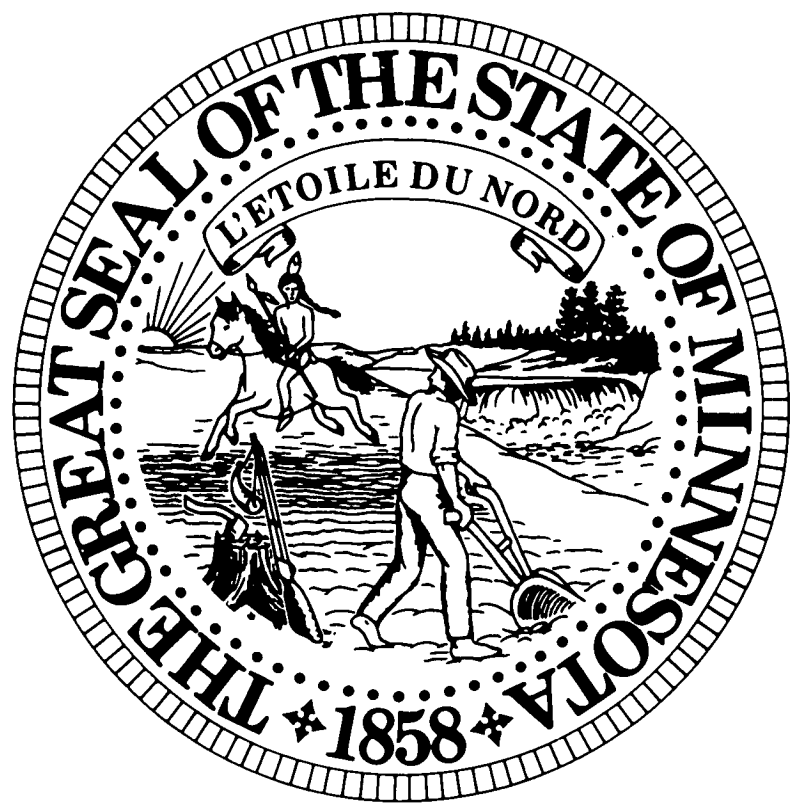


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The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 3 December 1990
Volume 15, Number 23
Pages 1277-1328

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, 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. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
23	Monday 19 November	Monday 26 November	Monday 3 December
24	Monday 26 November	Monday 3 December	Monday 10 December
25	Monday 3 December	Monday 10 December	Monday 17 December
26	Monday 10 December	Monday 17 December	Monday 24 December

*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 court; 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 \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

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

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

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

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Agriculture

Proposed Permanent Rules Relating to Mediation and Arbitration

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, section 17.945.

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.

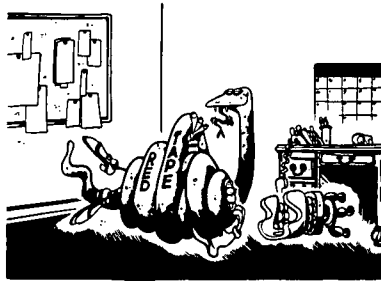
Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any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

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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.

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

The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed 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 upon request from Ms. Milligan.

The department has determined that this rule will have no significant negative impact on small businesses. The purpose of the rule is to protect small businesses, and although the rule requires all businesses large and small to submit samples of contracts to the department, this requirement should not be burdensome.

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

Dated: 15 November 1990

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1572.0010 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1572.0010 to 1572.0050.

Subp. 2. **Arbitration.** "Arbitration" means a process by which the parties to a dispute submit their differences to the judgment of an impartial party. The arbitrator's role is to hear the parties' arguments and issue a decision or grant an award, resolving the dispute.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or a designee.

Subp. 4. **Contract.** "Contract" means a legally enforceable agreement between two or more parties. Contract includes a written commodity contract signed by all parties. If the parties have not signed a written commodity contract, contract includes an invoice, purchase order, memorandum, or confirmation of sale unless the terms of the document have been objected to by a party to the proposed agreement within ten days of receipt of the document by the objecting party. Contract does not include a grain scale ticket.

Subp. 5. **Mediation.** "Mediation" means a process by which parties to a dispute jointly explore and resolve all or a part of their differences with the assistance of a neutral person. The mediator's role is to assist the parties in resolving the dispute. The mediator has no authority to impose a settlement.

1572.0020 MEDIATION AND ARBITRATION.

Subpart 1. **Procedure.** If mediation or arbitration services are requested, the commissioner may refer the parties to outside mediation or arbitration services or conduct the services within the department of agriculture. Mediation and arbitration activities of the commissioner must be conducted according to the Uniform Arbitration Act in *Minnesota Statutes*, sections 572.08 to 572.30, and the Minnesota Civil Mediation Act in *Minnesota Statutes*, sections 572.31 to 572.40.

Mediation or arbitration services provided by the commissioner under this part must be provided according to the terms of the contract between the parties. In addition, the commissioner shall require the providers of any outside mediation or arbitration services to which the commissioner refers the parties to conduct arbitration or mediation proceedings according to the terms of the contract between the parties.

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

Subp. 2. **Limitations.** The commissioner may not accept a request under subpart 1 if the contract governing the dispute between the parties contains an arbitration or mediation clause, and if:

A. mediation or arbitration procedures have started before a mediator or arbitrator who has been appointed in accordance with the contract or who otherwise is agreeable to the parties; or

B. whether or not mediation or arbitration has started, the arbitration or mediation clause or terms adopted under it contains a mechanism for designating a mediator or arbitrator the parties are legally obligated to use under the Uniform Arbitration Act or the Minnesota Civil Mediation Act, whichever is appropriate.

Subp. 3. **No review.** The commissioner shall not review decisions made under a mediation or arbitration proceeding between a contractor and a producer, or otherwise provide services under subpart 1 relative to a matter that was disputed in the arbitration or mediation proceedings.

Subp. 4. **Findings.** The findings and order of an arbitrator under this part are prima facie evidence of the matters contained in them.

Subp. 5. **Seed.** If arbitration is required in a contract for seed, as defined in *Minnesota Statutes*, section 21.81, subdivisions 3, 8, and 32, the arbitration procedure in items A to C applies.

A. A notice in the following form, or equivalent language must be part of a seed contract:

"Arbitration is required as a precondition of maintaining certain legal actions, counterclaims, or defenses against a seller of seed for damages for the failure of seed for planting to produce or perform as represented by a seed tag or label."

B. The commissioner shall appoint an arbitration council composed of five members and five alternate members. One member and one alternate must be appointed upon the recommendation of each of the following:

- (1) the dean and director of the College of Agriculture, University of Minnesota;
- (2) the director of the Minnesota Agricultural Experiment Station;
- (3) the president of the Minnesota Crop Improvement Association;
- (4) the president of a farm organization designated by the commissioner; and
- (5) the commissioner.

An alternate member may serve only in the absence of the member for whom the person is an alternate.

The council shall select a chair and a secretary from its membership. The chair shall conduct meetings and deliberations of the council and direct all of its other activities. The secretary shall keep accurate records of all meetings and deliberations and perform other duties for the council as the chair may direct.

The purpose of the council is to conduct arbitration as provided in this part. The council may be called into session by or at the direction of the commissioner or upon direction of its chair to consider matters referred to it by the commissioner or the chair in accordance with this part.

C. Procedures:

(1) A buyer may invoke arbitration by filing a sworn complaint with the commissioner. The buyer shall serve a copy of the complaint upon the seller by certified mail. Except in case of seed that has not been planted, the claims must be filed within a time that permits effective inspection of the plants under field conditions.

(2) Within 15 days after receipt of a copy of the complaint, the seller shall file with the commissioner an answer to the complaint and serve a copy of the answer upon the buyer by certified mail.

(3) The commissioner shall refer the complaint and answer to the council for investigation, findings, and recommendations.

(4) Upon referral of a complaint for investigation the council shall make a prompt and full investigation of the matters complained of and report its findings and recommendations to the commissioner within 60 days of the referral or a later date as the parties may determine.

(5) The report of the council must include findings of fact and recommendations as to costs, if any.

(6) In the course of its investigation, the council or any of its members may examine the buyer and the seller on all matters the council considers relevant; may grow to production a representative sample of the seed through the facilities of the commissioner or a designated university under the commissioner's supervision if considered necessary; and may hold informal hearings at a time and place the council chair may direct upon a reasonable notice to all parties.

(7) The council may delegate all or any part of an investigation to one or more of its members. Any delegated investigation must be summarized in writing and considered by the council in its report.

(8) After the council has made its report, the commissioner shall promptly transmit the report by certified mail to all the parties.

(9) All expenses of the arbitration, including required travel and other expenses of the council, must be borne equally by the parties, unless the council, in the award, assesses the expenses or any part of them against a specified party or parties.

Subp. 6. **Clause required.** Contract mediation or arbitration clauses are required in contracts signed by Minnesota producers.

Subp. 7. **Sample copies of contracts.** A contractor using a written commodity contract must submit to the commissioner a sample copy of each contract offered to producers. Schedules of prices and charges need not be included. Contract samples must be submitted to the commissioner and made available to producers at least 30 days before being offered to producers for signature.

Subp. 8. **Effective date.** *Minnesota Statutes*, section 17.91, applies only to contracts signed after August 1, 1990.

1572.0030 RECAPTURE OF LARGE CAPITAL INVESTMENT.

Subpart 1. **Provision required; definitions.** A producer may recover damages under *Minnesota Statutes*, section 17.92, subdivision 1, clause (2), only if the producer has a written contractual obligation to provide a capital improvement of \$100,000 or more.

If a contract states in writing that a producer must make a large capital investment in order to fulfill the contract, the contract must contain a provision allowing the producer to recover through mutual agreement, litigation, or other legal process a portion of that investment if the contract is terminated or canceled prematurely. "Termination" and "cancellation" do not include expiration of the contract. "Large capital investment" means a capital investment that costs \$100,000 or more and has a useful life of five years or more. *Minnesota Statutes*, section 17.92, applies only to contracts that are signed after August 1, 1990.

Producers receiving notice under *Minnesota Statutes*, section 17.92, subdivision 2, are not eligible for recaptured damages if there has been a material breach of the contract. The damages to be determined under *Minnesota Statutes*, section 17.92, subdivision 1, do not include payment for the reasonable useful life of an asset that extends beyond the term of the contract.

