

90, March 26

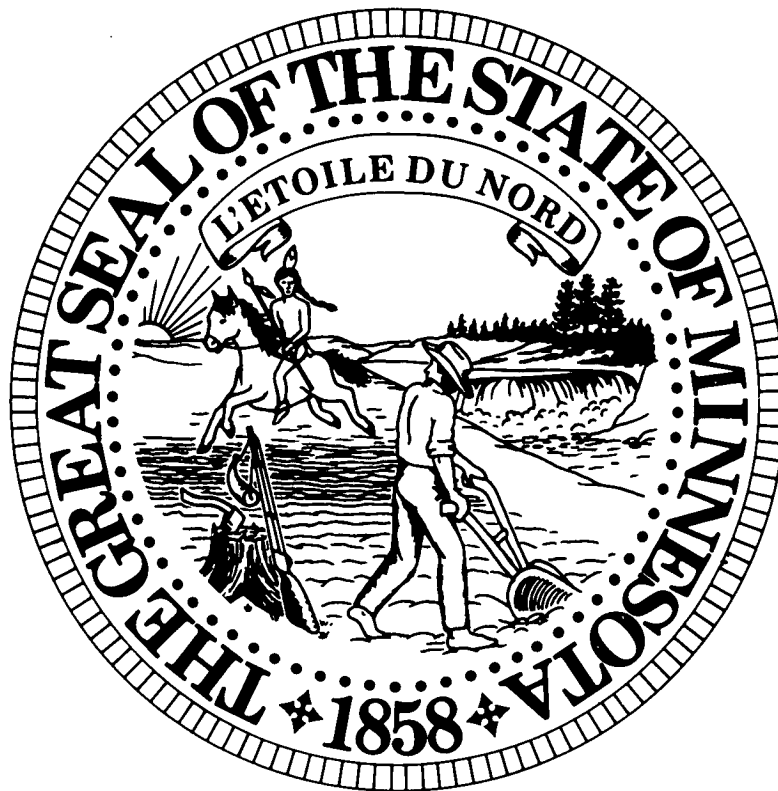
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State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



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# STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive 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
39	Monday 12 March	Monday 19 March	Monday 26 March
40	Monday 19 March	Monday 26 March	Monday 2 April
41	Monday 26 March	Monday 2 April	Monday 9 April
42	Monday 2 April	Monday 9 April	Monday 16 April

\*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.

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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.

## Minnesota Housing Finance Agency

### Proposed Permanent Rules Relating to Loans for Family Rental Housing

#### 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*, sections 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: 23 March 1990

James J. Solem  
Commissioner

# Proposed Rules

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## Rules as Proposed (all new material)

### 4900.2700 SCOPE.

Parts 4900.2700 to 4900.2707 govern the implementation of family rental housing loan programs authorized under *Minnesota Statutes*, section 462A.21, subdivision 8b.

### 4900.2701 DEFINITION.

Subpart 1. **Scope.** The terms used in parts 4900.2700 to 4900.2707 have the meaning given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by *Minnesota Statutes*, sections 462A.01 to 462A.24.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a loan under a family rental housing program.

Subp. 4. **Application.** "Application" means a submittal requesting a loan from the agency for a family rental housing program.

Subp. 5. **Development.** "Development" means the housing to be constructed or rehabilitated by the applicant as described in the application.

Subp. 6. **Family rental housing.** "Family rental housing" means rental housing consisting of units with two or more bedrooms.

Subp. 7. **Family rental housing program.** "Family rental housing program" means a loan program authorized by *Minnesota Statutes*, section 462A.21, subdivision 8b, for the acquisition, rehabilitation, or new construction of family rental housing.

Subp. 8. **Loan.** "Loan" means a disbursement of funds to an eligible applicant under a family rental housing program.

### 4900.2702 ELIGIBLE APPLICANTS.

Subpart 1. **Property interest.** An applicant for a family rental housing program loan must, at the time of application, possess one of the following interests in the property:

A. a fee title;

B. a fee title subject to a mortgage or other lien securing a debt capable of prepayment or, at the option of the agency, subordination; or

C. a mutually binding contract or option for the purchase of fee title.

Subp. 2. **Applicant eligibility.** To be eligible for selection as a recipient of a loan from a family rental housing program, an applicant must be:

A. a Minnesota nonprofit entity as defined in part 4900.0010, subpart 21; including, but not limited to, a housing and redevelopment authority established under *Minnesota Statutes*, sections 469.001 to 469.047;

B. a town or home rule charter or statutory city in Minnesota;

C. a cooperative housing corporation as defined in part 4900.0010, subpart 8;

D. a limited dividend entity as defined in part 4900.0010, subpart 14;

E. a for profit entity to the extent authorized under *Minnesota Statutes*, section 462A.21, subdivision 8b.

### 4900.2703 ELIGIBLE APPLICATIONS.

The applicant must provide an application in the form prescribed by the agency. At minimum, the application shall include the following:

A. information describing the site of the proposed development including the location, present use and zoning, surrounding land uses, and physical characteristics of the site that might affect construction;

B. a description of the proposed housing development including the building type, the size and number of dwelling units, and the characteristics of the development that make it appropriate for residency by families;

C. information with respect to the market for the proposed development including reports of market surveys or analyses, documentation of need for the development, and a proposed marketing plan;

D. a description of the construction or rehabilitation to be completed including a schedule of the proposed uses of any requested loan funds and the amounts proposed to be allocated to each use;

E. a detailed budget for the development showing all development costs, operating costs, sources of financing sought or secured, proposed rent schedule, and any other sources of income; and

F. a timetable for completion of the development.

**4900.2704 REQUIRED OCCUPANCY.**

The dwelling units developed with loans from a family rental housing program must be occupied by families whose adjusted income at the time of initial occupancy does not exceed 60 percent of the area median income, with the area median income defined as follows: the greater of the county median income or the Minnesota nonmetro median average as either is defined by the United States Department of Housing and Urban Development.

**4900.2705 ELIGIBLE UNITS.**

In new construction developments, at least 80 percent of the dwelling units constructed with loan funds from a family rental housing program must have three or more bedrooms.

**4900.2706 SELECTION CRITERIA.**

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a loan from a family rental housing program:

- A. the documented need for the residential housing in the proposed geographic area;
- B. the ability of the applicant to proceed expeditiously with the development;
- C. the applicant's prior experience in developing, owning, and operating residential housing;
- D. the cost and quality of the proposed housing;
- E. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state;
- F. the relationship of the proposed development to public facilities, sources of employment, and services, including public transportation, health, education, and recreation facilities;
- G. the appropriateness of the development for occupancy by families; and
- H. the extent to which the loan funds are combined with other sources of funding to make the development economically feasible and rents affordable for low-income families.

**4900.2707 FUNDING PRIORITY.**

The agency shall give funding priority to developments in which units are made affordable for families earning less than 50 percent of the area median, where the funds used to achieve lower rents are from sources other than the agency.

Preference must be given to families with children when selecting tenants for family rental housing.

## **Minnesota Housing Finance Agency**

### **Proposed Permanent Rules Relating to Rental Housing Loans for Individuals**

#### **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*, sections 14.131 to 14.20.

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

# Proposed Rules

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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: 23 March 1990

James J. Solem  
Commissioner

## Rules as Proposed (all new material)

### 4900.2800 SCOPE.

Parts 4900.2800 to 4900.2805 govern the implementation of rental housing loan programs for individuals authorized under *Minnesota Statutes*, section 462A.21, subdivision 8c.

### 4900.2801 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.2800 to 4900.2805 have the meanings given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by *Minnesota Statutes*, sections 462A.01 to 462A.24.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a loan under a rental housing program for individuals.

Subp. 4. **Application.** "Application" means a submittal requesting a loan from a rental housing program for individuals.

Subp. 5. **Development.** "Development" means the housing to be constructed or rehabilitated by the applicant as described in the program application.

Subp. 6. **Loan.** "Loan" means a disbursement of funds to an eligible applicant under a rental housing program for individuals.

Subp. 7. **Rental housing for individuals.** "Rental housing for individuals" means rental housing consisting of single rooms, efficiency units, or one bedroom units.

Subp. 8. **Rental housing program for individuals.** "Rental housing program for individuals" means a loan program authorized by *Minnesota Statutes*, section 462A.21, subdivision 8c, for the acquisition or rehabilitation of rental housing for individuals.

### 4900.2802 ELIGIBLE APPLICANTS.

Subpart 1. **Property interest.** An applicant for a rental housing program loan for individuals must, at the time of application, possess one of the following interests in the property:

A. a fee title;

B. a fee title subject to a mortgage or other lien securing a debt capable of prepayment or, at the option of the agency, subordination; or

C. a mutually binding contract or option for the purchase of fee title.

Subp. 2. **Applicant eligibility.** To be eligible for selection as a recipient of a loan from a rental housing program for individuals, an applicant must be:

- A. a Minnesota nonprofit entity as defined in part 4900.0010, subpart 21, including, but not limited to, a housing and redevelopment authority established under *Minnesota Statutes*, sections 469.001 to 469.047;
- B. a town or home rule charter or statutory city in Minnesota;
- C. a cooperative housing corporation as defined in part 4900.0010, subpart 8;
- D. a limited dividend entity as defined in part 4900.0010, subpart 14; or
- E. a for-profit entity to the extent authorized under *Minnesota Statutes*, section 462A.21, subdivision 8c.

**4900.2803 ELIGIBLE APPLICATIONS.**

The applicant must provide an application in the form prescribed by the agency. At a minimum, the application shall include the following:

- A. information describing the site of the proposed development including the location, present use and zoning, surrounding land uses, and distance to transportation, commercial, and social services;
- B. a description of the proposed housing development including the building type, the size and number of dwelling units, and the characteristics of the development that make it appropriate for residency by individuals;
- C. information with respect to the market for the proposed development including reports of market surveys or analyses, documentation of need for the development, and a proposed marketing and tenant selection plan;
- D. a description of the construction or rehabilitation to be completed including a schedule of the proposed uses of any requested loan funds and the amounts proposed to be allocated to each use;
- E. detailed budget for the development showing all development costs, operating costs, sources of financing sought and secured, proposed rent schedule, and any other sources of income; and
- F. a timetable for completion of the development.

**4900.2804 REQUIRED OCCUPANCY.**

The dwelling units developed with loan funds from a rental housing program for individuals must be occupied by individuals whose adjusted income at the time of the initial occupancy does not exceed 30 percent of the area median income, with the area median income defined as: the greater of the county median income or the Minnesota nonmetro median average as either is defined by the United States Department of Housing and Urban Development.

**4900.2805 SELECTION CRITERIA.**

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a loan under the program:

- A. the documented need for the residential housing in the proposed geographic area;
- B. the ability of the applicant to proceed expeditiously with the development;
- C. the applicant's prior experience in developing, owning, and operating residential housing;
- D. the cost and quality of the proposed housing;
- E. geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state;
- F. the relationship of the proposed development to public facilities, sources of employment, and services, including public transportation, health, education, and recreation facilities;
- G. the appropriateness of the development for occupancy by individuals; and
- H. the extent to which the loan funds are combined with other sources of funding to make the development economically feasible and rents affordable for low income individuals.

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

# Proposed Rules

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## Board of Teaching

### Proposed Permanent Rules Relating to Secondary Vocational Licensure; Counselor and School Nurse Licensure

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

**NOTICE IS HEREBY GIVEN** that the State Board of Teaching intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 125.05, subd. 1., 125.185, subd. 4., and 125.03, subd. 1.

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

Any person may make a written request for a public hearing on the rules 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 changes proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
608 Capitol Square  
550 Cedar Street  
St. Paul, MN 55101  
612/296-2415

The proposed rules 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 rules as noticed.

The rules proposed for adoption relate to the transfer of authority from the State Board of Education to the State Board of Teaching to license secondary vocational teachers, school counselors, and school nurses, as required by *Minnesota Statutes*, section 125.05, subd. 1 and the 1989 amendments to *Minnesota Statutes*, section 125.03. A free copy of the proposed rules is available upon request from:

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
608 Capitol Square  
550 Cedar Street  
St. Paul, MN 55101  
612/296-2415

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from:

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
608 Capitol Square  
550 Cedar Street  
St. Paul, MN 55101  
612/296-2415

If no hearing is required, upon adoption of the rules, the rules 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 rules, must submit a written request to:

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching

608 Capitol Square  
550 Cedar Street  
St. Paul, MN 55101  
612/296-2415

Dated: 26 March 1990

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching

### **Rules as Proposed (all new material)**

#### **8750.0010 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Accredited out of state institution.** "Accredited out of state institution" means a college or university accredited by an organization listed in Nationally Recognized Accrediting Agencies and Associations. This document is published in the *Federal Register*, volume 50, pages 40213 to 40217 and updated in volume 50, page 41933. It is incorporated by reference.

Subp. 3. **Approved Minnesota institution.** "Approved Minnesota institution" means a Minnesota institution approved by the Board of Teaching under part 8700.7600 to prepare persons for teacher licensure.

Subp. 4. **Technical college.** "Technical college" means a technical college operated by the State Board of Vocational Technical Education.

Subp. 5. **Category of practice.** "Category of practice" for secondary vocational licensure means an assignment, program, or a component of a program for which licensure is required by this chapter.

Subp. 6. **Clock hour.** "Clock hour" means 60 minutes of actual instruction or supervised group activities.

Subp. 7. **Course.** "Course" means for the purpose of licensing for vocational staff, a planned, separate unit of instruction in a subject area.

