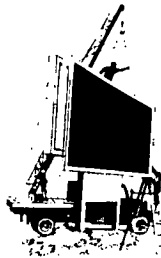
Surplus Foods Available: Surplus commodities provided by a federal program are now being distributed to soup kitchens, emergency feeding sites and food shelves around the state. Surplus commodities are food products made available through the Temporary Emergency Food Assistance Program sponsored by the U.S. Department of Agriculture (USDA). Currently available for distribution are canned pork, instant potatoes, grapefruit juice, orange juice, sweet potatoes, pinto beans, pink beans, lentil beans, applesauce, corn, dry great northern beans, dry white beans, canned lunch meat, peaches, peanut butter and plums. Minnesota receives approximately 500,000 pounds of surplus commodities purchased by USDA specifically for the homeless and soup kitchens, under the reauthorization of the Hunger Prevention Act of 1988. The surplus commodities also are available for distribution to low-income households through the state's food banks and food shelves. Participating food banks are Channel One in Stewartville, Greater Minneapolis Food Bank, Great Plains Food Bank in Fargo, N.D., North Central Food Bank in Grand Rapids and North Country Food Bank in Crookston.

Minnesota Manufacturer's Directory 1988-89



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, \$76.50.

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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Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

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Hazardous Waste Rules 1989. Governs the storage, treatment, utilization, processing, transfer, and disposal of hazardous waste. Contains the complete requirements for application for permits for discharge of hazardous waste on construction and operation of a treatment facility. Stock No. 3-71, \$16.95 plus tax.

Environmental Quality Board Rules 1989. Essential for long-term planning. Details the scope, purpose and objectives of the rules. Explains the need for environmental impact statements and the review process. Includes a special section on large energy facilities and high voltage transmission lines. Stock No. 3-54, \$5.00 plus tax.

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