Subp. 2. **Bond or letter of credit.** A contractor may terminate a contract if the contractor secures a bond or irrevocable letter of credit in a sufficient amount to cover the probable claim if the damages the producer is entitled to under *Minnesota Statutes*, section 17.92, subdivision 1, clause (2) have not been received within 180 days after notice of intent to terminate has been given.

Subp. 3. **Relationship to production cycle.** If the 180- or 90-day notice periods expire before the end of a production cycle, the contract will not terminate until the end of that production cycle. A contractor may terminate a contract at the end of a production cycle that occurs before the end of the 180- or 90-day notice period has expired if the producer agrees to the termination.

1572.0040 PARENT COMPANY LIABILITY.

A corporation, partnership, sole proprietorship, or association that through ownership of capital stock, cumulative voting rights, voting trust agreements, or any other plan, agreement, or device, owns more than 50 percent of the common or preferred stock entitled to vote for directors of a subsidiary corporation or provides more than 50 percent of the management or control of a subsidiary is liable to a seller of agricultural commodities for any unpaid claim or contract performance claim of that subsidiary.

1572.0045 UNFAIR TRADE PRACTICES.

Subpart 1. **Prohibited conduct.** Unfair trade practices prohibited under parts 1572.0010 to 1572.0050 include conduct prohibited by United States Code, title 7, sections 499a to 499s, the Perishable Agricultural Commodities Act, the rules promulgated thereunder, Code of Federal Regulations, title 7, part 46, United States Code, title 7, section 181 et seq., the Packers and Stockyards Act and the rules promulgated thereunder, Code of Federal Regulations, title 7, part 201.

Subp. 2. **Federal preemption.** If federal and state regulation are identical, federal jurisdiction and enforcement control unless the federal authority decides not to enforce the regulation.

1572.0050 DAIRY MARKETING AGREEMENTS.

A dairy marketing agreement must contain a clause allowing either party to give the other party 30 days prior written notice of intent to terminate the agreement.

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Proposed Rules

Department of Agriculture

Proposed Permanent Rules Relating to Wholesale Produce Dealers

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, section 27.14.

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 their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

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

The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed 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 upon request from Ms. Milligan.

The department has determined that this rule will have no negative impact on small business. The major impact of the rule is to provide financial protection for wholesale produce dealers, most of whom are small businesses. Bonding requirements under the rule are more stringent, but the rule allows irrevocable letters of credit in lieu of a bond for small businesses in some instances.

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

Dated: 13 November 1990

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1500.0101 PURPOSE.

The purpose of parts 1500.0101 to 1500.1401 is to provide economic protection for the producers and sellers of perishable agricultural products.

1500.0201 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1500.0101 to 1500.1401.

Subp. 2. **Bond.** "Bond" means an obligation for which one is bound that is executed and filed with the commissioner of agriculture in the name of the state of Minnesota requiring that the wholesale produce dealer must live up to the contracts and obey the laws and rules covering wholesale produce dealers.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or a designee.

Subp. 4. **Pool.** "Pool" means a fund containing contributions by farmers and wholesale produce dealers to reimburse farmers for produce committed for but not harvested.

Subp. 5. **Principal.** "Principal" means a person who empowers another to act on his or her behalf.

Subp. 6. **Purchase.** "Purchase" means the acquisition of produce by a wholesale produce dealer in exchange for payment. It is immaterial whether the purchaser or the seller has title to the produce.

1500.0301 SIGNED INVOICE.

An invoice that is being treated as a contract under *Minnesota Statutes*, section 27.01, subdivision 5, must be signed by the buyer of the produce.

1500.0401 CASH.

Cash, as defined in *Minnesota Statutes*, section 27.01, subdivision 8, paragraph (c), clause (3), does not include personal or business account checks.

1500.0501 PERISHABLE PRODUCTS.

Under *Minnesota Statutes*, section 27.01, subdivision 8, paragraph (c), clause (4), perishable agricultural products protected by the Wholesale Produce Dealers Act include:

- A. poultry before it is defeathered and eviscerated;
- B. eggs before they are candled and graded;
- C. milk and milk products that have a shelf life of less than 60 days; and

D. perishable fruits and vegetables, including all fruits, vegetables, and mushrooms in fresh form whether or not packed in ice or held in cold storage, but not including perishable fruits and vegetables that have been manufactured into articles of food of a different kind or character. The effects of the following operations must not be considered as changing a commodity into a food of a different kind or character: water or steam blanching, chopping, color adding, curing, cutting, dicing, drying for the removal of surface moisture, fumigating, gassing, heating for insect control, ripening, coloring, removal of seed, pits, stems, calyx, husk, pods, rind, skin or peel, polishing, precooking, refrigerating, shredding, slicing, trimming, washing with or without chemicals, waxing or adding of sugar or other sweetening agents, adding ascorbic acid or other agents used to retard oxidation, mixing of several kinds of sliced, chopped, or diced fruits or vegetables for packaging in any type of containers, pasteurization, homogenization, and grading.

1500.0601 FINANCIAL STATEMENTS.

An application for licensing under the Wholesale Produce Dealers Act must be accompanied by a financial statement as required under *Minnesota Statutes*, section 27.04, subdivision 2, paragraph (a), clause (5). The financial statement must be prepared according to generally accepted accounting principles that meet the requirements in items A to D.

- A. The financial statement must include, but is not limited to:

- (1) accountant's report;
- (2) statement of financial position (balance sheet); and
- (3) statement of operations (income statement).

B. The financial statement must be accompanied by a compilation report of the financial statement that is prepared by a person or firm approved by the commissioner or by an independent public accountant, according to standards established by the American Institute of Certified Public Accountants.

C. The financial statement must be accompanied by a certification by the chief executive officer or the chief executive officer's designee of the licensee, under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement.

D. The commissioner may refuse to issue or renew a license or may suspend a license upon determining, based upon the financial statement filed under this part or other financial information obtained by the commissioner, that the applicant or the licensee is not financially able to properly perform the services and operate the business for which the license is issued.

E. The copies of contracts required by *Minnesota Statutes*, section 27.04, subdivision 2, paragraph (b), do not have to contain price schedules and charges. If the same contract is given to more than one seller, only one copy of that contract is required.

1500.0701 BONDS.

Licensees must obtain a bond or irrevocable letter of credit as required by *Minnesota Statutes*, section 27.03, subdivision 1. The bond or letter of credit amount required must be determined according to items A to E.

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Proposed Rules

A. The minimum bond amount must be one-third of the largest monthly produce purchase from sellers located in Minnesota.

B. If subtracting current liabilities and largest monthly purchase from current assets results in a negative amount, then one-third of this negative amount, or one-third of the largest monthly purchase (whichever is smaller) must be added to the required bond or irrevocable letter of credit amount.

C. If subtracting the largest monthly purchase from stockholders' equity results in a negative amount, then one-third of that negative amount, or one-third of the largest monthly purchase (whichever is smaller) must also be added to the required bond or irrevocable letter of credit amount.

For new licensees, the bond amount must be based on what the new licensees estimate as the amount they plan to purchase.

In lieu of a surety bond, the commissioner may accept an irrevocable letter of credit if the licensee has been licensed for at least three years and there have been no complaints concerning the licensee during the past three years, the licensee's ratio of current assets to current liabilities is at least 1.2 to 1, and the licensee's total assets exceed total liabilities.

The Department of Agriculture "Minnesota Bond of Wholesale Produce Dealer" form must be used for all wholesale produce dealer bonds.

1500.0801 CLAIMS AGAINST A BOND.

Subpart 1. **Filing a claim.** Claims against a bond may be filed by a producer or wholesale produce dealer claiming to be damaged by the breach of an agreement to purchase produce. A claim must be filed with the commissioner within 40 days following the due date. Due date means ten days from the date of delivery of produce by the seller to the licensee or the due date specified in a contract between the buyer and seller. In the case of milk processing plants, the due date means 15 days following the monthly day of accounting.

Subp. 2. **Form of claim.** All claims must be in writing, must state the facts upon which the claim is based, must include all supporting evidence, and must be signed by the claimant. The supporting evidence must consist of, but is not limited to, a contract, purchase agreement, a check indicating insufficient funds, and purchase receipts.

Subp. 3. **Where to file.** All claims must be filed at the following address: Minnesota Department of Agriculture, Plant Industry Division, Fruit and Vegetable Section, 90 West Plato Boulevard, Saint Paul, Minnesota 55107.

Subp. 4. **Notice to licensee.** Upon receipt of a claim, the licensee must be informed that a claim has been made and given ten days in which to pay or challenge the claim.

Subp. 5. **Bond proceeds.** If bond proceeds are inadequate to cover all claims, claims of farmers must take priority. Proceeds must be distributed in pro rata shares.

1500.0901 MEDIATION AND ARBITRATION.

Subpart 1. **Definitions.** The definitions in items A and B apply to this part.

A. "Mediation" is a process by which the parties to a dispute jointly explore and resolve all or a part of their differences with the assistance of a neutral person. The mediator's role is to assist the parties in resolving the dispute themselves. The mediator has no authority to impose a settlement.

B. "Arbitration" is a process by which the parties to a dispute submit their differences to the judgment of an impartial party. The arbitrator's role is to hear the parties' arguments and issue a decision (grant an award) resolving the dispute.

Subp. 2. **Procedure.** If mediation or arbitration services are requested, the commissioner may refer the parties to outside mediation or arbitration services or conduct the services within the Department of Agriculture. Mediation and arbitration activities of the commissioner must be conducted according to *Minnesota Statutes*, chapter 572.

Subp. 3. **Required clauses.** Mediation or arbitration clauses are required in all contracts signed by Minnesota producers.

1500.1001 PARENT COMPANY.

Subpart 1. **Voting power.** A corporation, partnership, or association that directly, or indirectly through related entities, owns more than 50 percent of the voting power of the shares entitled to vote for directors of a subsidiary corporation is liable to a seller of agricultural commodities for any unpaid claim or contract performance claim of that subsidiary corporation.

Subp. 2. **Management or control.** A corporation, partnership, or association that directly, or indirectly through related entities, provides more than 50 percent of the management or control of a subsidiary is liable to the seller of an agricultural commodity for any unpaid claim or contract performance claim of the subsidiary.

1500.1101 WHOLESALE PRODUCE DEALERS TRUST.

Subpart 1. **Scope.** The requirements of this part cover all transactions existing as of and entered into on or after the effective date of this part that have been issued under *Minnesota Statutes*, section 27.137.