Subp. 8. **Credit.** "Credit" means a quarter college credit from an accredited college. Unless otherwise stated in this chapter, one quarter credit equals 12 clock hours.

Subp. 9. **DD Form 214.** "DD Form 214" means the form verifying separation from military service obtained from the separating authority upon release from active service.

Subp. 10. **Degree.** Unless otherwise stated, "degree" means a four year baccalaureate degree from a college or university accredited by an organization listed in Nationally Recognized Accrediting Agencies and Associations. This document is published in the *Federal Register*, volume 50, pages 40213 to 40217 and updated in volume 50, page 41933. It is incorporated by reference.

Subp. 11. **Dictionary of Occupational Titles.** "Dictionary of Occupational Titles" is published by the Employment and Training Administration of the United States Department of Labor. The fourth edition was published in 1977. The fourth edition, to the extent it is referred to in this chapter, is incorporated by reference. At the time a new edition is published, the new edition replaces the older edition in the references to the book in this chapter. The book is available in the Minneapolis public library and in local public libraries throughout the state. It is not subject to frequent change.

Subp. 12. **Director.** "Director" means a local vocational administrator and includes assistant directors.

Subp. 13. **Directory of the American Association of State Colleges of Agriculture and Renewable Resources.** "Directory of the American Association of State Colleges of Agriculture and Renewable Resources" identifies the state colleges of agriculture and renewable resources in the United States which are not a part of the National Association of State Universities and Land Grant Colleges. The directory is incorporated by reference. The directory is available at the State Law Library. At the time a new edition is published, the new edition replaces the older edition in the references to the book in this chapter. The directory is subject to frequent change.

Subp. 14. **Education degree.** "Education degree" means a baccalaureate or higher degree from an accredited college or university in an educational field with at least 27 quarter credits in professional education courses and including at least six quarter credits of student teaching.

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## Proposed Rules

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Subp. 15. **Electromechanical technology.** "Electromechanical technology" means design, service, and repair of any equipment that includes both electrical-electronic controls and mechanical, hydraulic, or pneumatic operating systems, such as automated production equipment, robots, and computer peripherals.

Subp. 16. **Emphasis area.** "Emphasis area" means the position titles or duties that are most directly related to the occupation in which the secondary students will be employed. This term refers to the occupational experience requirement within a category of practice.

Subp. 17. **Endorsement.** "Endorsement" means a change in an applicant's existing license that allows the person to function in an additional category of practice or in a different time allotment such as part-time, full-time, or substitute.

Subp. 18. **Equivalent.** "Equivalent," in relation to educational or technical training requirements, means equal in content as verified by a written statement provided to the personnel licensing section by staff:

A. from the department of education;

B. from the corresponding department chair from an institution accredited to provide education or training in the area stated as a licensure requirement; or

C. from the vocational service coordinator named by an approved Minnesota institution approved to offer a licensing program for vocational teacher education.

Subp. 19. **Full-time educational service.** "Full-time educational service" means, for the purpose of evaluating educational service, 1,080 hours annually.

Subp. 20. **Full-time occupational service.** "Full-time occupational service" means, for the purpose of evaluating occupational service, 2,000 hours annually (for example, eight hours daily, five days per week, 50 weeks per year).

Subp. 21. **Hardship.** "Hardship" has the meaning given in part 8750.6200, subpart 2.

Subp. 22. **Home economics program designee.** "Home economics program designee" means, for consumer and homemaking and service occupations licensure, the individual from an approved teacher education institution who is designated by the state program specialist to verify that requirements for approved courses or technical credits have been met.

Subp. 23. **Human relations program.** "Human relations program" means a program approved by the Board of Teaching that is designed to meet the human relations requirements under part 8750.3500 for licensure of Minnesota educational personnel.

Subp. 24. **Lapsed license.** "Lapsed license" means a Minnesota vocational license expired for at least one fiscal year (July 1 to June 30).

Subp. 25. **Leave.** "Leave" means a preplanned experience relevant to the area of licensure being sought. A leave consists of a structured experience, including a written educational objective, taken in an agency, business, or industry, exclusive of the applicant's current educational employment.

Subp. 26. **Licensing program for vocational teacher education.** "Licensing program for vocational teacher education" means a course or courses in vocational education offered at an approved Minnesota institution.

Subp. 27. **Local vocational administrator or administrator.** "Local vocational administrator" or "administrator" means the licensed vocational administrator who has the major responsibility for duties including budget, curriculum, and supervision in vocational education at the secondary level for a district, center, or technical college. The superintendent is the authorized local administrator in the absence of a licensed vocational administrator. For licensure of vocational staff serving in a nonpublic school, the chief executive officer of the nonpublic school or a designee may be authorized by the personnel licensing section to recommend licensure.

For staff serving in Minnesota correctional institutions, an individual authorized by the Department of Corrections may be authorized by the personnel licensing section to recommend licensure.

Subp. 28. **National Ag Occupations Competency Study.** "National Ag Occupations Competency Study" means a publication with the formal title "Identifying and Validating Essential Competencies Needed for Entry and Advancement in Major Agriculture and Agribusiness Occupations." It is incorporated by reference to the extent it is referred to in this chapter. The study is by David R. McClay and is dated May 16, 1978. It is published by the United States Department of Health and Human Services, Office of Education, Occupational and Adult Education Branch, and is for sale by the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402. It is available for inspection at the Department of Education, Secondary Vocational Section, 637 Capitol Square Building, 550 Cedar Street, Saint Paul, Minnesota 55101, and at the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454. It is available at local public libraries through interlibrary loan. It is not subject to frequent change.

Subp. 29. **Occupational experience.** "Occupational experience" has the meaning given in part 8750.4000.



Subp. 30. **Occupational Outlook Handbook.** "Occupational Outlook Handbook" is published by the United States Department of Labor, Bureau of Labor Statistics, Bulletin 2250. The latest edition was published in April 1986. The latest edition, to the extent it is referred to in this chapter, is incorporated by reference. At the time a new edition is published, the new edition replaces the older edition in the references to the book in this chapter. The handbook is available in public libraries throughout the state. It is subject to frequent change.

Subp. 31. **Personnel licensing section.** "Personnel licensing section" means the personnel licensing section of the State Department of Education.

Subp. 32. **Regular five year vocational license.** "Regular five year vocational license" means a five year continuing license that is subject to continuing education requirements for renewal.

Subp. 33. **Related areas.** "Related areas" refers to position titles or duties that are associated with a category of practice, but are indirectly related to occupations in which the secondary students will be employed. This term refers to the occupational experience requirement within a category of practice.

Subp. 34. **Secondary vocational staff assignment report.** "Secondary vocational staff assignment report" means form #ED00375 that verifies from local districts that an assigned staff person is eligible for aid.

Subp. 35. **Secondary vocational teacher education core.** "Secondary vocational teacher education core" means the following six courses included in the teacher education sequence and offered through an approved Minnesota institution: introduction to vocational teaching, vocational methods, vocational course construction, vocational tests and measurements, philosophy of vocational education, and the teaching internship.

Subp. 36. **Secondary vocational teacher education sequence.** "Secondary vocational teacher education sequence" means the sequence and time frame for completion of the secondary vocational teacher education core and the human relations requirement given in parts 8750.3250 to 8750.3350.

Subp. 37. **Short term need for a teacher substitute.** "Short term need for a teacher substitute" means a period in which the maximum substitute assignment does not exceed 30 consecutive working days in one assignment or an annual total of 270 hours which is one-fourth of full-time employment as a substitute.

Subp. 38. **Teacher educator.** "Teacher educator" means a faculty member who teaches professional vocational courses and is certified as a vocational teacher educator according to the requirements of the Joint Council for Vocational Teacher Educators.

Subp. 39. **Vocational education degree.** "Vocational education degree" means a baccalaureate or higher degree with a major in agriculture education, business education, home economics education, marketing education, industrial or industrial arts education, or vocational education. The degree must include the courses in the secondary vocational teacher education core and must meet all other requirements in the definition of "education degree" in subpart 14.

Subp. 40. **Vocational or cooperative center.** "Vocational or cooperative center" means a vocational or cooperative center approved by the State Board of Education.

Subp. 41. **Vocational program areas.** "Vocational program areas" means the occupational areas of agriculture, business occupations, health occupations, home economics/service occupations, marketing, and trade and industrial occupations.

#### WHO MUST BE LICENSED

##### 8750.0020 HOW THIS CHAPTER APPLIES.

This chapter governs the procedure for licensure, as well as the duties, and the educational, technical, and occupational experience requirements for secondary vocational instructional and supportive personnel who are required to be licensed by the Board of Teaching. When this chapter conflicts with chapter 3515 or 3517, this chapter governs for secondary vocational personnel.

Parts 8750.0040 to 8750.0073 set out duties that cause a person to need a license issued under this chapter.

Parts 8750.0082 to 8750.0090 set out the process of applying for a license.

Parts 8750.0200 to 8750.2140 set out the educational, technical, and occupational requirements that a person must meet to be licensed in a particular category of practice.

Parts 8750.3000 to 8750.3650 give more information about general education requirements, including the vocational teacher

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education sequence. Those parts set out the different types and amounts of education requirements for the different entrance licenses and renewals, regular five-year licenses, and reactivations of lapsed licenses.

Parts 8750.4000 to 8750.4200 set out the different ways of satisfying occupational experience requirements.

Parts 8750.6000 to 8750.6500 set out the conditions under which a person may be granted a part-time resource specialist license, limited license, substitute license, or letter of approval.

Parts 8750.7000 to 8750.7300 set out the requirements for renewals of nonadministrative, nonsupervisory five-year licenses.

Parts 8750.8000 to 8750.8400 govern the work of local vocational relicensure committees.

Parts 8750.9000 to 8750.9700 govern the approval of programs for teacher education.

### FORMS AND APPLICATIONS

#### 8750.0082 FORMS; FEES; EVALUATION; AND VALIDITY.

Subpart 1. **Application forms.** Application forms for secondary vocational licensure are available from local school districts and from the personnel licensing section.

Subp. 2. **Fees.** License fees are set by the Board of Teaching and are nonrefundable except according to part 8700.0600. For each application for vocational licensure, relicensure, or endorsement, the applicant shall pay the fee set by the Board of Teaching. However, if a vocational renewal and an endorsement are submitted to be reviewed simultaneously, both must be processed on the same fee.

Subp. 3. **Evaluating the credentials.** When an applicant submits credentials for licensure, the personnel licensing section shall evaluate them for compliance with this chapter. The section issues licenses for existing secondary vocational categories of practice.

Subp. 4. **License validity.** A license becomes valid on the date approved by the personnel licensing section. An individual must hold a valid Minnesota license in the corresponding category of practice before receiving payment for services. Requests for corrections of omissions on licenses must be made to the section within a calendar year of the date of issuance. If a processing error results in issuance of a license to an individual who does not meet rule requirements for the license, the license is invalid. It is the applicant's responsibility to return the license to the personnel licensing section immediately for correction. A license must bear the date of issuance. A license expires the specified number of years from the July 1 nearest the date licensure was approved, except as provided in part 8750.0090. Renewal applications must be accepted by the personnel licensing section after January 1 of the year of expiration.

#### 8750.0085 REQUIRED SIGNATURES.

Subpart 1. **When signature is not needed.** Except where otherwise stated in subpart 2 and in this chapter, an entrance licensure application accompanied by all required credentials need not be signed by an authorized local vocational administrator to be processed.

Subp. 2. **When signature is required.** Applications for the following licenses must be signed by the authorized local vocational administrator:

- A. renewal of a regular entrance license;
- B. renewal of a license issued under the vocational teacher education sequence in parts 8750.3000 to 8750.3500;
- C. initial or renewed limited license; and
- D. initial or renewed substitute or part-time resource specialist license.

A person who applies for renewal of an entrance license or a license issued under the vocational teacher education sequence, and who has not been employed in a Minnesota vocational program during the licensure period, shall contact an approved Minnesota teacher educator in the licensure field or an authorized local vocational administrator for consultation and for signature of the renewal recommendation.

#### 8750.0090 DIFFERENT EXPIRATION DATES IN DIFFERENT SUBJECTS.

Subpart 1. **Endorsements in areas related to current license.** When an applicant applies for endorsement in an area similar to one in which the applicant is already licensed under this chapter, the section shall give the endorsement the same expiration date as the one on the applicant's existing license, if the applicant has met current licensure requirements to hold full licensure in the endorsed category of practice.

Subp. 2. **Multiple expiration dates.** Under certain conditions, to correlate multiple expiration dates, a licensee may apply a year early to renew a category of practice on a five-year vocational continuing license. The licensee may take this step if another similar full-time category on the license is due for renewal, and if the licensee has completed and verified the usual renewal requirements a year early. Except for administrators and supervisors, applicants must have renewal requirements approved and verified by the local vocational relicensure committee.

**GENERAL REQUIREMENTS****8750.3000 QUALIFICATION FOR LICENSURE.**

A person required to hold a license shall meet licensure requirements in this chapter for each category in which the person practices.

An applicant shall meet the educational, technical, and occupational experience requirements in parts 8750.0200 to 8750.2140 for each licensure category of practice sought.

**8750.3150 TEACHER EDUCATION SEQUENCE FOR EDUCATION REQUIREMENTS.**

Subpart 1. **Who may use the sequence.** An applicant may complete the secondary vocational teacher education sequence in order to satisfy the educational requirements for licensure if the requirements in parts 8750.0200 to 8750.2140 for the applicant's category of practice permit. The applicant must complete at least three quarter credits in each of the core courses at an approved Minnesota institution, or in equivalent courses that meet the broad objectives of the teacher education core at an accredited out-of-state institution. The broad objectives of courses in the teacher education core are stated in part 8750.3170.

The applicant must also meet the technical and occupational experience requirements in the part that governs the chosen category of practice.

Subp. 2. **Core courses.** The following courses, consisting of at least three credits each, make up the secondary vocational teacher education core:

- A. introduction to vocational teaching;
- B. vocational methods;
- C. vocational course construction;
- D. vocational tests and measurements;
- E. philosophy of vocational education; and
- F. teaching internship.

Subp. 3. **Nonapproved institutions.** When an applicant's teacher education coursework for core courses has been completed at an institution other than a Minnesota institution approved to offer this vocational coursework and when the personnel licensing section cannot determine course equivalency on the basis of similar course titles or content, the section may refer the applicant's evidence to an appropriate vocational program specialist or to the vocational service coordinator named by a Minnesota institution approved to offer this vocational coursework. The person who receives the evidence shall determine whether the courses are equivalent.

Equivalency must be determined from one or more of the following types of evidence:

- A. transcripts of credits from teacher education institutions;
- B. documents certifying extent of effort in terms of hours of effort and completion of experience; and
- C. course outlines that include course description and course objectives.

Equivalency must be granted if it is found that the proposed substitution is at least 75 percent comparable to the coursework stated as a licensure requirement.

**8750.3170 BROAD COURSE OBJECTIVES, VOCATIONAL TEACHER EDUCATION CORE.**

Subpart 1. **Introduction to vocational teaching (also called foundations for vocational-technical teaching).** The broad objectives of a course in introduction to vocational teaching are:

- A. to identify the mission, goals, structure, and trends of vocational education in Minnesota, and its relationship to other educational systems;
- B. to describe the goals of an institution and program in which the teacher is prepared to teach;
- C. to identify the learning styles, characteristics, and special needs of the student populations for which instruction will be implemented, including referral resources;
- D. to identify the content and the instructional objectives of a vocational program;

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## Proposed Rules

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E. to develop unit structure and lesson plans specifying the instructional procedure and learning activities consistent with the practices in the institution in which the individual will teach;

F. to choose and design instructional materials to implement vocational learning activities;

G. to demonstrate an ability to deliver instruction through a variety of methods consistent with current trends;

H. to evaluate student learning, using performance- and knowledge-based instruments;

I. to describe the professional role of a vocational teacher within the context of school and community;

J. to identify the role of advisory committees in vocational education;

K. to identify the role and operation of student organizations in vocational programs;

L. to identify classroom laboratory management, safety procedures, and discipline principles and techniques; and

M. to identify the legal implications of teacher-student relationships.

Subp. 2. **Vocational methods (also called methods of instruction in vocational-technical education).** The broad objectives of a course in vocational methods are:

A. to identify unique characteristics of learners and the processes by which people learn;

B. to determine appropriate individual and group methods of instruction that create an environment to motivate and manage student development;

C. to identify the advantages and disadvantages of alternative methods of instruction for vocational educators;

D. to demonstrate the ability to use various instructional methods to enhance learning in vocational education;

E. to prepare lesson plans that use effective models and audiovisual materials including the latest technology;

F. to apply instructional techniques and resources that are effective with diverse vocational education populations;

G. to analyze personal teaching strengths, weaknesses, and effectiveness through feedback mechanisms;

H. to identify and differentiate methods for teaching, and the evaluation of learning in the affective, cognitive, and psychomotor domains;

I. to develop a plan for utilizing student organizations as a strategy to deliver the content of courses; and

J. to develop a system to collect and catalog resource materials for vocational instruction in the student's area of specialization.

Subp. 3. **Vocational course construction (also called course development in vocational-technical education).** The broad objectives of a course in vocational course construction are:

A. to develop vocational program descriptions, course descriptions, and a listing of expected learner outcomes;

B. to identify instructional content using appropriate alternative methods such as task, content analysis, or occupational methods;

C. to examine and use alternative sources of existing instructional program content;

D. to prepare general and specific vocational instructional objectives, appropriate to students' needs;

E. to sequence the instructional objectives within the course of study;

F. to identify and be able to use alternative methods of organizing and managing content and learning activities, considering the course objectives and individual needs of students;

G. to develop lesson plans taking into account the unique needs of the students in vocational education;

H. to develop an evaluation plan for a vocational course and course units;

I. to demonstrate a systematic course development process showing continuity from mission of institution to a specific lesson plan; and

J. to demonstrate the need to use vocational advisory committees in developing and delivering the content of the course.

Subp. 4. **Vocational tests and measurements (also called evaluation of student performance in vocational-technical education).** The broad objectives of a course in vocational tests and measurements are:

A. to identify the purposes and functions of vocational education evaluation and assessment;

B. to differentiate between measurement and evaluation;

C. to design a vocational course evaluation plan that specifies the objectives of instruction and how they will be evaluated;

- D. to define and contrast characteristics of evaluation such as reliability, validity, and utility;
- E. to interpret standardized test data;
- F. to identify the purposes and functions of various evaluation techniques used in vocational education;
- G. to prepare lesson plans that include test items that measure student attainment of performance oriented objectives;
- H. to structure a test according to the tenets of good test construction;
- I. to develop and demonstrate appropriate techniques for the evaluation of performance tasks;
- J. to analyze the effectiveness of vocational education evaluation instruments, such as performance evaluation;
- K. to interpret student progress using a variety of approaches such as norm- or criterion-referenced methods;
- L. to apply alternative methods of documenting student progress; and
- M. to interpret different methods of measuring student performance and giving feedback as diagnostic tools to improve learning.

Subp. 5. **Philosophy of vocational education (also called principles and practices of vocational-technical education).** The broad objectives of a course in the philosophy of vocational education are:

- A. to identify the current purposes and goals of vocational education, its relationship to all education and to federal and state legislation;
- B. to identify the current purposes and goals, policies, rules, and state plan for vocational education in Minnesota;
- C. to describe the process used to develop and modify the Minnesota state plan for vocational-technical education;
- D. to describe the socioeconomic settings and conditions that create the need for vocational education, career education, and career development;
- E. to explain the relationships of theories of work to the history and development of vocational-technical education;
- F. to identify the relationship between legislation and policy concerning vocational education and federal and state financing and accountability;
- G. to identify the recipients of vocational education with respect to age, grade levels, socioeconomic groups, special needs, sex, geographic location, occupational goals, and need for vocational education;
- H. to identify and describe the different institutions, public and private, in which vocational programs are offered and the people they serve;
- I. to describe the cooperative relationships of vocational educators with labor, industry and business, job services, other agencies for employment, other teachers, and advisory committees;
- J. to identify the common and unique characteristics of the different fields of vocational education, including integration of student organizations;
- K. to explain the purposes and nature of vocational secondary, postsecondary, and extension programs;
- L. to identify the professional organizations to which vocational educators belong and the values of participation in professional activities;
- M. to describe the relationship of vocational education with other educational systems, local school boards, local administration, and state administration;
- N. to develop an awareness of the implications of external groups such as licensing boards, accreditation agencies, and unions;
- O. to explain the purpose and nature of cooperative and supervised community-based programs such as internships and customized training; and
- P. to help the student develop a personal philosophy of vocational education.

#### **8750.3420 COURSE EQUIVALENTS.**

Institutions outside Minnesota may make arrangements with the personnel licensing section for a determination of equivalent educational requirements.

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### 8750.3450 EQUIVALENCY FOR COURSES OUTSIDE TEACHER EDUCATION CORE.

When an applicant has completed coursework that is not included in part 8750.3150, subpart 2, to meet a licensure requirement and when the personnel licensing section cannot determine course equivalency on the basis of similar course titles or content, in consultation with the appropriate secondary vocational specialist, the following procedure applies:

A. The section may refer the case to a vocational service coordinator designated by a Minnesota institution approved to offer vocational coursework or to a department chair designated by the appropriate secondary vocational specialist in the category of practice for which licensure is sought. The chair must be from an institution accredited to offer coursework that meets licensure requirements.

B. If no department chair is available, the appropriate state secondary vocational program specialist shall name an appropriate teacher educator.

C. The chair or coordinator shall submit a written statement verifying that the proposed coursework substitution is or is not equivalent to coursework stated as a licensure requirement.

D. Equivalency must be determined from one or more of the following types of evidence:

- (1) transcripts of credits from accredited institutions;
- (2) documents certifying extent of effort in terms of hours of effort and completion of experience; and
- (3) course outlines that include course description and course objectives.

E. Equivalency must be granted if it is found that the proposed substitution is at least 75 percent comparable to the coursework stated as a license requirement.

F. Exception: Two years of active participation as an advisor in the appropriate vocational student organization substitutes for the two required credits in integrating the appropriate vocational student organization into the curriculum. The participation must be verified by the state program specialist responsible for the appropriate vocational student organization and must be within the five years just before the date the license is issued.

### 8750.3500 HUMAN RELATIONS REQUIREMENT.

Subpart 1. **Human relations program.** Vocational personnel as described in this part must meet the human relations requirement by completing a human relations program approved by the Minnesota Board of Teaching. All or part of the human relations requirements may be met by substituting earlier experiences or programs when they are verified as equivalent by the administrator of an approved Minnesota human relations program. Requests to substitute and to verify equivalency must be submitted by the applicant to the administrator of an approved human relations program.

Subp. 2. **Who must meet the requirement.** Except where otherwise stated in this chapter, in order to be licensed, renew a license, or reactivate a lapsed license, vocational personnel must complete the human relations requirement if they work at least half time on the vocational license. "Half time" means three hours daily on a 36-week or longer basis, or five hours daily on a 20-week or longer basis.

Subp. 3. **Exemption for less than half time.** Vocational personnel who work less than half time on the vocational license and want an exemption from the human relations requirement must submit verification of eligibility for the exemption from the authorized local vocational administrator.

Subp. 4. **Initial entrance license.** New personnel who are submitting their first applications for full-time vocational licensing and who have completed all applicable requirements except human relations, are eligible for an entrance license to allow time to complete the human relations program. Only one vocational license that entitles the licensee to work full time may be granted to an applicant who has not met the human relations requirement. The human relations requirements must be met before any license renewal or endorsement is made.

### 8750.3650 ENDORSEMENTS.

An applicant adding a licensure category must meet current educational, technical, and occupational experience requirements for an entrance license in the category to be added.

## OCCUPATIONAL EXPERIENCE

### 8750.4000 OCCUPATIONAL EXPERIENCE.

Subpart 1. **Definition.** Except where otherwise stated in this chapter, "occupational experience" means work experience, paid in money, outside of education or teaching, that demonstrates success in the occupational emphasis areas and related areas specified in the category of practice for which the applicant is seeking licensure. At least 500 hours of work experience must be in one or more emphasis areas within the five-year period immediately before the date the license is to be issued.

Subp. 2. **Secondary vocational nonoccupational staff.** Special needs staff of a local school district shall accumulate occupational

experience, outside education or teaching, in a job or jobs specified in parts 8750.0200 to 8750.1440 and 8750.1800 to 8750.2140 within the program emphasis areas or related areas.

Subp. 3. **Verification.** Verification of occupational experience for a salaried employee must be provided on work verification forms by the applicant's employer. It must include place of employment, length and dates of employment, total number of hours employed, job classification, description of job duties, and a specific statement of success. If the employer has died or cannot be located because of a transfer, or if the business has closed, the same information may be verified by:

- A. the applicant's immediate supervisor during the employment period; or
- B. a coworker of similar status during the employment period and appropriate tax or social security records of the applicant.

If a supervisor or coworker verifies the experience, the applicant shall document reasonable previous efforts to obtain verification from the actual employer.

Applicants who receive W-2 salary forms as owners or managers of their own privately held corporations must be considered self-employed, and they are governed by part 8750.4100.

Verification of occupational experience is subject to *Minnesota Statutes*, section 125.09, clause (5) on submitting fraudulent evidence.

Subp. 4. **Military experience.** The personnel licensing section shall accept occupational experience obtained in the military if it is verified by a DD Form 214 and corresponding military assignment or review records that verify and identify the experience as within the emphasis areas or related areas in parts 8750.0200 to 8750.1440 or 8750.1800 to 8750.2140. Verified military experience shall be accepted for up to two-thirds of the total required occupational hours. The military hours may be applied toward hours in related areas, but not toward the required hours in the emphasis area and they do not meet the recency requirements. The remaining one-third of the required hours must be accumulated in the typical civilian setting for the category of practice sought in order to ensure that the applicant is familiar with the usual job environment for the specific category of practice.

#### **8750.4100 SELF-EMPLOYMENT EXPERIENCE.**

Subpart 1. **How to qualify.** Occupational experience obtained through self-employment in emphasis areas or related areas in parts 8750.0200 to 8750.2140 meets the occupational experience requirements if:

A. self-employment hours are paid occupational experience as verified by Department of Revenue tax reports of paid income from this source, with appropriate backup records; and

B. self-employment hours have been earned within the corresponding business or industry setting for the specific category of practice sought, as verified by evidence documenting that the self-employed business exists, is licensed if required by law or rule, and complies with laws or rules that regulate the business or industry.

Subp. 2. **Exception for nontraditional experience.** When self-employment hours have been obtained in designated emphasis or related areas, but within a different occupational setting, or as part of a different occupational role, than that commonly associated with the emphasis area for which the license is valid, the self-employment hours do not count:

- A. toward the required hours in the emphasis area; and
- B. toward more than two-thirds of the total required hours.