Subp. 2. **Definitions.** The definitions in this subpart apply to parts 1500.1101 and 1500.1201.

A. "Calendar days" means every day of the week, including Saturdays, Sundays, and holidays except that if the 40th calendar day falls on a Saturday, Sunday, or holiday, the final day with respect to the time for filing a beneficiaries' notice is the next day upon which there is a postal delivery service.

B. "Default" means the failure to pay promptly money owed by the due date.

C. "Dissipation" means an act or failure to act that could result in the diversion of trust assets or that could prejudice or impair the ability of unpaid suppliers, sellers, or agents to recover money owed in connection with produce transactions.

D. "Due date" means ten days from the date of delivery of produce by the seller to the licensee if the due date is not specified in a contract between the parties. Otherwise, the due date is the contract due date.

E. "Received" means the time when the buyer, receiver, or agent gains ownership, control, or possession of produce, except that if produce has not been received as described above and if there is a rejection without reasonable cause, the goods must be considered to have been received when proffered.

F. "Trust assets" means produce received in all transactions, all inventories of food or other products derived from that produce, and all receivables or proceeds from the sale of that produce and derived food or products. Trust assets must be preserved as a nonsegregated floating trust. Commingling of trust assets is contemplated.

Subp. 3. **Beneficiaries' notice.** Wholesale produce dealers acting on the behalf of others have the duty to preserve their principals' rights to trust benefits by filing a timely beneficiaries' notice provided by the commissioner with their principal, the produce buyer, the commissioner, and the Secretary of State, 180 State Office Building, 100 Constitution Avenue, Saint Paul, Minnesota 55155.

Subp. 4. **Trust maintenance.** Wholesale produce dealers are required to maintain trust assets so that the assets are freely available to satisfy outstanding obligations to sellers of produce. An act or omission that is inconsistent with this responsibility, including dissipation of trust assets, is unlawful and constitutes irreparable injury and harm.

Subp. 5. **Valid claim.** A claim is valid if the claim form identifies the product and the amount due and a beneficiaries' notice is filed with the wholesale produce dealer to whom the produce was transferred, the commissioner, and the secretary of state by 40 days after the due date.

1500.1201 NOTICE OF PAYMENT PROTECTION.

Wholesale produce dealers who purchase produce from sellers inside the state of Minnesota must provide the following notice of payment protection, in at least ten point, all capital type, to each seller of produce on or before payment is due:

WE ARE A LICENSED AND BONDED MINNESOTA WHOLESALE PRODUCE DEALER. AS A SUPPLIER OF PRODUCE, YOU ARE PROTECTED BY A BOND AND A WHOLESALE PRODUCE DEALERS TRUST IF YOU FILE A CLAIM WITHIN 40 DAYS AFTER THE DUE DATE WITH THE MINNESOTA DEPARTMENT OF AGRICULTURE. FOR FURTHER INFORMATION, CALL (612) 297-2200 OR WRITE: MINNESOTA DEPARTMENT OF AGRICULTURE, PLANT INDUSTRY DIVISION, 90 WEST PLATO BOULEVARD, SAINT PAUL, MINNESOTA 55107

Wholesale produce dealers need only notify each of their sellers once. A new seller must be notified on or before the time a seller is to receive his or her first payment.

1500.1301 COMMITMENT TO PAY.

A. If a crop is declared unsuitable, the processor must:

(1) provide the grower with specific written statements of the reasons why the crop is unsuitable;

(2) provide for arbitration of disputes, considering among other things whether standards of suitability are applied equally to all growers; and

(3) provide some form of guaranteed compensation unless the processor can show that the crop loss was caused by the grower's neglect. Except that both parties shall be excused from payment or performance for crop conditions that are beyond the control of the parties.

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Proposed Rules

B. Growers must be compensated for suitable passed acreage at 100 percent of the contract price. The processor must pay a minimum of 50 percent, with the remainder to be paid for by the pool.

For purposes of determining compensation, yield and grade must be determined by one of the methods in subitems (1) to (3).

(1) The estimated yield and grade of unharvested acreage may be based on the actual yield and grade of harvested acreage, if part of the growers' acreage has been harvested.

(2) The yield and grade of a grower's unharvested acreage may be based on the average yield and grade of acreage harvested from other growers in the area.

(3) Agreement may be arrived at between the grower and processor as to what is adequate compensation based on past yields and the experience of the individual grower.

C. At the end of each season after passed acreage totals have been determined, each processor shall provide contract growers with a statement summarizing the aggregate disposition of passed acreage funds. The statement must be provided to each grower with the grower's final paycheck. At a minimum, the statement must include:

(1) the total amount of acreage left unharvested by the processor;

(2) the amount of unsuitable acreage abandoned by the processor and the aggregate compensation paid for that acreage;

(3) the amount of suitable acreage passed by the processor and the total passed acreage compensation paid for that acreage;

(4) total grower contributions to the passed acreage pool;

(5) total processor contributions for passed acreage compensation; and

(6) total payment to growers, broken down into number of growers being paid, amount of acreage paid for, and total payment to all growers for passed acreage.

1500.1401 UNFAIR TRADE PRACTICES.

It is unlawful in or in connection with any produce transaction:

A. for a wholesale produce dealer to make, for a fraudulent purpose, a false or misleading statement in connection with a transaction involving produce, including statements made to induce a person to sign a contract;

B. for a wholesale produce dealer to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or origin of any produce received, shipped, sold, or offered to be sold;

C. for a wholesale produce dealer, for a fraudulent purpose, to remove, alter, or tamper with a card, stencil, stamp, tag, or notice placed upon a container or railroad car containing produce, if the card, stencil, stamp, tag, or notice contains a certificate or statement under authority of a federal or state inspector or in compliance with a federal or state law or regulation as to the grade or quality of the produce contained in the container or railroad car;

D. for a wholesale produce dealer to use coercion, intimidation, the threat of retaliation, or the threat of contract termination to impose, demand, compel, or dictate the terms, payment or manner of payment, or the signing of a contract by a producer; or

E. for a wholesale produce dealer, without the consent of an inspector, to make, cause, or permit to be made any change by way of substitution or otherwise in the contents of a load or lot of produce after it has been officially inspected for grading and certification. This does not prohibit resorting and discarding inferior produce.

1500.1501 FEDERAL PREEMPTION.

If federal and state regulation are identical, federal jurisdiction and enforcement control unless the federal authority decides not to enforce the regulation.

REPEALER. *Minnesota Rules*, parts 1500.0100; 1500.0200; 1500.0300; 1500.0400; 1500.0500; 1500.0600; 1500.0700; 1500.0800; 1500.0900; 1500.1000; 1500.1100; 1500.1200; 1500.1300; 1500.1400; 1500.1500; 1500.1600; 1500.1700; 1500.2200; 1500.2300; 1500.2400; 1500.2500; 1500.2600; 1500.2700; 1500.2800; 1500.2900; 1500.3000; 1500.3100; and 1500.3200 are repealed.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Child Care Grants; Campus Contracts With County; Postsecondary Grant Program for Registered Nurses; Postsecondary Nursing Grant Program for Licensed Practical Nurses; and Postsecondary Rural Physician Loan Forgiveness Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is in *Minnesota Statutes* 136A.04, Subd. 1(9), 136A.16, and 136A.234.

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 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:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101
(612) 296-9656

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 the 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 Mary Lou Dresbach 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 Mary Lou Dresbach.

Dated: 16 November 1990

David R. Powers
Executive Director
Minnesota Higher Education Coordinating Board

Proposed Permanent Rules Relating to Child Care Grants; Campus Contracts with County**Rules as Proposed****4830.7400 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.**

[For text of subs 1 to 7, see M.R.]

Subp. 8. Contract with county. Institutions may contract with counties to handle program administration, but are accountable for county decisions related to the program. Program administration includes selection of students to receive awards from this program, award calculation, disbursement, and program reporting. The appeal process in part 4830.7720 is applicable to students attending institutions that contract with counties to handle program administration.

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Proposed Rules

Proposed Permanent Rules Relating to Postsecondary Grant Program for Registered Nurses

Rules as Proposed (all new material)

4830.6500 SCOPE.

Parts 4830.6510 and 4830.6520 apply to the program of state grants for registered nurses.

4830.6510 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program of advanced nursing education that desires program funds for registered nurses must submit by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to a school or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Requirements for participant institutions.** Each participating school or advanced nursing program must also:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of registered nurses seeking to complete baccalaureate or master's degrees in nursing or an advanced program of nursing;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding grants, which must include consideration of the likelihood of a student's success in completing the educational program; and

D. give priority to students:

(1) demonstrating the greatest financial need; and

(2) enrolling to complete baccalaureate degrees in nursing.

Subp. 4. **Delay.** A participating institution that fails to submit the annual application for participation to the executive director or provide requested enrollment data by its deadline date may result in the delay of notification and disbursement by the executive director to the institution.

Subp. 5. **Accountability.** Each participating school and advanced program of nursing is accountable for any funds disbursed to students for grants to registered nurses. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or advanced nursing program must report on its use of nursing grant funds and must return unused funds. The executive director shall reallocate unused funds to schools or advanced nursing programs that desire additional funds.

4830.6520 REPORTS OF DATA.

Subpart 1. **Annual reports.** A participating school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide the data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports from participating institutions. The school or advanced nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline date, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or an agent may require additional information not inconsistent with law that is helpful in the executive director's judgment to efficiently administer the program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

Proposed Permanent Rules Relating to Postsecondary Nursing Grant Program for Licensed Practical Nurses

Rules as Proposed (all new material)

4830.7000 SCOPE.

Parts 4830.7010 to 4830.7020 apply to the program of state grants for licensed practical nurses.

4830.7010 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program that desires nursing grant funds for licensed practical nurses must submit to the executive director by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of licensed practical nurses in educational programs leading to licensure as a licensed registered nurse;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding nursing grants, which must include consideration of the likelihood of a student's success in completing the nursing educational program; and

D. give priority to students with the greatest financial need.

Subp. 4. **Delay.** A participating institution that fails to submit the annual application for participation to the executive director or provide requested enrollment data by the deadline dates may result in the delay of notification and allocation by the executive director.

Subp. 5. **Accountability.** Each participating school and nursing program is accountable for any money disbursed to students for nursing grants for licensed practical nurses. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director shall reallocate unused funds to schools or nursing programs that desire additional funds.

4830.7020 REPORTS OF DATA.

Subpart 1. **Annual reports.** The school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide this data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports. The school or nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or the executive director's agent may require additional information not inconsistent with law that in the executive director's judgment is helpful to efficiently administer the program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

Proposed Permanent Rules Relating to Postsecondary Rural Physician Loan Forgiveness Program**Rules as Proposed (all new material)****4810.3000 SCOPE.**

Parts 4810.3010 to 4810.3070 apply to the rural physician loan forgiveness program.

4810.3010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in *Minnesota Statutes*, section 136A.1351, are applicable to parts 4810.3010 to 4810.3070.

Subp. 2. **Emergency circumstances.** "Emergency circumstances" means those conditions that make it impossible for the participant to fulfill the service commitment. The conditions include death, total and permanent disability, or temporary disability lasting more than two years.

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Proposed Rules

Subp. 3. **Qualified loans.** "Qualified loans" means:

- A. Perkins Loans/National Direct Student Loans (NDSLs);
- B. Stafford Loans/Guaranteed Student Loans (GSLs);
- C. Health Professions Student Loans (HPSLs);
- D. Supplemental Loans for Students (SLSs);
- E. Auxiliary Loans to Assist Students (ALASs);
- F. Parent Loans for Undergraduate Students (PLUSs);
- G. Health Education Assistance Loans (HEALs);
- H. Mayo Foundation Loans;
- I. MedLoans, Minnesota Medical Association Loans (MMAs);
- J. Minnesota Medical Foundation Loans (MMFs);
- K. University of Minnesota Trust Fund Loans (TFLs);
- L. Minnesota Student Educational Loan Fund (SELF loans); and
- M. Student Loan Marketing Association Consolidation Loans (SMART).

4810.3020 CRITERIA FOR SELECTION.

Subpart 1. **Classification of applicants.** The executive director shall place applicants in one of the following classifications:

- A. Minnesota residents who fulfill residency training in Minnesota;
- B. Minnesota residents who fulfill residency training outside Minnesota;
- C. applicants who are not Minnesota residents, but fulfill residency training in Minnesota; or
- D. applicants who are not Minnesota residents and do not fulfill residency training in Minnesota.

Subp. 2. **Insufficient award availability.** If more than eight applicants start to serve as physicians in a designated rural area, the executive director shall choose participants in the order specified in subpart 1 for participation. Applicants not chosen to participate initially must be placed on an alternate list from which additional participants will be chosen if a chosen participant declines to participate.

4810.3030 APPLICATION PROCESS.

Subpart 1. **Acknowledgment letter.** On receipt of a letter of interest from a prospective physician, the executive director shall send the prospective physician more detailed information about the program.

Subp. 2. **Application form.** During the fourth year of medical school, the prospective physician must complete and return the program application form provided by the executive director.

Failure to complete and return the application form by the specified deadline date will result in the elimination of the applicant from the classification list.

Subp. 3. **Contract.** During the first year of residency, the prospective physician must sign a contract with the executive director agreeing to serve at least three of the first five years following residency in a designated rural area if chosen as a participant.

Subp. 4. **Notification of service.** The prospective physician must notify the executive director in writing immediately after starting service as a physician in a designated rural area.

Subp. 5. **Agreement or promissory note.** Before any payments are made by the executive director on qualified loans designated by the participant, the participant must sign the agreement or promissory note provided by the executive director.

4810.3040 LOAN PAYMENT.

Subpart 1. **Designation of loans.** Each program participant must designate which eligible loans the executive director must make payments on. Payments by the executive director cannot exceed \$10,000 per year for each participant.

Subp. 2. **Payment billings.** The participant must provide necessary information for payment purposes on eligible loans to the executive director in a timely manner. The participant must provide the executive director with all payment books for the designated loans or forward monthly billing statements for the loans so that the executive director has ample time to make the monthly payments on time.

Subp. 3. **Terms of payments.** The executive director shall make loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed \$10,000 per year. The participant must continue to serve as a physician in a designated rural area during the period the executive director is making loan payments for the participant.

Subp. 4. **Additional payment amount.** If the amounts paid by the executive director on the designated loans for a participant is less than \$10,000 for a 12-month period, during the 12th month the executive director will pay an additional amount on the designated loans to equal \$10,000 for the 12-month period. The total amount paid during the 12-month period cannot exceed the principal and accrued interest of the designated loans.

Subp. 5. **Discontinuation of service.** The participant must reimburse the executive director for payments made during any period when the participant is not serving as a physician in a designated rural area.

4810.3050 PENALTY FOR NONFULFILLMENT.

Subpart 1. **Payment amount.** If a participant fails to fulfill the service requirement of this program, the amount paid on designated loans by the executive director must be repaid with interest at a rate established according to *Minnesota Statutes*, section 270.75, subdivision 5. Interest accrues from the date the participant ceases to practice as a physician in a designated rural area.

Subp. 2. **Payment plan.** The executive director shall set up a payment plan after consulting with the participant. The participant must repay the money within five years.

Subp. 3. **Waiver.** A participant may request a waiver from the repayment obligation from the executive director. The request must be in writing and must provide written documentation on the emergency circumstances that support the need for the waiver. The executive director shall review the documentation and shall grant a full or partial waiver if the executive director finds that the emergency circumstances justify the waiver.

Subp. 4. **Release of information.** The following information about the participant may be released to a consumer credit reporting agency until the participant has repaid in full all money owed the board:

- A. the name and address of participant;
- B. the date the repayment started;
- C. the outstanding balance;
- D. the amount past due;
- E. the number of payments past due;
- F. the number of late payments in the previous 12 months; and
- G. the status or remarks code.

4810.3060 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** Annually, the participant must complete and return to the executive director by the deadline the service status verification form provided by the executive director.

Subp. 2. **Status change.** The participant must inform the executive director in writing within 30 days of a change of address or service location.

4810.3070 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or the executive director's agent may require additional information from the participant that is not inconsistent with law that is helpful in the executive director's judgment to efficiently administer the program.

Subp. 2. **Forms.** The executive director may provide to participants and require the use of uniform forms in the administration of the program.

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Adopted Rules

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

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

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

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

Department of Health

Adopted Permanent Rules Relating to Fees for Manufactured Home Parks and Recreational Camping Areas

The rule proposed and published at *State Register*, Volume 15, Number 1, pages 7-11, July 2, 1990 (15 SR 7) is adopted with the following modifications:

Rules as Adopted

4630.2000 FEE SCHEDULE FOR LICENSES.

Subp. 3. **Renewal fee for category A sites.** The renewal fee for category A sites, beginning January 1, 1991, shall be ~~\$75~~ \$25 base fee plus ~~\$4~~ \$2.75 for each site, up to 500 sites, except as provided for in subpart 5. A person, firm, or corporation who is licensed under *Minnesota Statutes*, section 157.03, as a hotel, motel, or resort shall pay only the per site fee.

Subp. 4. **Renewal fee for category B sites.** Beginning January 1, 1991, the renewal fee for any manufactured home park or recreational camping area which operates as a category B site shall be a ~~\$75~~ \$25 base fee plus ~~\$3~~ \$1.50 per site, up to 500 sites, except as provided for in subpart 5. A person, firm, or corporation who is licensed under *Minnesota Statutes*, section 157.03, as a hotel, motel, or resort shall pay only the per site fee.

Department of Labor and Industry

Adopted Permanent Rules Relating to OSHA Standards

On August 20, 1990, the Department of Labor and Industry, Occupational Safety and Health Division (hereinafter: Minnesota OSHA) proposed the adoption of an addition to the Minnesota Occupational Safety and Health Standards (15 S.R. 432) concerning those Standard Industrial Classifications (SIC) that must comply with "A Workplace Accident and Injury Reduction (AWAIR) Act." [Senate File No. 1869, *Laws of Minnesota* Chapter 508] At the close of the 30-day comment period on September 19, 1990, eleven written comments had been received. After careful review and consideration of these comments, Minnesota OSHA is adopting proposed *Minnesota Rule* 5205.1500 "Standard Industrial Classification List" as published on August 20, 1990, with one modification.

Authority to adopt these modifications and additions to the Minnesota Occupational Safety and Health Rules is found in *Minnesota Statutes* 182.653, subd. 8a.

Enforcement of the requirements of the AWAIR Act (*Minnesota Statutes* 182.653, subd. 8) by Minnesota OSHA will begin July 1, 1991.

The following synopsis describes the major objection to the proposed SIC list. The complete text of the adopted standard follows this synopsis.

Ken Peterson, Commissioner
Department of Labor and Industry

SYNOPSIS: Proposed *Minnesota Rule* 5205.1500 proposed adoption of the list of Standard Industrial Classifications (SICs) that must comply with the AWAIR Act as mandated by *Minnesota Statutes* 182.653, subd. 8a. Employers within the SICs listed in this rule will be required to establish the accident and injury reduction program required in subdivision 8 of the legislation. The August 20, 1990, proposal notice included an explanation of SIC codes and the sources of statistical data used by Minnesota OSHA in determining which SICs must comply with the AWAIR Act.

The 11 commenters addressed three topics: 1) one industry objected to its inclusion on the SIC list, 2) errors in the proposal notice were noted, and 3) four commenters objected to provisions of the AWAIR Act itself.

Six of the 11 comments received were filed by railroad employers or representatives of railroad employers who believe that railroad employers do not fall within the regulatory jurisdiction of Minnesota OSHA because they are covered by the Federal Railroad Safety Act and *Minnesota Statutes* 182.652 exempts entities under the exclusive jurisdiction of the federal government from Minnesota OSHA coverage. The question of OSHA jurisdiction on railroad properties is currently being reviewed by the Attorney General's Office. Therefore, until the question of OSHA jurisdiction is determined, railroad transportation SICs have been removed from the list. The removed SICs include:

- 4011 Railroads, line-haul operating
- 4013 Switching and terminal services

This exemption also applies to coverage of railroad employers who perform services that may be covered under the Standard Industrial Classifications for Transportation Services (Item FF on the proposed list); e.g., rental of railroad cars, railroad car cleaning, freight car loading and unloading, etc. These SICs remain on the list, however, because many of the services covered by these SICs are performed by non-railroad employers.