To be acceptable in related areas, the nontraditional self-employment hours must constitute paid occupational experience as verified by Department of Revenue tax reports of paid income from this source, with appropriate backup records verifying the information requested in part 8750.4000, subpart 3.

Subp. 3. **Verification.** Verification based on Department of Revenue tax records named in subpart 1 or 2 must be documented as follows:

A. The Department of Revenue tax reports and appropriate backup records must be reviewed by the applicant's certified public accountant, attorney, tax preparer, banker, or similar professional business representative who is substantially engaged in business practices and business record keeping.

B. The reviewing professional shall determine and verify duties and commensurate number of hours of paid employment consistent with declared income in the reviewed revenue documents and applicable to requirements of these licensure rules.

C. The reviewing professional must verify results of the review on a standard affidavit form provided by the personnel licensing section.

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Subp. 4. **Fraud.** Verification of self-employment is subject to *Minnesota Statutes*, section 125.09, clause (5) on submitting fraudulent evidence.

Subp. 5. **Employment on nonsalary status.** When occupational experience hours in emphasis areas and related areas specified in parts 8750.0200 to 8750.2140 have been obtained through any employment that has not resulted in issuing a W-2 statement, the applicant must be considered a self-employed independent contractor, and this part applies.

### **8750.4200 ALTERNATE FORMS OF OCCUPATIONAL EXPERIENCE.**

Subpart 1. **Who may use.** Except where otherwise stated in this part and in parts 8750.0200 to 8750.2140, an applicant may use the following alternative experiences to meet occupational experience requirements. The alternatives may not be used by nonbaccalaureate applicants who have completed less than a two year program in the category of practice.

Subp. 2. **Directed occupational experience.** For each two hours of the regular occupational experience requirement, an applicant may substitute one hour of preplanned occupational experience directed through a licensing program for vocational teacher education that has been approved as specified in part 8750.9100. The personnel licensing section, in consultation with the appropriate vocational program specialists, may make arrangements with colleges and universities to provide directed work experience supervision. Out of state colleges not eligible for the program approval process may get approval by verifying to the section and the appropriate state program specialist a program that meets the criteria, including evaluation, used to evaluate Minnesota programs in directed occupational experience. The supervisor directing the out-of-state internship must possess professional qualifications equivalent to those required of a Minnesota internship supervisor who is eligible for authorization under item A.

The directed occupational experience must meet the following criteria for approval:

- A. Except for out of state colleges, the experience must be directed by an internship supervisor who must be a vocational teacher educator, as authorized by the Joint Council for Vocational Teacher Educators.
- B. The training station must be approved by the internship supervisor prior to approval of the training plan and employment.
- C. The applicant's training plan and agreement must be developed prior to employment and must be kept on file by the teacher education institution for five years.
- D. One copy of the work verification form must be made part of the applicant's permanent record maintained by the teacher education institution.
- E. The experience must be paid work.
- F. The training plan and agreement must:
  - (1) contain objectives that are individualized to meet the needs of the applicant;
  - (2) identify the specific learning outcomes, projects, and project evaluations that the applicant needs;
  - (3) place the applicant in a position that satisfies occupational experience criteria in the part governing the applicant's chosen category of practice;
  - (4) place the applicant in a position that satisfies the conditions of employment specified in part 8750.4000, except that self employment is not permitted;
  - (5) establish a reporting process for the internship experience;
  - (6) establish a means of evaluating the internship experience.
- G. An applicant must be visited two or more times per quarter, once during a summer session. When this is not possible, a designee can be identified by the internship supervisor with communication with the state program specialist.
- H. The ratio of clock hours of work to collegiate credits must be at least 40 to 1.

Subp. 3. **Competency based occupational exam.** An applicant may submit evidence of successful completion of a competency based occupational exam preapproved by the Board of Teaching. The personnel licensing section shall accept the evidence as proof of occupational competency in place of two-thirds of the total occupational experience requirements, including the most recent 500 hours. The exam must have been completed within five years of the date the license is issued. This alternative form of occupational experience must not be used when the competency based occupational exam is the same exam taken by the applicant to obtain licensure to practice in the particular occupation. In this subpart, "successful completion" means scoring within one standard deviation below the mean score supplied by the agency providing the competency based exam.

Subp. 4. **Updating industrial experience.** An updating experience conducted in the appropriate business or industry setting, or within a formal technical training setting in appropriate business, industry, or appropriate postsecondary education, may be substituted for the required 500 hours of occupational experience within the past five years in the emphasis area. The experience must be completed within the five year period just before the date that the license is to be issued. The experience must consist of one or a combination of the following:



A. Six quarter credits, involving at least 120 clock hours of work by the applicant, preapproved through the program approval process in part 8750.9100. Each quarter credit substitutes for 80 occupational experience hours. This experience must meet the following criteria for approval:

(1) The experience must be directed by a supervisor who is a vocational teacher educator, as authorized by the Joint Council for Vocational Teacher Educators. The supervisor must:

(a) assess the applicant's work experience, background, and vocational licensure requirements for the vocational license being sought;

(b) using the assessment information, propose applicant objectives and explore choices for updating experience;

(c) advise the applicant by developing an updating program plan in cooperation with the business or industry that will be involved in the updating experience; and

(d) identify in the plan specific learning outcomes, reporting log of experiences, and project evaluations.

(2) The experience must be individualized to update, build, and expand the applicants' occupational experiences (knowledge and skills) in order to help them:

(a) become more aware of employee/supervisory management roles in business or industry;

(b) recognize changes in career and occupational patterns in the chosen business or industry employment classifications;

(c) identify barriers to opportunities in employment for certain populations (such as minorities, the handicapped, the disadvantaged);

(d) realize the impact of technological change, legal issues, and politics in the workplace; and

(e) apply the technology currently used in the specific industry.

(3) The experience must involve employment settings that are designated in this chapter for the license the applicant is seeking.

(4) A copy of the applicant's updating program must be kept on file by the teacher education institution for five years, with an abstract of the program made a part of the applicant's permanent record.

B. 120 clock hours of technical training in the emphasis area preapproved by the personnel licensing section in consultation with the appropriate secondary vocational program specialist, or by a department chair, designated by the secondary vocational program specialist, of an approved Minnesota college. Each technical training hour substitutes for four occupational experience hours. This updating industrial experience option must meet the following criteria for approval:

(1) The person directing the experience must:

(a) assess the applicant's work experience and background, as well as vocational licensure requirements for the vocational license being sought;

(b) using the assessment information, propose applicant objectives and explore technical training options;

(c) help the applicant develop an updating program plan in cooperation with the business, industry, or technical training sponsor that will be involved in the updating experience; and

(d) identify in the plan specific learning outcomes, reporting log of experiences, and project evaluations.

(2) The experience must be individualized to update, build, and expand the applicants' occupational experiences (knowledge and skills) in order to help them:

(a) become more aware of employee/supervisory management roles in business or industry;

(b) recognize changes in career and occupational patterns in the chosen business or industry employment classifications;

(c) identify barriers to employment opportunities for certain populations (such as minorities, the handicapped, the disadvantaged);

(d) realize the impact of technological change, legal issues, and politics in the workplace; and

(e) apply technology currently used in the specific industry.

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(3) The experience must involve employment settings that are designated in this chapter for the license the applicant is seeking.

(4) An abstract of the applicant's updating program must be made a part of the applicant's permanent licensure file.

Subp. 5. **Community based training.** For up to 500 hours of the occupational experience, including the required 500 recent hours, an applicant may substitute an unpaid direct training experience in the traditional setting for the program emphasis area. The training experience must be preapproved by the personnel licensing section in consultation with the appropriate secondary vocational program specialist or by the corresponding department chair of an approved Minnesota college in consultation with the appropriate secondary vocational program specialist. Three hours of training substitutes for one occupational experience hour.

Subp. 6. **Funded Minnesota technical college vocational teaching.** An applicant who seeks to add an existing secondary vocational category of practice to a valid postsecondary vocational license in the same category of practice may substitute Minnesota technical college teaching within the past five years in that category of practice for the required recent 500 hours in an emphasis area. One year (1,080 hours) of vocationally funded teaching substitutes for the prerequisite 500 hours.

Subp. 7. **Teacher coordinator endorsement.** Unless otherwise stated in this chapter, when an applicant is applying for an endorsement to add teacher coordinator to a current, valid teaching license within the same vocational program area, or to add special needs teacher coordinator to a valid service area teaching license, the 500 hour recency requirement does not apply if:

A. the applicant has verified the total required appropriate hours specified for teacher coordinator licensure;

B. the applicant met the recency requirement to obtain the preceding category of practice; and

C. the applicant has taught on a vocational license at least one year (1,080 hours) within the past five in a vocationally funded occupational program in the same vocational program area.

### REVISOR'S INSTRUCTION.

A. The revisor shall renumber the parts listed in column A with the part numbers listed in column B and correct internal references.

A	B
3510.4100	8700.8000
3510.4200	8700.8010
3510.4300	8700.8020
3510.4400	8700.8030
3510.4500	8700.8040
3510.4600	8700.8050
3510.4700	8700.8060
3510.4800	8700.8070
3510.4900	8700.8080
3510.5100	8700.8090
3510.5200	8700.8110
3510.5300	8700.8120
3510.5400	8700.8130
3510.5500	8700.8140
3510.5600	8700.8150
3510.5700	8700.8160
3510.5800	8700.8170
3510.6000	8700.8180
3510.6100	8700.8190
3510.6400	8700.9000
3510.6500	8700.9010
3510.6600	8700.9020
3510.6700	8700.9030
3517.0030	8750.0030
3517.0040	8750.0040
3517.0050	8750.0050
3517.0060	8750.0060
3517.0070	8750.0070

A	B
3517.0071	8750.0071
3517.0072	8750.0072
3517.0073	8750.0073
3517.0200	8750.0200
3517.0220	8750.0220
3517.0240	8750.0240
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3517.0890	8750.0890
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3517.1340	8750.1340
3517.1360	8750.1360
3517.1380	8750.1380
3517.1400	8750.1400
3517.1420	8750.1420

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A	B
3517.1440	8750.1440
3517.1500	8750.1500
3517.1520	8750.1520
3517.1540	8750.1540
3517.1560	8750.1560
3517.1580	8750.1580
3517.1600	8750.1600
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3517.1980	8750.1980
3517.2000	8750.2000
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3517.2080	8750.2080
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3517.2120	8750.2120
3517.2140	8750.2140
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3517.3200	8750.3200
3517.3250	8750.3250
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3517.3620	8750.3620
3517.3800	8750.3800
3517.6000	8750.6000
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3517.6500	8750.6500
3517.7000	8750.7000
3517.7100	8750.7100
3517.7200	8750.7200
3517.7300	8750.7300
3517.8000	8750.8000
3517.8100	8750.8100
3517.8200	8750.8200
3517.8300	8750.8300
3517.8400	8750.8400
3517.9000	8750.9000
3517.9100	8750.9100

A	B
3517.9200	8750.9200
3517.9300	8750.9300
3517.9400	8750.9400
3517.9500	8750.9500
3517.9600	8750.9600
3517.9700	8750.9700

B. The revisor shall change the terms "State Board of Education," "Commissioner of Education," and similar terms to "State Board of Teaching," and similar terms, wherever the terms appear in the rule parts listed in item A, column B. In addition, the revisor shall make appropriate cross-reference changes in the renumbered parts.

The revisor shall change the term "board" in renumbered part 8750.6200, subpart 5, to "personnel licensing section."

## 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.

## Minnesota State Lottery

### Adopted Permanent Rules Relating to Lottery Retailers

The rules proposed and published at *State Register*, Volume 14, Number 27, pages 1650-1657, January 2, 1990 (14 S.R. 1650) are adopted with the following modifications:

#### Rules as Adopted

##### 7856.1000 DEFINITIONS.

Subpart 1. **Terms.** For purposes of this chapter and chapter 7857, the terms defined in this part have the meanings given them.

##### 7856.2010 RETAILER APPLICATION.

Subp. 2. **Fee.** Each retailer application for an initial contract ~~and renewal of the contract~~ must be accompanied by a nonrefundable fee of \$100. The initial application fee is valid for persons who reapply to be retailers and who have not previously contracted with the lottery absent any material change in the information contained in the initial application. A renewal of a contract must be accompanied by a nonrefundable fee of \$20.

##### 7856.3011 DENIAL OF APPLICATION; RECONSIDERATION.

If an application is denied, the lottery shall notify the applicant in writing of the denial along with a brief statement of the reason for denial. The applicant will be notified that the applicant may, within 30 days, request reconsideration of the application. The application may be reconsidered by filing with the lottery a written statement setting forth the applicant's legal, factual, or equitable arguments, along with any supporting documents. The lottery may request that the applicant submit additional facts or documents prior to making a decision within 45 days after receiving all necessary information. The director, after considering any additional facts or documents submitted by the applicant, will make a decision whether to deny or grant a contract to the applicant.

**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

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### 7856.4020 BONDING OF RETAILERS.

The lottery shall require a bond from each lottery retailer in an amount the lottery determines, consistent with its conclusion of the financial stability of the retailer, to avoid monetary loss to the state because of the activities of a retailer in the sale of lottery tickets. The bond must be in a form provided by the lottery and through a company authorized to do business in this state and approved by the director, to take effect within 90 days of the initial contract and subsequent renewals.

### 7856.7010 DEPOSIT OF FUNDS.

Lottery retailers shall deposit in a separate account in a designated bank, to the credit of the lottery, all money received by the retailer from the sale of lottery tickets, less the amount retained as compensation for the sale of tickets, credit for direct payment of prizes, and money authorized to be retained for payment of prizes. The retailer will use, if possible, an account with a bank that can accept electronic funds transfer (EFT). If there is not a bank in the retailer's area that can accept electronic funds transfer, the retailer may pay the lottery in a manner agreed to by the lottery and the retailer.

## Official Notices

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

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

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## Department of Administration

### Certificate of Assumed Name for Capitol Child Care

Filed with the Office of the Secretary of State, State of Minnesota, February 28, 1990—7:55 a.m.—090747

Pursuant to Chapter 333, *Minnesota Statutes*; the undersigned, who is or will be conducting or transacting a commercial business in the State of Minnesota under an assumed name, hereby certifies:

1. The assumed name under which the business is or will be conducted is: **Capitol Child Care**
2. The street address of the principal place of business is or will be: **671 North Robert Street, St. Paul, MN 55101**
3. The name and street address of **all** persons conducting business under the above Assumed Name.

NAME	STREET ADDRESS
Minnesota Department of Administration	50 Sherburne Ave., St. Paul, MN 55155
Neil Johnson	2616 Keller Parkway, Maplewood, MN 55109
Claudia McPeck	1629 Innsbruck Circle West, Columbia Heights, MN 55421

I certify that I am authorized to sign this certificate and I further certify that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in section 609.48 as if I had signed this certificate under oath.

Dated: 21 February 1990

James L. Pederson  
Assistant Commissioner

#413777

## Department of Commerce

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

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 621.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

**• Bike Rental**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310-4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on April 10, 1990 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.1500-1400.8400, (1985). Questions regarding the procedure may be directed to Administrative Law Judge, Peter C. Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7600. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 9:00 a.m. on March 27, 1990, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor Flour Exchange Building, Minneapolis, Minnesota 55415.

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

Among those requirements are:

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

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

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

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

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* parts 1400.1500-1400.8400).

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

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

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

(b) Who spends more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

**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.

## Official Notices

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

Dated: 12 March 1990

## Department of Health

### Outside Opinion Sought Concerning Amendment of Rules Governing the Health Care Cost Information System

**NOTICE IS HEREBY GIVEN** that the Department of Health is seeking information or opinions from sources outside the Department in preparing to amend rules governing the Health Care Cost Information System. The promulgation of these rules is authorized by *Minnesota Statutes*, Section 144.703, subdivision 1.

All interested persons or groups are invited to submit statements of information in writing or comment orally to:

Marianne Miller, Director  
Health Economics Program  
Health Systems Development Division  
Department of Health  
P. O. Box 9441  
717 South East Delaware Street  
Minneapolis, Minnesota 55440  
Telephone: (612) 623-5520

All statements of information and comment shall be accepted until further notice. All written material received by the Department shall become part of the rulemaking record.

## Minnesota Pollution Control Agency

### Division of Ground Water and Solid Waste

### Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Self-Insurance for Solid Waste Land Disposal Facilities

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing self-insurance for solid waste land disposal facilities (*Minnesota Rules* Part 7035.2750). The amendment of this rule is authorized by *Minnesota Statutes* § 116.07, subd. 4h (1988), which requires the Agency to adopt rules relating to financial responsibility.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Robert McCarron  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7324

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until June 30, 1990. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet  
Commissioner



## **Minnesota Pollution Control Agency**

### **Division of Ground Water and Solid Waste**

#### **Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Solid Waste Land Disposal Facilities' Analytical Methods for Estimating the Costs of Closure, Postclosure Care and Contingency Action and Letters of Credit**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing solid waste land disposal facilities' analytical methods for estimating the costs of closure, postclosure care and contingency action and letters of credit. Specifically, the rules to be amended are *Minnesota Rules* Part 7035.2685 (cost estimates) and *Minnesota Rules* Part 7035.2745 (letters of credit). The amendment of these rules are authorized by *Minnesota Statutes* §116.07, subd. 4h (1988), which requires the Agency to adopt rules relating to financial responsibility.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Robert McCarron  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
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All statements of information and opinion will be accepted until June 30, 1990. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet  
Commissioner

## **Office of the Secretary of State**

### **Notice of Vacancies in Multi-Member Agencies**

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is April 17, 1990.

#### **MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE**

2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591  
*Minnesota Statutes* 148.01-148.106

**APPOINTING AUTHORITY:** Executive Director, State Board of Chiropractic Examiners. **COMPENSATION:** \$50 per day.

**VACANCY:** One member: must be a licensed, practicing Minnesota Chiropractor.

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

#### **SUBCOMMITTEE ON CHILDREN'S MENTAL HEALTH**

444 Lafayette Rd., St. Paul 55155-3828. 612-297-4164  
*Minnesota Statutes* 245.697

**APPOINTING AUTHORITY:** Chairman, State Advisory Council on Mental Health. **COMPENSATION:** \$35 per diem plus expenses. **VACANCY:** Three members: one must be a director or representative of a county social services department; one must be a psychiatrist with training and education in the treatment of children and adolescents with emotional disturbance; one must be a parent or relative of a child or adolescent with emotional disturbance.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and services relating to children's mental health. Members to include: commissioners or designees of Dept. of Commerce, Corrections, Education, Health,

## Official Notices

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Human Services, and State Planning; one member children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children, a consumer of adolescent mental health services, educators currently serving emotionally disturbed children, people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders, social service representatives, county commissioners, advisory council members, one representative of the local corrections system, and one representative from the Minnesota District Judges Association juvenile committee. Meeting schedule not determined.

### STATE COUNCIL ON VOCATIONAL TECHNICAL EDUCATION

407 Gallery Bldg., 17 W. Exchange St., St. Paul 55102. 612-296-4202

*Minnesota Statutes* 136C.50

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** Per diem; reimbursed for expenses.

**VACANCY:** Two members: One member from Congressional District One to represent small business; one member to represent business and industry. Women and people of color are encouraged to apply.

The council advises the governor, the state's education boards, the business community and the public on policy for vocational technical education. Thirteen members including seven representatives of the private sector (five from business, industry and agriculture, and two from labor) and six representatives of high schools and technical colleges among which must be representatives of career guidance and counseling, targeted populations and special education—at least one member from each congressional district.

### MN BOARD ON AGING

4th Floor, Human Services Bldg., 444 Lafayette Road, St. Paul 55155-3843. 612-296-2770

*Minnesota Statutes* 256.975

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** \$48 per diem plus expenses.

**VACANCY:** One member.

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

### INFORMATION POLICY ADVISORY TASK FORCE

309 Administration Bldg., 50 Sherburne Ave., St. Paul 55155. 612-296-5643

*Minnesota Statutes* 16B.41

**APPOINTING AUTHORITY:** Commissioner of Administration. **COMPENSATION:** Non-legislative members are reimbursed for expenses.

**VACANCY:** Seventeen members: See the description of this reinstated task force.

The task force advises the commissioner on the progress, needs, and recommended direction of information management for the state. Seventeen members of which two are members of the house from different political parties, appointed by the speaker of the house, and two are members of the senate, from different political parties, appointed by the senate committee on committees. The remaining thirteen members include representatives of the supreme court, executive branch, state agencies, local government, the higher education system, librarians, and private industry. Quarterly meetings.

## Department of Transportation

### Notice of Appointment of a State Aid Variance Committee and Notice of a Meeting of That Committee

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, April 5, 1990, at 9:30 a.m. in the second floor conference room, St. Paul Downtown Airport, 644 Bayfield Street, St. Paul, Minnesota 55107.

This notice is given pursuant to *Minnesota Statute* 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid Operations 8820.3400 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

**1. Petition of the City of Minneapolis** for a variance from minimum standards for a proposed reconstruction project on C.S.A.H. 25 (West Lake Street) between Excelsior Boulevard and France Avenue South in Hennepin County so as to permit a street width of 56 feet with no parking on either side instead of the required minimum width of 58 feet with no parking on either side.

**2. Petition of the County of Brown** for variances from minimum standards and administrative requirements for a proposed reconstruction project on C.S.A.H. 26 from Summit Avenue in New Ulm to Flandrau State Park so as to permit a design speed of 27 miles per hour for one horizontal curve 830 feet from the intersection of CSAH 26 and Summit Avenue instead of the required minimum of 30 miles per hour and to permit the use of state aid funds for new sidewalk construction instead of for sidewalk replacement only and to permit the use of state aid funds for 100% of the storm sewer construction instead of for the storm sewer cost associated with the water contributed by the County State Aid Highway only.

**3. Petition of the City of Rochester** for a variance from minimum standards for a proposed sidewalk construction project on M.S.A.S. 133 (Elton Hills Drive) between Third Avenue NW and 5th Avenue NW so as to permit a street width of 60 feet, four traffic lanes and two parking lanes, instead of the required minimum of 66 feet.

**4. Petition of the City of Rochester** for a variance from minimum standards for a proposed sidewalk construction project on M.S.A.S. 106 (2nd Street SW) between 11th Avenue SW and 13th Avenue SW so as to permit a street width of 52 feet, four traffic lanes and one parking lane, instead of the required minimum of 56 feet.

**5. Petition of the County of Watonwan** for a variance from minimum standards for a proposed construction project on C.S.A.H. 1 between County Road 132 and Trunk Highway 4 so as to permit Bridge No. 5773 over the Watonwan River to remain in place with a bridge width of 19 feet from curb to curb instead of the required minimum width of 22 feet.

**6. Petition of the City of Duluth** for a variance from minimum standards for a proposed resurfacing project on M.S.A.S. 152 (21st Avenue East) from Third Street to Woodland Avenue so as to permit a street width of 44 feet, four traffic lanes and no parking lanes, instead of the required minimum of 46 feet.

**7. Petition of the County of Marshall** for a variance from minimum standards for a proposed resurfacing project on C.S.A.H. 61 (Main Street) from Trunk Highway 1 to 5th Avenue in Oslo, Minnesota so as to permit 60 degree diagonal parking on both sides with a street width of 76 feet instead of the required minimum of 78 feet.

**8. Petition of the County of Marshall** for a variance from minimum standards for a proposed resurfacing project on C.S.A.H. 17 from Trunk Highway 1 to County Road 146 so as to permit Bridge No. 7456 to remain in place with a bridge width of 21.5 feet instead of the required minimum width of 24 feet.

**9. Petition of the County of Fillmore** for a variance from minimum standards for a proposed resurfacing project on C.S.A.H. 17 between Trunk Highway 44 and C.S.A.H. 22 so as to permit a design speed of 30 miles per hour for one sag vertical curve at engineers station 0+00 to 2+00 and to permit a design speed of 35 miles per hour for one crest vertical curve at engineers station 2+00 to 6+50 instead of the required minimum of 40 miles per hour.

**10. Petition of the County of Nobles** for a variance from minimum standards for a proposed reconstruction project on C.S.A.H. 31 (3rd Avenue) from C.S.A.H. 16 to 1st Street in Lismore, Minnesota so as to permit 30 degree diagonal parking on each side with a street width of 30 feet on each side instead of 45 degree diagonal parking with a street width of 33 on each side between 3rd Street and 1st Street.

**11. Petition of the City of Afton** for a variance from minimum standards for a construction project on C.S.A.H. 21 in Washington County between C.S.A.H. 20 and 1/4 mile south of 45th Street South so as to permit a shoulder width of 4 feet instead of the required minimum width of 8 feet and to keep the natural drainage in its present condition, thereby requiring no minimum inslope or recovery area, instead of the required minimum 4:1 inslope and 30 foot recovery area.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

- 9:30 a.m. City of Minneapolis
- 9:50 a.m. County of Brown
- 10:20 a.m. City of Rochester
- 10:45 a.m. County of Watonwan
- 11:05 a.m. City of Duluth
- 11:25 a.m. County of Marshall
- 11:55 a.m. County of Fillmore
- 1:00 p.m. County of Nobles
- 1:20 p.m. City of Afton

Dated: 19 March 1990

Leonard W. Levine  
Commissioner

# 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:** Fixed Cellular Telephone  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** March 29  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000-05276

**Commodity:** 4' Carbide Tipped Blade  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** March 29  
**Agency:** Transportation Department  
**Deliver to:** Willmar  
**Requisition #:** 79800-03531

**Commodity:** Video Equipment  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 4:30pm:** March 28  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-21690

**Commodity:** Windows, Doors  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** March 29  
**Agency:** Military Affairs Department  
**Deliver to:** Little Falls  
**Requisition #:** 01000-06130

**Commodity:** Ranger S 4 x 2 compact truck  
**Contact:** Brenda Thielen 296-9075  
**Bid due date at 2pm:** March 30  
**Agency:** Human Services Treatment Center  
**Deliver to:** Faribault  
**Requisition #:** 55303-14313

**Commodity:** Flat specimen milling machine  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 4:30pm:** March 30  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-21670

**Commodity:** Seven inch curved blades  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 4:30pm:** March 30  
**Agency:** Transportation Department  
**Deliver to:** Willmar  
**Requisition #:** 79800-03530

**Commodity:** DVP voting system  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 2pm:** April 2  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 07300-67426

**Commodity:** Traffic counters  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 2pm:** April 2  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000-05127

**Commodity:** Optical mark reader  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 4:30pm:** April 2  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 65000-03134-01

**Commodity:** Boilers  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 3  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26137-05358

**Commodity:** Installation of building-wide local area network  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 4:30pm:** April 16  
**Agency:** Administration  
**Deliver to:** Minnesota Judicial Center  
**Requisition #:** 02310-17773

**Commodity:** Boats  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** April 2  
**Agency:** Iron Range Resources and Rehabilitation Board  
**Deliver to:** Chisholm  
**Requisition #:** 43000-11717