Errors in the text of the proposal notice were noted by two commenters. First, the reference to 60,000 workers being killed each year in the American workplace is in error. That should read, "approximately 6,000 workers." Also, in the discussion of the statistical data used to determine eligibility for inclusion on the list, the proposal notice states that: "For all industries combined, the 1988 survey results indicate an 8.1 injury and illness incidence rate (recordable injuries and illnesses per 100 full-time workers) and a 3.7 lost workday incidence rate (lost workdays per 100 full-time workers)." That should read: "... 3.7 lost workday incidence rate (lost workday cases per 100 full-time workers)."

The remaining comments were related to requirements of the AWAIR Act itself. Changes in the legislation cannot be made through this rulemaking process nor through a public hearing conducted by this agency. Revisions to the AWAIR Act must be presented to, and passed by, the Minnesota Legislature.

Rules as Adopted

WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM

5205.1500 STANDARD INDUSTRIAL CLASSIFICATION LIST.

Employers in the standard industrial classifications listed in this part must comply with *Minnesota Statutes*, section 182.653, subdivision 8. The standard industrial classifications in this part are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

A. Agricultural production, crops:

- (1) 0111, wheat;
- (2) 0112, rice;
- (3) 0115, corn;
- (4) 0116, soybeans;
- (5) 0119, cash grains, not elsewhere classified;
- (6) 0131, cotton;
- (7) 0132, tobacco;
- (8) 0133, sugar cane and sugar beets;
- (9) 0134, Irish potatoes;
- (10) 0139, field crops, except cash grains, not elsewhere classified;
- (11) 0161, vegetables and melons;
- (12) 0171, berry crops;

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Adopted Rules

- (13) 0172, grapes;
- (14) 0173, tree nuts;
- (15) 0174, citrus fruits;
- (16) 0175, deciduous tree fruits;
- (17) 0179, fruits and tree nuts, not elsewhere classified;
- (18) 0181, ornamental nursery products;
- (19) 0182, food crops grown under cover; and
- (20) 0191, general farms, primarily crop.

B. Agricultural production, livestock:

- (1) 0211, beef cattle feedlots;
- (2) 0212, beef cattle, except feedlots;
- (3) 0213, hogs;
- (4) 0214, sheep and goats;
- (5) 0219, general livestock, not elsewhere classified;
- (6) 0241, dairy farms;
- (7) 0251, broiler, fryer, and roaster chickens;
- (8) 0252, chicken eggs;
- (9) 0253, turkeys and turkey eggs;
- (10) 0254, poultry hatcheries;
- (11) 0259, poultry and eggs, not elsewhere classified;
- (12) 0271, fur-bearing animals and rabbits;
- (13) 0273, animal aquaculture;
- (14) 0279, animal specialties, not elsewhere classified; and
- (15) 0291, general farms, primarily animal.

C. Agricultural services:

- (1) 0711, soil preparation services;
- (2) 0721, crop planting and protecting;
- (3) 0722, crop harvesting;
- (4) 0723, crop preparation services for market;
- (5) 0724, cotton ginning;
- (6) 0741, veterinary services for livestock;
- (7) 0742, veterinary services, specialties;
- (8) 0751, livestock service, except veterinary;
- (9) 0752, animal specialty services;
- (10) 0761, farm labor contractors;
- (11) 0762, farm management services;
- (12) 0781, landscape counseling and planning;
- (13) 0782, lawn and garden services; and
- (14) 0783, ornamental shrub and tree services.

D. Coal mining:

- (1) 1221, bituminous coal and lignite, surface;
- (2) 1222, bituminous coal, underground;

- (3) 1231, anthracite mining; and
 - (4) 1241, coal mining services.
- E. Oil and gas extraction: 1381, drilling oil and gas wells.
- F. Nonmetallic minerals, except fuels:
- (1) 1429, crushed and broken stone, not elsewhere classified;
 - (2) 1442, construction sand and gravel; and
 - (3) 1446, industrial sand.
- G. General building contractors:
- (1) 1521, single-family housing construction;
 - (2) 1522, residential construction, not elsewhere classified;
 - (3) 1531, operative builders;
 - (4) 1541, industrial buildings and warehouses; and
 - (5) 1542, nonresidential construction, not elsewhere classified.
- H. Heavy construction, except building:
- (1) 1611, highway and street construction;
 - (2) 1622, bridge, tunnel, and elevated highway;
 - (3) 1623, water, sewer, and utility lines; and
 - (4) 1629, heavy construction, not elsewhere classified.
- I. Special trade contractors:
- (1) 1711, plumbing, heating, air-conditioning;
 - (2) 1721, painting and paper hanging;
 - (3) 1731, electrical work;
 - (4) 1741, masonry and other stonework;
 - (5) 1742, plastering, drywall, and insulation;
 - (6) 1743, terrazzo, tile, marble, and mosaic work;
 - (7) 1751, carpentry work;
 - (8) 1752, floor laying and floor work, not elsewhere classified;
 - (9) 1761, roofing, siding, and sheet metal work;
 - (10) 1771, concrete work;
 - (11) 1781, water well drilling;
 - (12) 1791, structural steel erection;
 - (13) 1793, glass and glazing work;
 - (14) 1794, excavation work;
 - (15) 1795, wrecking and demolition work;
 - (16) 1796, installing building equipment, not elsewhere classified; and
 - (17) 1799, special trade contractors, not elsewhere classified.
- J. Food and kindred products:
- (1) 2011, meat packing plants;

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Adopted Rules

- (2) 2013, sausages and other prepared meats;
- (3) 2015, poultry slaughtering and processing;
- (4) 2021, creamery butter;
- (5) 2022, cheese, natural and processed;
- (6) 2023, dry, condensed, and evaporated products;
- (7) 2024, ice cream and frozen desserts;
- (8) 2026, fluid milk;
- (9) 2032, canned specialties;
- (10) 2033, canned fruits and vegetables;
- (11) 2034, dehydrated fruits, vegetables, and soups;
- (12) 2035, pickles, sauces, and salad dressings;
- (13) 2037, frozen fruits and vegetables;
- (14) 2038, frozen specialties, not elsewhere classified;
- (15) 2051, bread, cake, and related products;
- (16) 2052, cookies and crackers;
- (17) 2053, frozen bakery products, except bread;
- (18) 2061, raw cane sugar;
- (19) 2062, cane sugar refining;
- (20) 2063, beet sugar;
- (21) 2064, candy and other confectionery products;
- (22) 2066, chocolate and cocoa products;
- (23) 2067, chewing gum;
- (24) 2068, salted and roasted nuts and seeds;
- (25) 2074, cottonseed oil mills;
- (26) 2075, soybean oil mills;
- (27) 2076, vegetable oil mills, not elsewhere classified;
- (28) 2077, animal and marine fats and oils;
- (29) 2079, edible fats and oils, not elsewhere classified;
- (30) 2082, malt beverages;
- (31) 2083, malt;
- (32) 2084, wines, brandy, and brandy spirits;
- (33) 2085, distilled and blended liquors;
- (34) 2086, bottled and canned soft drinks;
- (35) 2087, flavoring extracts and syrups, not elsewhere classified;
- (36) 2091, canned and cured fish and seafoods;
- (37) 2092, fresh or frozen prepared fish;
- (38) 2095, roasted coffee;
- (39) 2096, potato chips and similar snacks;
- (40) 2097, manufactured ice;
- (41) 2098, macaroni and spaghetti; and
- (42) 2099, food preparations, not elsewhere classified.

K. Lumber and wood products:

- (1) 2411, logging;
- (2) 2421, sawmills and planing mills, general;
- (3) 2426, hardwood dimension and flooring mills;
- (4) 2429, special product sawmills, not elsewhere classified;
- (5) 2431, millwork;
- (6) 2434, wood kitchen cabinets;
- (7) 2435, hardwood veneer and plywood;
- (8) 2436, softwood veneer and plywood;
- (9) 2439, structural wood members, not elsewhere classified;
- (10) 2441, nailed wood boxes and shooks;
- (11) 2448, wood pallets and skids;
- (12) 2449, wood containers, not elsewhere classified;
- (13) 2451, mobile homes;
- (14) 2452, prefabricated wood buildings;
- (15) 2491, wood preserving;
- (16) 2493, reconstituted wood products; and
- (17) 2499, wood products, not elsewhere classified.

L. Furniture and fixtures:

- (1) 2511, wood household furniture;
- (2) 2512, upholstered household furniture;
- (3) 2514, metal household furniture;
- (4) 2515, mattresses and bedsprings;
- (5) 2517, wood television and radio cabinets;
- (6) 2519, household furniture, not elsewhere classified;
- (7) 2521, wood office furniture;
- (8) 2522, office furniture, except wood;
- (9) 2531, public building and related furniture;
- (10) 2541, wood partitions and fixtures;
- (11) 2542, partitions and fixtures, except wood;
- (12) 2591, drapery hardware and blinds and shades; and
- (13) 2599, furniture and fixtures, not elsewhere classified.

M. Paper and allied products:

- (1) 2611, pulp mills;
- (2) 2621, paper mills;
- (3) 2631, paperboard mills;
- (4) 2652, setup paperboard boxes;

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Adopted Rules

- (5) 2653, corrugated and solid fiber boxes;
- (6) 2655, fiber cans, drums, and similar products;
- (7) 2656, sanitary food containers;
- (8) 2657, folding paperboard boxes;
- (9) 2671, paper coated and laminated, packaging;
- (10) 2672, paper coated and laminated, not elsewhere classified;
- (11) 2673, bags: plastics, laminated, and coated;
- (12) 2674, bags: uncoated paper and multiwall;
- (13) 2675, die-cut paper and board;
- (14) 2676, sanitary paper products;
- (15) 2677, envelopes;
- (16) 2678, stationery products; and
- (17) 2679, converted paper products, not elsewhere classified.

N. Printing and publishing: 2759, commercial printing, not elsewhere classified.

O. Chemicals and allied products:

- (1) 2812, alkalis and chlorine;
- (2) 2813, industrial gases;
- (3) 2816, inorganic pigments;
- (4) 2819, industrial inorganic chemicals, not elsewhere classified;
- (5) 2821, plastic materials and resins;
- (6) 2822, synthetic rubber;
- (7) 2823, cellulosic manmade fibers;
- (8) 2824, organic fibers, noncellulosic;
- (9) 2833, medicinals and botanicals;
- (10) 2834, pharmaceutical preparations;
- (11) 2835, diagnostic substances;
- (12) 2836, biological products except diagnostic;
- (13) 2841, soap and other detergents;
- (14) 2842, polishes and sanitation goods;
- (15) 2843, surface active agents;
- (16) 2844, toilet preparations;
- (17) 2851, paints and allied products;
- (18) 2861, gum and wood chemicals;
- (19) 2865, cyclic crudes and intermediates;
- (20) 2869, industrial organic chemicals, not elsewhere classified;
- (21) 2873, nitrogenous fertilizers;
- (22) 2874, phosphatic fertilizers;
- (23) 2875, fertilizers, mixing only;
- (24) 2879, agricultural chemicals, not elsewhere classified;
- (25) 2891, adhesives and sealants;
- (26) 2892, explosives;
- (27) 2893, printing ink;

- (28) 2895, carbon black; and
- (29) 2899, chemical preparations, not elsewhere classified.