**Commodity:** Lathe  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** April 3  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-21613

**Commodity:** Copier lease  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** April 3  
**Agency:** Community College  
**Deliver to:** Austin  
**Requisition #:** 27139-90046

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## State Contracts and Advertised Bids

**Commodity:** Fluoridation equipment  
**Contact:** Joe Gibbs 296-3750  
**Bid due date at 4:30pm:** April 3  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12800-46446

**Commodity:** Pesticide waste packing, transportation and disposal service  
**Contact:** Norma Cameron 296-3779  
**Bid due date at 2pm:** April 24  
**Agency:** Agriculture Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Purple loosestrife control: aerial spraying  
**Contact:** Patricia Anderson 296-3770  
**Bid due date at 2pm:** April 18  
**Agency:** Agriculture Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Purple loosestrife control: ground appl  
**Contact:** Patricia Anderson 296-3770  
**Bid due date at 2pm:** April 18  
**Agency:** Agriculture Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Closed circuit TV reading systems  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** April 11  
**Agency:** Service for the Blind  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Fish dist. tanks  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** April 10  
**Agency:** Natural Resources Department  
**Deliver to:** Hutchinson  
**Requisition #:** 29004-13133

## 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:** Kaleidoscope, 60M 8-page books, 8½" x 11", 1-fold, camera ready, 2-sided, 4 halftones, two focuses, no screens, saddle stitch  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 29  
**Agency:** Lakewood Community College  
**Deliver to:** White Bear Lake  
**Requisition #:** 6017

**Commodity:** Arbitration summaries binders, label holders, indexes, 70 books and sets, 3-ring binders, union bug required or "printed by state facilities"  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 30  
**Agency:** Mediation Services Bureau  
**Deliver to:** St. Paul  
**Requisition #:** 5850

**Commodity:** *Minnesota Living* booklet, 20M 24 pages + cover, 8½"x11", saddle stitch, camera ready (negs) 2-sided, 4-color  
**Contact:** Printing Buyer's Office  
**Bids are due:** April 3  
**Agency:** Trade and Economic Development Department  
**Deliver to:** St. Paul  
**Requisition #:** 5771

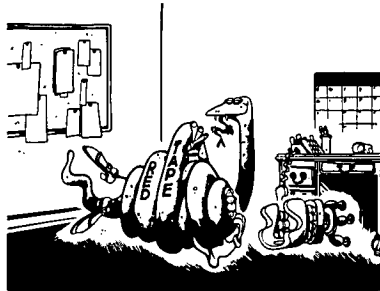
## State Contracts and Advertised Bids

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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 Two Armory Projects

##### To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select a designer for two Armory Projects. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., April 17, 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.

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## Professional, Technical & Consulting Contracts

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) pages. 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.

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.

### 7a) PROJECT—06-90

National Guard Armory  
Windom, Minnesota

**General Description of Project:** The proposed project consists of construction of a new 60-person National Guard Armory.

**Project Details:** The 22,200 SF building will be one story masonry construction. This building is similar to typical school construction. Basic room areas include an assembly hall, offices, classrooms, storage areas, kitchen, locker rooms, arms vault, firing range and mechanical room. Included will be all utilities, military vehicle parking, privately owned vehicle parking and security fencing. Design and construction will be required to conform to the requirements of the Minnesota State Building and Energy Codes along with all other applicable codes and standards.

**Estimated Project Construction Cost:** \$1,666,000.00

**Work to be Performed by the Designer:** The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the designer's normal for commercial work, tailored to the project.

**Designer's Fee for the Work:** The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 5.5%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

## Professional, Technical & Consulting Contracts

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### 7b) PROJECT—07-90

National Guard Armory  
Montevideo, Minnesota

**General Description of Project:** The proposed project consists of construction of a new 100-person National Guard Armory.

**Project Details:** The 33,650 SF building will be one story masonry construction. This building is similar to typical school construction. Basic room areas include an assembly hall, offices, classrooms, storage areas, kitchen, locker rooms, arms vault, firing range and mechanical room. Included will be all utilities, military vehicle parking, privately owned vehicle parking and security fencing. Design and construction will be required to conform to the requirements of the Minnesota State Building and Energy Codes along with all other applicable codes and standards.

**Estimated Project Construction Cost:** \$2,508,000.00

**Work to be Performed by the Designer:** The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the designers normal for commercial work, tailored to the project.

**Designer's Fee for the Work:** The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 5.5%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

Mark Anderson, Chairman  
State Designer Selection Board

## Department of Commerce

### Requests for Proposals for Consultant to Conduct a Program Audit Within the Examinations and Enforcement Divisions of the Department

The Department of Commerce (DOC) is requesting proposals from consultants with expertise in the areas of financial institutions, insurance and securities to conduct a program/procedure audit of the DOC's examinations and enforcement divisions with specific emphasis placed on the issue of solvency. It is anticipated that the product of this audit will be a report and recommendations which (a) reviews the DOC's process of conducting examinations and (b) reviews the current policies, procedures and practices of the DOC's Enforcement Division and recommends methods for the development and implementation of a Market Conduct Team.

#### Scope of Project

The audit for each of the specified divisions will involve interviewing DOC personnel, observing field examinations of regulated industries conducted by DOC field examiners, reviewing examination and desk audit procedures, reviewing the complaint process, developing formal criteria to implement each of the recommendations and develop a Market Conduct Team Program in the Enforcement Division.

#### Project Start and Completion Dates

The project will begin no later than May 1, 1990 and the final report will be due no later than June 30, 1990.

#### Project Costs

It is anticipated that the cost of this project will not exceed \$75,000.00 for professional services and expenses.

A copy of the Request for Proposal is available upon request. All inquiries and requests should be directed to:

Mr. Paul Cassidy  
Minnesota Department of Commerce  
133 East Seventh Street  
St. Paul, Minnesota 55101  
Phone: (612) 297-1118

All proposals must be submitted to the DOC no later than 4:30 p.m., Friday, April 20, 1990.



## Minnesota Historical Society

### Advertisement for Bids for Reprinting, Manufacturing, and Delivery of *Northern Lights: The Story of Minnesota's Past*

#### BIDS

Sealed bids for the reprinting, manufacturing, and delivery of the Minnesota Historical Society's *Northern Lights: The Story of Minnesota's Past*, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Daylight Time, on April 10, 1990, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., April 10, 1990, will be returned unopened.

#### BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

#### SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

#### CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

## Department of Human Services

### Long Term Care Management Division

#### Request for Proposal to Develop an Assessment Instrument that Identifies the Negotiated Rate Service Needs of Minnesota Supplemental Aid (MSA) and General Assistance (GA) Negotiated Rate Clients, to Determine the Costs of Providing Those Services, and to Make Recommendations Regarding the Design of a Statewide System of Rates and Payments for Negotiated Rate Services

This is a request for proposal (RFP) to develop a very basic assessment instrument that will identify the negotiated rate residential service needs of individual MSA or GA clients, to determine the cost of providing those services in various settings and geographic areas of the state, and to make recommendations regarding the design of an efficient, responsive statewide system of rates and payments for negotiated rate services. Final project deliverables are due by June 30, 1991.

The total cost of the development of the assessment instrument, identification of the costs of providing negotiated rate services, and making recommendations regarding the design of a statewide system cannot exceed \$200,000.

Proposals must be submitted to Barb Case, Long Term Care Management Division at the address below. Three copies of the proposal must be submitted and sealed in a mailing envelope or package with the responder's name and address clearly marked on the outside and postmarked no later than April 6, 1990.

Each copy of the proposal must be signed by an authorized member of the contracting firm. Prices and terms of the proposal as stated by the respondent must be valid for the length of the project.

For a more detailed explanation of this request for proposal, contact:

Barb Case  
Long Term Care Management Division  
Minnesota Department of Human Services  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3844  
612/296-6963

## Professional, Technical & Consulting Contracts

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### Department of Human Services

#### Managed Health Care Division

#### Extension of Deadline for Submission of Proposal for Prepaid Health Plans

In the February 5, 1990 issue of *The State Register*, the Department of Human Services requested proposals for becoming a Medicaid Health Plan. The effective date of the contract will be July 1, 1990.

The deadline for submission of proposals has been extended until Wednesday, April 25, 1990 at 4:30 p.m.

Please direct all inquiries and proposal responses to:

Ann Rogers  
Department of Human Services  
Managed Health Care Division  
St. Paul, Minnesota 55155-3854  
Phone: (612) 296-1724

### Department of Human Services

#### Operations Analysis/Welfare Reform Division

#### Announcement of Request for Proposals for Professional and Technical Services for the Demonstration Design of the Minnesota Family Investment Plan

The Minnesota Department of Human Services (DHS), Operations Analysis/Welfare Reform Division, is announcing the availability of a Request for Proposals (RFP) for qualified parties to provide professional and technical services for the design of the demonstration of the Minnesota Family Investment Plan (MFIP).

MFIP is a comprehensive welfare reform proposal. As currently planned, MFIP will operate in two field trials, or demonstration sites, beginning in 1993. The demonstration will run for five or more years, during which time the program will be evaluated and costs and benefits will be assessed. The evaluation will be used to instruct a decision on whether to implement MFIP statewide.

The party selected from this RFP will work as an extension of DHS staff and will be responsible for designing the demonstration and planning the evaluation. DHS staff has completed some general work on these topics. The party selected will be responsible for three main tasks:

1. Assist DHS in negotiations with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, providing input on technical matters related to the demonstration design. This includes assistance with the final draft of the demonstration and evaluation plan which will be submitted to the federal agencies.
2. Formulate the research and demonstration parameters for MFIP. Prepare an RFP for an independent evaluator for the MFIP field trials which incorporates these parameters.
3. Provide ongoing technical assistance to DHS during the course of the project.

Bidders should have experience in demonstration design and the design of controlled social science experiments.

The project will run through December 31, 1998. The party selected must be available through this date, although the most intensive work is expected to take place in the first two years (July 1, 1990 through June 30, 1992). This RFP covers only the first year of the project. July 1, 1990 through June 30, 1991. DHS estimates that \$100,000 will be available for this RFP, covering services provided during the first year of the project.

Completed proposals must be received by DHS no later than 4:30 p.m. on April 30, 1990.

Parties interested in this solicitation may obtain a full RFP by contacting:

Charles Johnson  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3838  
(612) 297-4727

## State Board of Investment

### Request for Professional Money Management Services for Pension Assets and Other Accounts

The Minnesota Board of Investment (SBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing either equity or fixed income assets for the SBI are asked to contact the following address for additional information:

Douglas Gorence, Manager  
External Investment Program  
Minnesota State Board of Investment  
Room 105—MEA Building  
55 Sherburne Avenue  
St. Paul, Minnesota 55155

## Iron Range Resources & Rehabilitation Board

### Request for Proposals to Plan and Develop a 50th Year Anniversary of the Board

The Iron Range Resources and Rehabilitation Board requests proposals from qualified professional consultants to plan and develop a 50th Anniversary Program for the calendar year 1991, which will promote the progress/accomplishments of the IRRRB and the Taconite Tax Relief Area over the past 50 years. By highlighting past accomplishments, the agency hopes to create future opportunities for the region.

#### Background

In 1941, the Legislature created the IRRRB to develop the remaining resources in the Iron Range region, now statutorily defined as the Taconite Tax Relief Area. Since 1941, the IRRRB has delivered a variety of different projects and programs designed to further develop and diversify the economy of this region. These programs have included: financing start-up or expanding businesses; awarding grants to communities for infrastructure, recreation, tourism and mineland reclamation; and various internal initiatives which support community and economic development within the region.

#### Project Scope and Work Program

The IRRRB requests that respondents address the following general areas of consideration, explaining in detail their proposed plans to accomplish stated objectives in each field. Respondents should estimate the total time and total cost allotted for each area of consideration, correspondingly breaking down each general area into specific tasks and detailing the respective time and money needed to accomplish each specific task.

General area of consideration:

1. Promote/enhance the image of the IRRRB and northeastern Minnesota.
2. Increase awareness about the IRRRB by explaining what the IRRRB has done, what we are doing now and what we are planning to further develop the Taconite Tax Relief Area.
3. Describe the history of the agency.

The IRRRB is requesting assistance in developing, coordinating and implementing the following activities:

- A. **Special days/events** at our tourism facilities, Giants Ridge and IRONWORLD USA;
- B. **Promotion and information** dissemination on current IRRRB programs: Community Development, Business Development, Giants Ridge, IRONWORLD USA, Mineland Reclamation Building Demolition and Trails;
- C. **Use of media**, including T.V., newspapers, radio;
- D. **Audiovisual material** (slideshow or videotape) and exhibits to use for meetings/workshops that we will host in the communities and various trade shows;
- E. **Banquet/receptions** to honor former legislators, board members and employees;
- F. **Special editions** of our biennial report (due November 1990) and our agency newsletter, *Resourceer*;
- G. **Community \$-\$ match program** where the IRRRB will match, up to a set cap amount, monies raised by the communities for a specific purpose.

## Professional, Technical & Consulting Contracts

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In addition to the ideas listed above, the IRRRB invites suggestions for other events/programs/promotions. In your proposal, outline the estimated time and costs for development and implementation of each specific event.

### Anticipated Date of Award

The IRRRB anticipates award of this contract by June 1, 1990.

### Tentative Proposal/Contract Timelines

Publication in *State Register*: Monday, March 26, 1990.

Response Period: Tuesday, March 26, 1990—4:30 p.m., Monday, April 30, 1990.

- Tentative Respondent Interviews: May 14-18, 1990.
- Anticipated Date of Contract Award: June 1, 1990.
- Effective Contract Date: On or near July 1, 1990.
- Term of Contract: July 1, 1990-June 30, 1991.

### Cancellation of Solicitation

This request for proposal does not obligate the IRRRB to complete the project, and the IRRRB reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statute* § 363.073, for state contracts in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued 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 the firms current certificate issued by the Commissioner of Human Rights.
- B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.
- 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.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

For further information and more detailed RFP documents, contact:

Jodi Phelps  
Project Coordinator  
(218) 744-2993

## Minnesota State Lottery

### Request for Proposal for On-Line Game System Services

The Minnesota State Lottery will be issuing a Request for Proposal (RFP) on March 21, 1990 to provide On-Line Game System Services. Qualified proposals must be submitted to the Minnesota State Lottery by April 25, 1990.

Any person interested in receiving a copy of the RFP may call or write:

Dale L. McDonnell  
Legal Counsel  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
(612) 635-8213  
Fax #: (612) 297-7496

## Department of Natural Resources

### Pollution Control Agency

#### **Notice of Request for Proposals for Consultant to Prepare an Evaluation of the Changes Necessary in the State's Mining Regulatory Programs if the State Is to Implement the U.S. Environmental Protection Agency's Mine Waste Disposal Regulatory Program**

The Agencies are requesting proposals from any qualified individual or firm interested in assisting the Agencies in the preparation of a State Mine Waste Program Development and Analysis report. The report must evaluate the statutory, programmatic, regulatory and fiscal impacts of regulating the disposal of mine wastes in terms of the U.S. EPA's Strawman II draft regulations.

Proposals must be received by 4:30 p.m., April 16, 1990. Evaluation and selection will be completed by April 30, 1990. Draft reports on the four tasks associated with this project will be due on September 1, October 1, November 1, December 1, 1990, with final reports due on January 1 and February 1, 1991.

The estimated project budget is \$35,000.00. For a copy of the Request for Proposal contact:

Arlo S. Knoll  
Manager, Mineland Reclamation  
Department of Natural Resources  
P.O. Box 567, 1525 Third Ave. E.  
Hibbing, MN 55746  
218/262-6767

William J. Lynott  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155  
612/296-7794

## Department of Transportation

### **Request for Proposals for a Feasibility Study of High Speed Rail Service Between St. Paul-Minneapolis, Milwaukee, and Chicago**

The Minnesota Department of Transportation, along with the Departments of Transportation from Illinois and Wisconsin, is soliciting interest from consultants in conducting an economic and financial feasibility study of the potential for development of high speed rail (HSR) service between St. Paul-Minneapolis, Milwaukee and Chicago. The objectives of this study will be to determine: projected ridership; capital and operating costs and revenues; financing options for various speed and corridor alternatives; benefits to the traveling public; the economic impacts to Illinois, Minnesota, and Wisconsin; and, the impacts on rail freight movements. Assuming HSR to be a private sector venture, the consultant will be asked to determine the roles the public sector might play in helping to develop it. The cost of this study will not exceed \$285,000.

As a separate request MnDOT is asking for proposals from consultants to conduct a similar assessment of three additional corridors in Minnesota: St. Paul-Minneapolis to Duluth, St. Paul-Minneapolis to St. Cloud, and St. Paul-Minneapolis to Mankato. The budget for this study will not exceed \$40,000,00.

Consultants interested in submitting proposals for these studies are asked to contact the Minnesota Department of Transportation by 4:00 p.m. on Monday, April 2, 1990, to receive a copy of the RFP. Requests for the RFP should be directed to:

Ken Buckeye, Project Planner  
Minnesota Department of Transportation  
810 Transportation Building  
John Ireland Blvd.  
St. Paul, Minnesota 55155  
Ph. (612) 296-8554  
FAX (612) 297-1887

No questions regarding the content of the RFP will be answered over the phone. A prebid meeting has been scheduled for Monday, April 9, 1990, in Chicago, Illinois at or near O'Hare Airport from 10:00 a.m. to 2:00 p.m. The purpose of this meeting will be to

## Professional, Technical & Consulting Contracts

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discuss with prospective contractors the work to be performed and to allow questions arising from review of the RFP. Representation will be limited to two persons per firm, due to limited facilities available. The prebid meeting is for information only. Questions from firms regarding the RFP may be submitted in writing or Faxed and must arrive at the above address not later than 4:00 pm on Thursday, April 5, 1990.

Consultants should note that this study is on a very aggressive schedule. Proposals must be submitted by 4:00 pm on Thursday April 19, 1990. Consultants selected for interviews will be notified on Friday April 27, 1990 and must be prepared to give oral presentations in Chicago on Wednesday May 2, 1990. It is anticipated that this study will commence on or about June 1, 1990, with a draft report completed by November 1, 1990 and a final report completed by December 1, 1990. Refer to the RFP for complete details on times, dates, locations, and other requirements.

## Non-State Public Contracts

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

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

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## Metropolitan Council

### Notice of Request for Proposals for Aviation Consulting Services for the Metropolitan Council of the Twin Cities

The Metropolitan Council is requesting proposals for technical and professional planning services for Phase II of the Major Airport Planning Process. Two proposals should be submitted: (1) a 1990 Annual Major Airport Contingency Plan and (2) select a search area for siting of a new potential major airport.

The purpose of the first proposal is to update the 1989 methodology established for monitoring and evaluation of national/international aviation trends and local activities for the Twin Cities Major Airport. This assessment establishes the type, timing and level of development recommended for Minneapolis-St. Paul International Airport and/or site selection, land banking and development of a new replacement airport. The overall process, known as the dual-track major airport planning strategy, is required by state legislation. It is a multi-year program (1989-1995), and Council application for Phase II program funding by Federal Aviation Administration is in process. Recommended in the annual contingency plan assessment is the preparation of three special reports: 1) determining the financial implications of the dual-track strategy; 2) defining and establishing an airport/aircraft delay methodology; and 3) identifying air-cargo issues/opportunities.

The purpose of the second proposal is to conduct Phase II activities for identifying and selecting candidate search areas for a potential replacement major airport. Tasks involve: refinement of evaluation criteria including weighting and priority setting, inventory and analysis of information for each criteria; critique of the new major airport conceptual design, assessment of general land availability for a new airport, and identification of candidate search areas.

The work will involve participation in extensive coordination activities including use of an existing advisory task force, interagency management review committee, ad-hoc expert panels, and a public information plan.

Proposals can be made for either one or both RFPs. Due to the scope of the program, a firm with multi-disciplinary capabilities is desirable. The Council reserves the right to establish its own consultant team if necessary. A disadvantaged business enterprise (DBE) participation goal has been set for this project.

The overall project should begin about June 1, 1990 and be completed by June 30, 1991. All proposals must be received no later than 5 p.m. April 24, 1990, mailed to the attention of Chauncey Case, Transportation Division.

Copies of the Request for Proposals may be obtained from the Metropolitan Council, Mears Park Centre, 230 E. Fifth Street, St. Paul, Minnesota 55101. Inquiries should be directed to Chauncey Case at (612) 291-6342.

## **Metropolitan Transit Commission**

### **Notice of Request for Proposal for Group Life, AD&D, Medical and Dental Insurance Coverage for Employees**

The Metropolitan Transit Commission is soliciting proposals for group life, AD&D, medical, and dental insurance for management and union employees of the MTC. Coverage effective date is July 1, 1990. Prospective proposers may obtain Request for Proposals by contacting:

Patti Drewlo  
Manager of HRIS and Health Benefits  
Metropolitan Transit Commission  
560 6th Avenue North  
Minneapolis, MN 55411  
Telephone: (612) 349-7561

All proposals are due postmarked 12 noon on Thursday, April 12, 1990.

The MTC reserves the right to reject any and all proposals.

The successful proposer shall be required to comply with all applicable Equal Employment Opportunity laws and regulations. Proposals will not be subjected to discrimination on the basis of race, color, sex or national origin in consideration for an award.

The contract will be awarded to the firm judged to be the most advantageous to the MTC.

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## **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.

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## **Department of Human Services**

### **Grant Announcement and Request for Proposals for Community Prevention Projects Due May 1, 1990**

The Chemical Dependency Program Division (CDPD) is requesting proposals to create community alcohol and other drug abuse prevention projects which address various community groups. A description of the groups is provided in the RFP. This project will create a community task force, unless currently established, which will identify, develop, implement and manage community-wide prevention activities. A total of \$140,000 is available to one or more grantees. The funded projects will begin on or about September 1, 1990.

Telephone requests for programmatic information concerning this RFP should be directed to Sharon Johnson at 612/296-3991. Budget/fund use questions should be directed to Dorrie Hennagir at 612/296-4617.

## **Minnesota Supreme Court**

### **Legal Services Advisory Committee**

### **Request for Proposals for Grant Funding for Legal Services and Alternative Dispute Resolution Programs**

The Legal Services Advisory Committee is requesting proposals for grant funding for legal services and alternative dispute resolution programs for low income people.

## State Grants

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To request information on the grant application process, please contact:

J. L. Rehak  
230 State Capitol  
St. Paul, MN 55155  
Phone: (612) 296-6822

Application Deadline: April 16, 1990

Dated: 23 February 1990

## Department of Trade & Economic Development

### Outdoor Recreation

### Notice to Local Units of Government of Funding of Various Types of Community Improvement Projects

Consistent with the Community Development Application Process (Single App), applications for funding of various types of community improvement projects can be submitted year round. Complete applications (parts I and II) for those projects that are eligible to compete for funds through the Community Development Division's competitive programs (Small Cities Development Program and the Outdoor Recreation Grant Program) must be received no later than September 1, 1990 to be considered during the 1990 review and ranking period (September 1, 1990-February 1, 1991). Applications received after September 1, 1990 will be considered during the 1991 review and ranking period.

Local units are encouraged to contact the Community Development Division Single Application Coordinator at 612/297-2272 or toll-free at 1/800/657-3502 to receive a copy of the Community Development Application for details on the single application process. Local units are also encouraged to request a copy of "Enhance Minnesota" for additional information on the types of community improvement projects that may be eligible through the various community assistance programs administered by the Community Development Division.

## Supreme Court Calendar

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Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

### Supreme Court Cases Scheduled to be Heard During April, 1990

Compiled by Dale A. Hansen, (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155, (612) 296-2581.

#### Monday, April 2, 1990 9:00 AM

**C0-89-2097 CAMBRIDGE STATE BANK, et al., Respondents** (Attorneys: Christopher J. Dietzen and Andrew J. Mitchell of Larkin, Hoffman, Daly & Lindgren and Lawrence R. Waldoch, James P. McCarthy, and Thomas L. Fabel of Lindquist & Venum), **NORWEST BANK DULUTH, NATIONAL ASSOCIATION** (formerly FIRST NATIONAL BANK OF DULUTH), **Respondent** (Attorneys: Robert L. Schnell, Jr. and Walter A. Pickhardt of Faegre & Benson) **vs. ARTHUR H. ROEMER, COMMISSIONER, DEPARTMENT OF REVENUE and the STATE OF MINNESOTA, Appellant** (Attorney: Thomas R. Muck, Deputy State Attorney General). Judgment Ramsey County.

Is the Minnesota bank excise tax a franchise tax (not an income tax) which may include U.S. obligation interest in its measure?

Is the Minnesota bank excise tax a nondiscriminatory franchise tax?

Should the banks be estopped from asserting that the bank tax is discriminatory against U.S. obligations because the banks benefited from the state exemptions which made it so.



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## Supreme Court Decisions, Opinions & Rules

Should both the ruling that the Minnesota bank excise tax is an income tax and the opinion of the U.S. Supreme Court in *Memphis Bank v. Garner* be applied prospectively only?

Is the appropriate remedy for the court's finding that the bank tax is discriminatory to sever the discriminatory provisions and enter declaratory relief that they are unconstitutional leaving the remainder of the tax statute intact?

Should Respondent's deductions be reduced in computing any refunds to eliminate certain expense deductions because they were connected with or allocable against U.S. obligation income?

**C6-89-824 R.S., an adult, Respondent** (Attorneys: Dennis L. Smith and Dennis D. Daly, Jr. and Theodore F. Collins of Collins, Buckley, Sauntry & Haugh) vs. **STATE OF MINNESOTA, petitioner, Appellant** (Attorneys: Julie K. Harris and David P. Iverson, Assistant State Attorneys General), **HENNEPIN COUNTY, petitioner, Appellant** (Attorney: Therese Galatowitsch, Assistant Hennepin County Attorney). Opinion Court of Appeals.

Does *Minnesota Statutes* § 626.556, subd. 10(c) permit county child protection workers to interview a child without parental knowledge and consent for the purpose of assessing a report of suspected child abuse in which the perpetrator is unknown?

### Tuesday, April 3, 1990 9:00 AM

**CX-89-924 In Re the Matter of: CINDY D. VOGT, petitioner, Appellant** (Attorneys: Tracy L. Bains and Janet C. Werness, Southern Minnesota Regional Legal Services, Inc.) vs. **THOMAS C. VOGT, Respondent** (Attorneys: Loretta M. Frederick and J. C. Pegg). Opinion Court of Appeals.

Is compulsory mediation of visitation issues in protection cases prohibited by *Minnesota Statutes* § 518.619 and by Rule 9.01 of the *Minnesota Rules* of Family Court Procedure, and is such mediation contrary to public policy?

Did the trial court sufficiently inquire into the safety and best interests of the children involved, although it did not order an investigation as permitted by *Minnesota Statutes* § 518.167, before issuing its visitation order?