P. Petroleum and coal products:

- (1) 2992, lubricating oils and greases; and
- (2) 2999, petroleum and coal products, not elsewhere classified.

Q. Rubber and miscellaneous plastics products:

- (1) 3011, tires and inner tubes;
- (2) 3021, rubber and plastics footwear;
- (3) 3052, rubber and plastics hose and belting;
- (4) 3053, gaskets, packing, and sealing devices;
- (5) 3061, mechanical rubber goods;
- (6) 3069, fabricated rubber products, not elsewhere classified;
- (7) 3081, unsupported plastics film and sheet;
- (8) 3082, unsupported plastics profile shapes;
- (9) 3083, laminated plastics plate and sheet;
- (10) 3084, plastics pipe;
- (11) 3085, plastics bottles;
- (12) 3086, plastics foam products;
- (13) 3087, custom compound purchased resins;
- (14) 3088, plastics plumbing fixtures; and
- (15) 3089, plastics products, not elsewhere classified.

R. Leather and leather products:

- (1) 3111, leather tanning and finishing;
- (2) 3131, footwear cut stock;
- (3) 3142, house slippers;
- (4) 3143, men's footwear, except athletic;
- (5) 3144, women's footwear, except athletic;
- (6) 3149, footwear, except rubber, not elsewhere classified;
- (7) 3151, leather gloves and mittens;
- (8) 3161, luggage;
- (9) 3171, women's handbags and purses;
- (10) 3172, personal leather goods, not elsewhere classified; and
- (11) 3199, leather goods, not elsewhere classified.

S. Stone, clay, and glass products:

- (1) 3211, flat glass;
- (2) 3221, glass containers;
- (3) 3229, pressed and blown glass, not elsewhere classified;
- (4) 3231, products of purchased glass;

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Adopted Rules

- (5) 3241, cement, hydraulic;
- (6) 3251, brick and structural clay tile;
- (7) 3253, ceramic wall and floor tile;
- (8) 3255, clay refractories;
- (9) 3259, structural clay products, not elsewhere classified;
- (10) 3261, vitreous plumbing fixtures;
- (11) 3262, vitreous china table and kitchenware;
- (12) 3263, semivitreous table and kitchenware;
- (13) 3264, porcelain electrical supplies;
- (14) 3269, pottery products, not elsewhere classified;
- (15) 3271, concrete block and brick;
- (16) 3272, concrete products, not elsewhere classified;
- (17) 3273, ready-mixed concrete;
- (18) 3274, lime;
- (19) 3275, gypsum products;
- (20) 3281, cut stone and stone products;
- (21) 3291, abrasive products;
- (22) 3292, asbestos products;
- (23) 3295, minerals, ground or treated;
- (24) 3296, mineral wool;
- (25) 3297, nonclay refractories; and
- (26) 3299, nonmetallic mineral products, not elsewhere classified.

T. Primary metal industries:

- (1) 3312, blast furnaces and steel mills;
- (2) 3313, electrometallurgical products;
- (3) 3315, steel wire and related products;
- (4) 3316, cold finishing of steel shapes;
- (5) 3317, steel pipe and tubes;
- (6) 3321, gray and ductile iron foundries;
- (7) 3322, malleable iron foundries;
- (8) 3324, steel investment foundries;
- (9) 3325, steel foundries, not elsewhere classified;
- (10) 3331, primary copper;
- (11) 3334, primary aluminum;
- (12) 3399, primary nonferrous metals, not elsewhere classified;
- (13) 3341, secondary nonferrous metals;
- (14) 3351, copper rolling and drawing;
- (15) 3353, aluminum sheet, plate, and foil;
- (16) 3354, aluminum extruded products;
- (17) 3355, aluminum rolling and drawing, not elsewhere classified;
- (18) 3356, nonferrous rolling and drawing, not elsewhere classified;
- (19) 3357, nonferrous wire drawing and insulating;

- (20) 3363, aluminum die castings;
- (21) 3364, nonferrous die casting except aluminum;
- (22) 3365, aluminum foundries;
- (23) 3366, copper foundries;
- (24) 3369, nonferrous foundries, not elsewhere classified;
- (25) 3398, metal heat treating; and
- (26) 3399, primary metal products, not elsewhere classified.

U. Fabricated metal products:

- (1) 3411, metal cans;
- (2) 3412, metal barrels, drums, and pails;
- (3) 3421, cutlery;
- (4) 3423, hand and edge tools, not elsewhere classified;
- (5) 3425, saw blades and handsaws;
- (6) 3429, hardware, not elsewhere classified;
- (7) 3431, metal sanitary ware;
- (8) 3432, plumbing fixture fittings and trim;
- (9) 3433, heating equipment, except electric;
- (10) 3441, fabricated structural metal;
- (11) 3442, metal doors, sash, and trim;
- (12) 3443, fabricated plate work (boiler shops);
- (13) 3444, sheet metal work;
- (14) 3446, architectural metal work;
- (15) 3448, prefabricated metal buildings;
- (16) 3449, miscellaneous metal work;
- (17) 3451, screw machine products;
- (18) 3452, bolts, nuts, rivets, and washers;
- (19) 3462, iron and steel forgings;
- (20) 3463, nonferrous forgings;
- (21) 3465, automotive stampings;
- (22) 3466, crowns and closures;
- (23) 3469, metal stampings, not elsewhere classified;
- (24) 3471, plating and polishing;
- (25) 3479, metal coating and allied services;
- (26) 3482, small arms ammunition;
- (27) 3483, ammunition, except small arms, not elsewhere classified;
- (28) 3484, small arms;
- (29) 3489, ordnance and accessories, not elsewhere classified;
- (30) 3491, industrial valves;

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Adopted Rules

- (31) 3492, fluid power valves and hose fittings;
- (32) 3493, steel springs, except wire;
- (33) 3494, valves and pipe fittings, not elsewhere classified;
- (34) 3495, wire springs;
- (35) 3496, miscellaneous fabricated wire products;
- (36) 3497, metal foil and leaf;
- (37) 3498, fabricated pipe and fittings; and
- (38) 3499, fabricated metal products, not elsewhere classified.

V. Industrial machinery and equipment:

- (1) 3523, farm machinery and equipment;
- (2) 3524, lawn and garden equipment;
- (3) 3531, construction machinery;
- (4) 3532, mining machinery;
- (5) 3533, oil and gas field machinery;
- (6) 3534, elevators and moving stairways;
- (7) 3535, conveyors and conveying equipment;
- (8) 3536, hoists, cranes, and monorails;
- (9) 3537, industrial trucks and tractors;
- (10) 3542, machine tools, metal forming types;
- (11) 3543, industrial patterns;
- (12) 3544, special dies, tools, jigs, and fixtures;
- (13) 3545, machine tool accessories;
- (14) 3547, rolling mill machinery;
- (15) 3548, welding apparatus;
- (16) 3549, metalworking machinery, not elsewhere classified;
- (17) 3561, pumps and pumping equipment;
- (18) 3562, ball and roller bearings;
- (19) 3563, air and gas compressors;
- (20) 3564, blowers and fans;
- (21) 3565, packaging machinery;
- (22) 3566, speed changers, drives, and gears;
- (23) 3567, industrial furnaces and ovens;
- (24) 3568, power transmission equipment, not elsewhere classified;
- (25) 3569, general industrial machinery, not elsewhere classified;
- (26) 3581, automatic vending machines;
- (27) 3582, commercial laundry equipment;
- (28) 3585, refrigeration and heating equipment;
- (29) 3586, measuring and dispensing pumps;
- (30) 3589, service industry machinery, not elsewhere classified;
- (31) 3592, carburetors, pistons, rings, and valves;
- (32) 3593, fluid power cylinders and actuators;
- (33) 3594, fluid power pumps and motors

- (34) 3596, scales and balances, except laboratory; and
- (35) 3599, industrial machinery, not elsewhere classified.

W. Electronic and other electric equipment:

- (1) 3671, electron tubes;
- (2) 3672, printed circuit boards;
- (3) 3674, semiconductors and related devices;
- (4) 3675, electronic capacitors;
- (5) 3676, electronic resistors;
- (6) 3677, electronic coils and transformers; and
- (7) 3678, electronic connectors.

X. Transportation equipment:

- (1) 3711, motor vehicles and car bodies;
- (2) 3713, truck and bus bodies;
- (3) 3714, motor vehicle parts and accessories;
- (4) 3715, truck trailers;
- (5) 3716, motor homes;
- (6) 3721, aircraft;
- (7) 3724, aircraft engines and engine parts;
- (8) 3728, aircraft parts and equipment, not elsewhere classified;
- (9) 3731, ship building and repairing;
- (10) 3732, boat building and repairing;
- (11) 3743, railroad equipment;
- (12) 3751, motorcycles, bicycles, and parts;
- (13) 3761, guided missiles and space vehicles;
- (14) 3764, space propulsion units and parts;
- (15) 3769, space vehicle equipment, not elsewhere classified;
- (16) 3792, travel trailers and campers;
- (17) 3795, tanks and tank components; and
- (18) 3799, transportation equipment, not elsewhere classified.

Y. Instruments and related products:

- (1) 3841, surgical and medical instruments;
- (2) 3842, surgical appliances and supplies;
- (3) 3843, dental equipment and supplies;
- (4) 3844, X-ray apparatus and tubes; and
- (5) 3845, electromedical equipment.