### Thursday, April 5, 1990 9:00 AM

**C0-89-981 In Re Petition for Disciplinary Action against DENNIS R. PETERSON, an Attorney at Law of the State of Minnesota** (Attorney for Respondent: Jack S. Nordby).

Petition for Disciplinary Action.

**C6-60-37101 In Re Petition for Reinstatement of LEONARD A. HANSON, as an Attorney of the State of Minnesota.**

Petition for Reinstatement.

### Wednesday, April 11, 1990 11:00 AM Hamline University

**C1-89-2254 & C6-89-2301 FEDERATED MUTUAL INSURANCE COMPANY, Respondent** (Attorney: Michael C. Lindberg of Johnson & Lindberg, P.A.) vs. **LITCHFIELD PRECISION COMPONENTS, INC., Appellant** (C6-89-2301) (Attorneys: Robert T. Stich and James D. Knudsen of Stich, Angell, Kriedler & Muth, P.A.), **ROBINS, ZELLE, LARSON & KAPLAN, Appellant** (C1-89-2254) (Attorney: Bryan K. McKamey of Robins, Kaplan, Miller & Ciresi). Orders Hennepin County.

Does this jurisdiction recognize a cause of action in tort for intentional spoliation of evidence, and, if so, what are the elements of such a tort?

Does this jurisdiction recognize a cause of action in tort for negligent spoliation of evidence, and, if so, what are the elements of such a tort?

Did Plaintiff establish a sufficiently cognizable injury to proceed on any and all of its causes of action against the Defendants prior to a resolution of the underlying subrogation claim?

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## Supreme Court Decisions, Opinions & Rules

### Decisions Filed 23 March 1990

**C9-89-1241 State of Minnesota v. Joseph John Bergeron, Appellant. Hennepin County.**

1. The trial court did not err in ruling that decedent's statement met the foundational requirements of a dying declaration and in admitting that statement into evidence.

2. The evidence to show that defendant committed a burglary and that he intended to kill was sufficient to sustain his conviction for first degree felony murder.

## Supreme Court Decisions, Opinions & Rules

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3. Under the facts and circumstances of this case, the trial court did not err in limiting defendant's repetitious denial of guilty intent. Affirmed. Wahl, J.

**C8-88-2614 Jon Clifford Johnson, et al. v. Ronald Morris, individually and a police officer in the Lakefield Police Department, et al., Steven Van Hal, individually and as Deputy Sheriff in the County of Jackson, et al., petitioners, Appellants, State of Minnesota, Defendant. Court of Appeals.**

1. In action seeking damages from a peace officer for alleged violation of federal civil rights under 42 U.S.C. 1983, the trial court appropriately granted summary judgment to the officer for failure of the complaint to present justiciable claims or because the officer enjoyed a qualified immunity from liability for his conduct.

2. In action seeking state law tort damages from a peace officer alleging false arrest, false imprisonment, assault, battery and negligent and intentional infliction of emotional distress, the trial court appropriately granted summary judgment to the police officer on all claims except that for assault.

Affirmed in part, reversed in part, and remanded. Kelley, J.

**C2-88-2379 State of Minnesota v. Bruce Philip Larson, Appellant. Court of Appeals.**

1. Trial court did not violate defendant's right of confrontation in admitting extrajudicial statements of available but nontestifying complainant in child sex abuse prosecution where defendant was free to call and cross-examine the child.

2. Although extrajudicial statements may not have been admissible under *Minnesota Statutes* § 595.02, subd. 3 (1988), because the declarant was available but did not testify, the statements were admissible under *Minn. R. Evid.* 803(24) (the catch-all exception) and *Minn. R. Evid.* 803(4) (statements for purpose of medical diagnosis or treatment).

3. In the future in a case like this the state must call in its case-in-chief an available witness whose hearsay statements are being admitted against the defendant if the defendant so requests.

4. Effect of determination of competency of child witness is not a factor which trial court necessarily must consider in making competency determination.

Reversed; judgment of conviction affirmed. Coyne, J.

Dissenting, Kelley, J.

**C8-89-310 American Family Mutual Insurance Company, petitioner, Appellant v. Robert Vanman, et al. Court of Appeals.**

A reparation obliger is not entitled to common law indemnity from an uninsured motorist for basic economic loss benefits paid pursuant to the assigned claims plan.

Affirmed. Coyne, J.

**C3-88-1760 In Re Petition for Disciplinary Action against John Remington Graham, an Attorney at Law of the State of Minnesota. Supreme Court.**

Suspended. Per Curiam.

### Orders

**C8-82-1658 In Re Petition for Disciplinary Action against Paul C. Piper, an Attorney at Law of the State of Minnesota. Supreme Court.**

Indefinitely suspended. Kelley, J.

### Order #C4-80-51095—Reappointment to the Minnesota Sentencing Guidelines Commission

Pursuant to *Minnesota Statutes* § 244.09, subd. 2(2) and subd. 3, I, Chief Justice of the Supreme Court of the State of Minnesota, do hereby reappoint the Honorable Glenn E. Kelley, Associate Justice of the Minnesota Supreme Court, as the designee of the Chief Justice of the State of Minnesota, to the Minnesota Sentencing Guidelines Commission for a new term expiring April 15, 1994.

Dated: 15 March 1990

BY THE COURT

Peter S. Popovich  
Chief Justice

**Order #C4-80-51095—Appointment to the Minnesota Sentencing Guidelines Commission**

Pursuant to *Minnesota Statutes* § 244.09, subd. 2(2) and subd. 3, I, Chief Justice of the Supreme Court of the State of Minnesota, do hereby appoint the Honorable R. A. Randall, Judge of the Court of Appeals, to succeed the Honorable Fred Norton as the Court of Appeals member of the Minnesota Sentencing Guidelines Commission for a term expiring March 15, 1994.

Dated: 14 March 1990

BY THE COURT  
Peter S. Popovich  
Chief Justice

**Order CX-84-1651—Appointment of Member to the Minnesota State Board of Legal Certification**

**WHEREAS**, Timothy Olcott has completed his term on the Minnesota State Board of Legal Certification and does not wish to serve a second term, and

**WHEREAS**, Donald E. Schmid, Jr. has agreed to serve on the Board,

**IT IS ORDERED**, that Donald E. Schmid, Jr., 109 W. Main, Sleepy Eye, Minnesota 56085, be and hereby is, appointed a member of the Minnesota State Board of Legal Certification for a term expiring on January 1, 1993.

Dated: 15 March 1990

BY THE COURT  
Peter S. Popovich  
Chief Justice

**Order #C1-84-2140—In Re Appointment to the Interest on Lawyer Trust Account Board**

Pursuant to the Rules for Interest on Lawyer Trust Account Board adopted by this Court,

**IT IS ORDERED:**

Timothy Marrinan is hereby appointed, as the Supreme Court representative, to serve as a member of the Interest on Lawyer Trust Account Board for a three-year term commencing on February 1, 1990, and to end on January 31, 1993. Mr. Marrinan succeeds John Jackson, who has served the maximum number of terms permitted.

Dated: 15 March 1990

BY THE COURT:  
Peter S. Popovich, Chief Justice

**Order #C6-89-2248—Appointing Members of the Criminal Courts Study Commission**

**WHEREAS**, by Supreme Court Order dated December 29, 1989, the Criminal Courts Study Commission was established and its members appointed; and

**WHEREAS**, it is deemed desirable to appoint additional members to the Commission;

**NOW THEREFORE, IT IS HEREBY ORDERED** that the following persons are appointed to serve on the Commission:

William P. Kain  
Attorney at Law  
925 First Street South  
St. Cloud, MN 56301  
(612) 253-3700

Mitchell L. Rothman  
Deputy City Attorney  
Minneapolis City Attorney's Office  
A1700 Government Center  
Minneapolis, MN 55487  
(612) 673-2033

Richard A. Newberry  
Assistant City Attorney  
St. Paul City Attorney's Office  
638 Courthouse  
St. Paul, MN 55102  
(612) 298-4271

Thomas H. Frost  
Assistant Hennepin County Attorney  
Chief, Criminal Division  
C2100 Government Center  
Minneapolis, MN 55487  
(612) 348-5520

## Supreme Court Decisions, Opinions & Rules

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Terrence M. Walters  
Attorney at Law  
Suite 303  
18 Southwest Third Street  
Rochester, MN 55902  
(507) 281-5857

Dated: 15 March 1990

BY THE COURT:

Peter S. Popovich  
Chief Justice

## Announcements

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**Environmental Quality Board (EQB):** Comments are due April 18 on the EAWs (environmental assessment worksheets) for the projects listed below at their regional governing unit: **Tiller Corporation Mining Permit—**

**Pit 731.** Washington County (612) 779-5443; **Ogilvie Wastewater Treatment Facility Upgrade.** Minn. Pollution Control Agency (MPCA) (612) 297-1766; **East Gull Lake Wastewater Treatment Facilities,** MPCA (612) 296-7796; **Goose Lake/Vermillion River Bottoms Habitat Rehabilitation and Enhancement Project,** Minn. Dept. of Natural Resources (DNR) (612) 296-4796; **Serenity Plat Two,** St. Cloud Township (612) 251-1371; **Lester River Tunnel and Fishways,** DNR (612) 296-4796. • An alternative review by the Minn. Dept. of Transportation (MnDOT) will be made of **I-94/20th Street South Half-Diamond Interchange,** (218) 299-5301. • Petitions have been received for environmental review of the following projects: **Little Wabana Lake Plat,** Itasca County (Terry Greenside, Zoning Administrator, Itasca County Courthouse, Grand Rapids, MN 55744; **Peters Gas Station/Store,** City of Wyoming; **White Bear Hills Shopping Center,** City of White Bear Lake (James Robinson, Planner, City of White Bear Lake, 4701 Highway 61, White Bear Lake, MN 55110. • A draft scoping EAW has been prepared for the **Prairie Island Spent Nuclear Fuel Storage Project** and can be seen at the Red Wing Public Library and at the EQB offices, 300 Centennial Bldg., 658 Cedar St., St. Paul. Two public meetings will be held to receive oral comments on the draft scoping document—Mon. 16 April 1990 at 7 p.m. at the Red Wing Public Library, Third and Broad Sts., and on Tues. 17 Apr. at 3 p.m. at the EQB offices. Written comments are due by Apr. 16 to Bob Cupit at the EQB address above. • A draft EIS (environmental impact statement) for the **West Publishing/Eagan Corporate Center** has been prepared and can be viewed at the Eagan City Hall. An information meeting is scheduled for Mon. 19 April at 4 p.m., Eagan City Hall, 3838 Pilot Knob Rd., Eagan. • The DNR is planning two lake rehabilitation projects for this spring: **Naylor Pond** and **Clear Lake** will be treated with the chemical rotenone (trade name Nusyn-Noxfish). Comments or questions should be addressed to James Groebner, DNR—Fisheries, 500 Lafayette Rd., Box 12, St. Paul, MN 55155-4012.

**Governor's Appointments/Snowmobile Trail Task Force:** Governor Rudy Perpich announced the creation of a Snowmobile Trail Task Force to be made up of representatives of retailers, snowmobile activists and the snowmobile industry. It will analyze the current condition of Minnesota's snowmobile trails and will develop long term objectives for the state's snowmobiling program. Appointed to the Task Force are **Tom Decker,** Mound; **Robert Devries,** Brooklyn Center; **Nancy Hanson,** New Hope; **Anton Jambor,** Minneapolis; **Brook Kinder,** Walker; **Joe Klosterman,** Thief River Falls; **Marlyse Knutson,** Excelsior; **Jerry Kujala,** Mountain Iron; **Hank Lindsey,** Bemidji; **Delyle Pankratz,** Mountain Iron; **Larry Shepherd,** Northfield; **LeRoy Strehlo,** Circle Pines; **Douglas Swenson,** Hibbing; **Mary Violet,** Hanover; **Richard Waseen,** Barnum; and **Fred Zak,** Little Falls. Governor Perpich also announced appointments to the Board of Electricity, which licenses electricians and inspects new electrical wiring. Reappointed to the board are **Allan Hill,** Duluth; **George Meyer,** North Mankato; and **Robert Thompson,** Minneapolis. Newly appointed to the board is **Gerald Anderson** of Shoreview. All the appointments are to four-year terms.



## Armchair Adventures in Minnesota

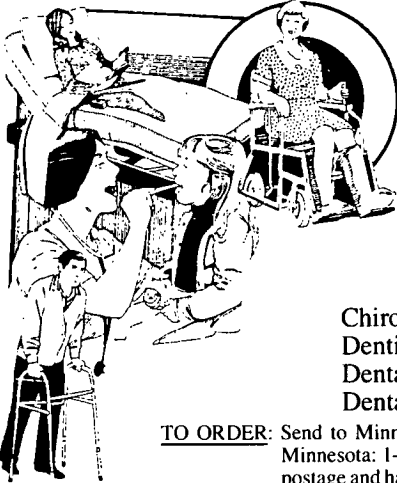
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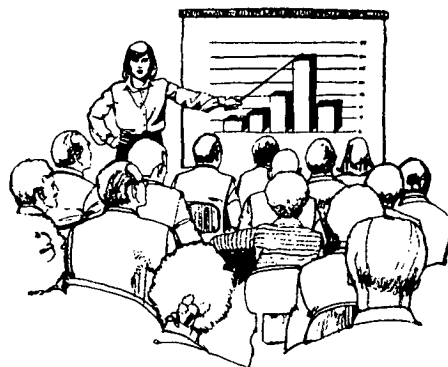
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