Z. Miscellaneous manufacturing industries:

- (1) 3911, jewelry, precious metal;
- (2) 3914, silverware and plated ware;

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Adopted Rules

- (3) 3915, jewelers' materials and lapidary work;
- (4) 3931, musical instruments;
- (5) 3942, dolls and stuffed toys;
- (6) 3944, games, toys, and children's vehicles;
- (7) 3949, sporting and athletic goods, not elsewhere classified;
- (8) 3951, pens and mechanical pencils;
- (9) 3952, lead pencils and art goods;
- (10) 3953, marking devices;
- (11) 3955, carbon paper and inked ribbons;
- (12) 3961, costume jewelry;
- (13) 3965, fasteners, buttons, needles, and pins;
- (14) 3991, brooms and brushes;
- (15) 3993, signs and advertising specialties;
- (16) 3995, burial caskets;
- (17) 3996, hard surface floor coverings, not elsewhere classified; and
- (18) 3999, manufacturing industries, not elsewhere classified.

~~AA.~~ AA. Railroad transportation:

- ~~(1) 4011, railroads, line-haul operating; and~~
- ~~(2) 4013, switching and terminal services.~~

~~BB.~~ AA. Local and interurban passenger transit:

- (1) 4111, local and suburban transit;
- (2) 4119, local passenger transportation, not elsewhere classified;
- (3) 4121, taxicabs;
- (4) 4131, intercity and rural bus transportation;
- (5) 4141, local bus charter services;
- (6) 4142, bus charter service, except local; and
- (7) 4173, bus terminal and service facilities.

~~CC.~~ BB. Trucking and warehousing:

- (1) 4212, local trucking without storage;
- (2) 4213, trucking, except local;
- (3) 4214, local trucking with storage;
- (4) 4215, courier services, except by air;
- (5) 4221, farm product warehousing and storage;
- (6) 4222, refrigerated warehousing and storage;
- (7) 4225, general warehousing and storage;
- (8) 4226, special warehousing and storage, not elsewhere classified; and
- (9) 4231, trucking terminal facilities.

~~DD.~~ CC. Water transportation:

- (1) 4449, water transportation of freight, not elsewhere classified;
- (2) 4482, ferries;
- (3) 4489, water passenger transportation, not elsewhere classified;
- (4) 4491, marine cargo handling;

- (5) 4492, towing and tugboat service;
- (6) 4493, marinas; and
- (7) 4499, water transportation services, not elsewhere classified.

~~EE~~ DD. Transportation by air:

- (1) 4512, air transportation, scheduled;
- (2) 4513, air courier services; and
- (3) 4522, air transportation, nonscheduled.

~~FF~~ EE. Transportation services:

- (1) 4724, travel agencies;
- (2) 4725, tour operators;
- (3) 4729, passenger transport arrangement, not elsewhere classified;
- (4) 4731, freight transportation arrangement;
- (5) 4741, rental of railroad cars;
- (6) 4783, packing and crating;
- (7) 4785, inspection and fixed facilities; and
- (8) 4789, transportation services, not elsewhere classified.

~~GG~~ FF. Electric, gas, and sanitary services:

- (1) 4911, electric services;
- (2) 4922, natural gas transmission;
- (3) 4923, gas transmission and distribution;
- (4) 4924, natural gas distribution;
- (5) 4925, gas production and/or distribution;
- (6) 4931, electric and other services combined;
- (7) 4932, gas and other services combined;
- (8) 4939, combination utilities, not elsewhere classified;
- (9) 4941, water supply;
- (10) 4952, sewerage systems;
- (11) 4953, refuse systems;
- (12) 4959, sanitary services, not elsewhere classified;
- (13) 4961, steam and air-conditioning supply; and
- (14) 4971, irrigation systems.

~~HH~~ GG. Wholesale trade, durable goods:

- (1) 5012, automobiles and other motor vehicles;
- (2) 5013, motor vehicle supplies and new parts;
- (3) 5014, tires and tubes;
- (4) 5015, motor vehicle parts, used;
- (5) 5031, lumber, plywood, and millwork;
- (6) 5032, brick, stone, and related materials;

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Adopted Rules

- (7) 5033, roofing, siding, and insulation; and
- (8) 5039, construction materials, not elsewhere classified.

~~HH.~~ HH. Wholesale trade, nondurable goods:

- (1) 5111, printing and writing paper;
- (2) 5112, stationery and office supplies;
- (3) 5113, industrial and personal service paper;
- (4) 5122, drugs, proprietaries, and sundries;
- (5) 5131, piece goods and notions;
- (6) 5136, men's and boys' clothing;
- (7) 5137, women's and children's clothing;
- (8) 5139, footwear;
- (9) 5141, groceries, general line;
- (10) 5142, packaged frozen foods;
- (11) 5143, dairy products, except dried or canned;
- (12) 5144, poultry and poultry products;
- (13) 5145, confectionery;
- (14) 5146, fish and seafoods;
- (15) 5147, meats and meat products;
- (16) 5148, fresh fruits and vegetables;
- (17) 5149, groceries and related products, not elsewhere classified;
- (18) 5162, plastics materials and basic shapes;
- (19) 5169, chemicals and allied products, not elsewhere classified;
- (20) 5171, petroleum bulk stations and terminals;
- (21) 5172, petroleum products, not elsewhere classified;
- (22) 5181, beer and ale;
- (23) 5182, wine and distilled beverages;
- (24) 5191, farm supplies;
- (25) 5192, books, periodicals, and newspapers;
- (26) 5193, flowers and florists' supplies;
- (27) 5194, tobacco and tobacco products;
- (28) 5198, paints, varnishes, and supplies; and
- (29) 5199, nondurable goods, not elsewhere classified.

~~II.~~ II. Building materials and garden supplies: 5211, lumber and other building materials.

~~JJ.~~ JJ. General merchandise stores:

- (1) 5311, department stores;
- (2) 5331, variety stores; and
- (3) 5399, miscellaneous general merchandise stores.

~~KK.~~ KK. Food stores:

- (1) 5411, grocery stores;
- (2) 5421, meat and fish markets;
- (3) 5431, fruit and vegetable markets;
- (4) 5441, candy, nut, and confectionery stores;

- (5) 5451, dairy products stores;
- (6) 5461, retail bakeries; and
- (7) 5499, miscellaneous food stores.

~~MM~~- LL. Automotive dealers and service stations: 5511, new and used car dealers.

~~NN~~- MM. Hotels and other lodging places:

- (1) 7011, hotels and motels;
- (2) 7021, rooming and boarding houses;
- (3) 7032, sporting and recreational camps;
- (4) 7033, trailer parks and campsites; and
- (5) 7041, membership-basis organization hotels.

~~OO~~- NN. Business services:

- (1) 7342, disinfecting and pest control services; and
- (2) 7349, building maintenance services, not elsewhere classified.

~~PP~~- OO. Amusement and recreation services:

- (1) 7911, dance studios, schools, and halls;
- (2) 7922, theatrical producers and services;
- (3) 7929, entertainers and entertainment groups;
- (4) 7933, bowling centers;
- (5) 7941, sports clubs, managers, and promoters;
- (6) 7948, racing, including track operation;
- (7) 7991, physical fitness facilities;
- (8) 7992, public golf courses;
- (9) 7993, coin-operated amusement devices;
- (10) 7996, amusement parks;
- (11) 7997, membership sports and recreation clubs; and
- (12) 7999, amusement and recreation, not elsewhere classified.

~~QQ~~- PP. Health services:

- (1) 8051, skilled nursing care facilities;
- (2) 8052, intermediate care facilities;
- (3) 8059, nursing and personal care, not elsewhere classified;
- (4) 8062, general medical and surgical hospitals;
- (5) 8063, psychiatric hospitals; and
- (6) 8069, specialty hospitals, except psychiatric.

~~RR~~- QQ. Executive, legislative, and general:

- (1) 9111, executive offices;
- (2) 9121, legislative bodies;
- (3) 9131, executive and legislative combined; and
- (4) 9199, general government, not elsewhere classified.

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Adopted Rules

~~SS.~~ RR. Justice, public order, and safety:

- (1) 9211, courts;
- (2) 9221, police protection;
- (3) 9222, legal counsel and prosecution;
- (4) 9223, correctional institutions;
- (5) 9224, fire protection; and
- (6) 9229, public order and safety, not elsewhere classified.

~~TT.~~ SS. Administration of economic programs:

- (1) 9611, administration of general economic programs;
- (2) 9621, regulation, administration of transportation;
- (3) 9631, regulation, administration of utilities;
- (4) 9641, regulation of agricultural marketing;
- (5) 9651, regulation of miscellaneous commercial sectors; and
- (6) 9661, space research and technology.

Board of Water and Soil Resources

Adopted Permanent Rules Relating to a Local Water Resources Protection and Management Program

The rules proposed and published at *State Register*, Volume 15, Number 9, pages 501-507, August 27, 1990 (15 SR 501) are adopted with the following modifications:

Rules as Adopted

8405.0110 DEFINITIONS.

Subp. 4. **Local share.** "Local share" means the contribution of a local unit of government to the eligible cost of a program including the value of cash expenditures, private contributions, and in-kind contributions of labor, equipment, material, and real property used for and expended on eligible program activities. Up to 50 percent of the local share may consist of federal funds including in-kind contributions. State funds, including in-kind contributions, may not be used as local share.

8405.0130 ELIGIBILITY CRITERIA.

Subp. 3. **Ineligible costs.** Ineligible costs include those not related to the activities in subpart 2. In addition, the following costs are ineligible whether or not they relate to the activities in subpart 2:

A. expenditures or in-kind contributions incurred prior to the effective date of the grant agreement that have not been approved by the board as described in part 8405.0200, subpart 9; and

8405.0180 RANKING OF APPLICATIONS.

Subp. 2. **Review team.** Prior to ranking challenge grant applications, the board shall establish an advisory review team to evaluate the applications. The review team, chaired by a member or representative appointed by the board, consists of a representative of each of the following agencies or organizations: Association of Metropolitan Municipalities; Association of Minnesota Counties; League of Minnesota Cities; Metropolitan Council; Metropolitan InterCounty Association; Metropolitan Water Management Organizations; Minnesota Association of Conservation District Employees; Minnesota Association of County Planning and Zoning Administrators; Minnesota Association of Soil and Water Conservation Districts; Minnesota Association of Townships; Minnesota Association of Watershed Districts; Minnesota Departments of Agriculture, Health, and Natural Resources; Minnesota Extension Service; Minnesota Geological Survey; Minnesota Pollution Control Agency; State Planning Agency; and ~~others as the board may determine~~ such other agencies, organizations, or persons providing additional expertise or background beneficial to the review team.

8405.0200 GRANT CONDITIONS.

Subp. 9. **Eligible costs.** Grant funds may not be used ~~to reimburse the county, or delegated local unit of government,~~ for costs incurred before or after the end of the grant agreement period unless approved by the board as provided by the criteria in part 8405.0130, subpart 3. In considering these costs, the board must review each claim on a case-by-case basis. To support a claim, the county may be requested to provide additional information.

Errata

Department of Health

Environmental Health Division

Correction to Notice on Proposed Permanent Rules Governing Lead Abatement Methods and Standards for Lead in Paint, Dust, and Drinking Water

On November 19, 1990 on page 1216 of the *State Register*, the date of November 21, 1990 was erroneously published. The correct date is December 19, 1990 which is the date cited in all other places in the notice as the date by which comment is to be received on the proposed rules and the date by which requests for hearing must be received. As noticed, if a hearing is necessary, one will be held December 27, 1990.

Commissioners' Orders

Department of Natural Resources

Amended Commissioner's Scientific and Natural Area Order No. 71: Butterwort Cliffs Scientific and Natural Area

PLEASE NOTE: This Commissioner's Order, published on page 1018 in the 29 October 1990 *State Register* inadvertently left out the words except that entry shall be by permit only at the end of the last sentence. The Commissioner's Order is reprinted here in its entirety with the omitted words in boldface italic and underlined.

WHEREAS, certain lands in Cook County, Minnesota, described as:

That part of Government Lot Four (4), lying south of State Highway 61 EXCEPT the East 150 feet thereof in Section Thirty-three (33); and that part of Government Lots One (1), Two (2), Three (3) and Four (4), lying south of State Highway 61 in Section Thirty-two (32); ALL IN township Sixty-one (61) North, Range One (1) West.

are under the control and possession of the Department of Natural Resources; and

WHEREAS, such lands contain undisturbed examples of wet, rock shore community as well as the following rare, threatened, endangered or special concern plant and animal species: butterwort (*Pinguicula vulgaris*), *Carex media*, and northern eyebright (*Euphrasia hudsoniana*); and

WHEREAS, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

NOW THEREFORE, I, Joseph N. Alexander, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Butterwort Cliffs Scientific and Natural Area. Furthermore, the Butterwort Cliffs Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

IT IS FURTHER ORDERED that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area, except that entry shall be by permit only.

Dated at Saint Paul, Minnesota, this 18th day of July, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

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Official Notices

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

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

Minnesota Comprehensive Health Association

Notice of Meeting of Public Policy and Legislative Committee

Notice is hereby given that a meeting of the Minnesota Comprehensive Health Association Public Policy and Legislative Committee will be held on Thursday, December 13, 1990 at 9:30 a.m., at the Northwestern National Life Insurance Company building, 20 Washington Avenue South, Minneapolis, in conference room 5A.

For additional information, please call Lynn R. Gruber at 683-2150.

Department of Human Services

Division of Community Social Services

Notice of Publication of Title XX Activity Reports

The Division of Community Social Services has submitted Title XX Activities Reports for 1987 and 1988 to the Department of Health and Human Services, Office of Human Development Services. These reports are intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The reports are available for public review and comment. A copy of each report can be obtained from the:

Department of Human Services
Division of Community Social Services
Title XX Activities Report
Human Services Building
444 Lafayette Road
St. Paul, MN 55155-3839

State Board of Investment

Meeting Notice of the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Tuesday, December 4, 1990 9:00-10:00 a.m. in the MEA Building, 41 Sherburne Avenue, Conference Room A, St. Paul, Minnesota.

Department of Labor and Industry

Division of Labor Standards

Notice of Prevailing Wage Determinations for Commercial Projects

On December 1, 1990 the commissioner certified prevailing wage rates for commercial construction projects in the following Minnesota counties: **Anoka, Benton, Big Stone, Carver, Chippewa, Chisago, Dakota, Douglas, Grant, Hennepin, Isanti, Kanabec, Kandiyohi, McCleod, Meeker, Mille Lacs, Morrison, Pine, Pope, Ramsey, Scott, Sherburne, Stearns, Stevens, Swift, Todd, Traverse, Washington, Wright.**

Copies of the determined wage rates for Minnesota counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155, or calling (612) 296-6452. The charges for the cost of copying and mailing are \$1.00 for the first copy and \$.50 for any additional copies. Please note that the cost for one county varies according to the number of pages per county.

Ken Peterson, Commissioner
Department of Labor and Industry

Department of Public Safety

Emergency Response Commission

Notice of Meeting Dates for the Commission and Preliminary Agenda

Meeting Notice and Preliminary Agenda

1. Approval of minutes of previous meeting
2. Old Business
3. Introduction of new agenda items
4. Committee Reports
 - a. Reporting and Public Requests
 - b. Emergency Planning
 - c. Legislative
 - d. Education and Training
5. Open-New Business

Meeting dates are:

December 13, 1990	Meeting Cancelled
December 19, 1990	State Office Building, 100 Constitution Avenue, Room 500 S
January 10, 1991	To Be Determined
February 14, 1991	To Be Determined
March 14, 1991	To Be Determined
April 11, 1991	To Be Determined
May 9, 1991	To Be Determined
June 13, 1991	To Be Determined

All meetings will be held at 9:30 a.m. Contact the Commission for additional information (612) 643-3000.

Revisor of Statutes

Notice of Publication of *Minnesota Rules 1990 Supplement Number 2*

Minnesota Rules 1990 Supplement Number 2 is now available. This publication contains updates to *Minnesota Rules 1989* adopted after April 3, 1989 and before August 14, 1990. If you purchased *Minnesota Rules 1989*, you will automatically receive *Minnesota Rules 1990 Supplement Number 2*. *Minnesota Rules 1989* and its 1990 supplements may be purchased from Minnesota's Bookstore, Print Communications Division, Department of Administration, 117 University Avenue, St. Paul, MN 55155. The cost of the 11 volume set and its supplements is \$160. Orders must be prepaid. *Minnesota Rules 1991* is scheduled for September 1991 publication.

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 December 26, 1990.

Board of Boxing

5th Floor, Metro Square Bldg., St. Paul 55101. 612-296-2501
Minnesota Statutes 341.01

APPOINTING AUTHORITY: Governor. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One member, professional.

The board licenses boxers, seconds, managers, franchise holders and makes rules governing sparring and boxing exhibitions. The

Official Notices

board consists of seven members including two public members. Meetings at the call of the chair for time and place. Members must file with the Ethical Practices Board.

Waste Education Coalition

Office of Waste Management, 1350 Energy Lane, St. Paul 55108. 612-649-5750
Minnesota Statutes 115A.072

APPOINTING AUTHORITY: Office of Waste Management. COMPENSATION: Expenses.

VACANCY: One member, representative from the Pollution Control Agency with responsibility for waste management or public education, to assist in the development and implementation of a general public education program on waste management in coordination with the Office of Waste Management and other agencies, and members of the Waste Education Coalition.

The coalition is to advise and assist the staff of the Office of Waste Management to develop, implement, and coordinate state and regional resources in an integrated long-term waste education program which encourages the reduction, reuse, resource recovery, and proper management of solid and hazardous wastes. The coalition consists of eighteen members, including one member each from the Pollution Control Agency, Metropolitan Council, Department of Education, Department of Agriculture, State Planning Agency, Environmental Quality Board, Environmental Education Advisory Board, educational institutions, and other public agencies with responsibility for waste management or public education; and three persons representing private recycling or solid waste industries. Meeting schedule: up to twice a month, 5 hrs/mo., at the Office of Waste Management.

Board of the Minnesota Center for Arts Education

6125 Olson Memorial Hwy., Golden Valley 55422. 612-591-4700
Minnesota Statutes 129C.10

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One member from Congressional District 8.

The board shall have the powers necessary for the care, management, and control of the Minnesota Center for Arts Education. The board consists of fifteen members, including at least one member from each congressional district. A member may not serve more than two consecutive terms. Members must file with the Ethical Practices Board.

Metropolitan Council

Mears Park Centre, 230 E. Fifth St., St. Paul 55101. 612-291-6390
Minnesota Statutes 473-123

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: \$50 per diem plus expenses.

VACANCY: One public member: must be a resident of Metropolitan District 7.

The council coordinates planning and development of the seven-county metro area and establishes policies for regional transportation, sewer, airports, parks, human services and housing systems. The council consists of seventeen members including sixteen members selected from districts of equal population, and a chair representing the metro area at large. The chair serves at the pleasure of the governor. Members cannot hold elected public office and must reside in the council district he or she represents. Meetings twice a month, St. Paul. Members must file with the Ethical Practices Board.

Minnesota Indian Scholarship Committee

727 Capitol Square Bldg., St. Paul 55101. 612-296-6458
Minnesota Statutes 124.48

APPOINTING AUTHORITY: Board of Education. COMPENSATION: Reimbursed for expenses.

VACANCY: One member: position to be filled by a duly appointed representative of the Leech Lake Reservation, by the Reservation Business Committee.

The committee advises the State Board of Education on amounts and types of scholarships granted to American Indian post-secondary students, and in the state board's duties administering the Indian post-secondary programs; making recommendations on approval and funding of PSPP programs and the Indian Teacher Training program to Minnesota schools. Members include representatives of the Duluth, Mpls., and the Bemidji area, the Bureau of Indian Affairs higher education office, the Minnesota Chippewa and Sioux tribes, and the Red Lake education division.

Small Business Procurement Advisory Council

112 Administration Bldg., St. Paul 55155. 612-297-4412
Minnesota Statutes 16B.20

APPOINTING AUTHORITY: Commissioner of Administration. COMPENSATION: \$55 per diem.

VACANCY: One member.

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

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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.

Materials Management Division—Department of Administration:**Contracts and Requisitions Open for Bid**

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

Commodity: IBM DASD's
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: December 11
Agency: Community College Board
Deliver to: St. Paul
Requisition #: 27138-52249

Commodity: Ready mix
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 12
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79800RM

Commodity: Pedestal shafts
Contact: John Bauer 296-2621
Bid due date at 4:30pm: December 7
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-12426

Commodity: Mens thermal underwear
Contact: Norma Cameron 296-3779
Bid due date at 2pm: December 11
Agency: Corrections Department
Deliver to: Various
Requisition #: Price contract

Commodity: Bituminous
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 12
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79800B

Commodity: Slide gates
Contact: John Bauer 296-2621
Bid due date at 4:30pm: December 10
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07300-14491

Commodity: Upgrade clock system
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 12
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22214

Commodity: Aggregates
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 12
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79800A

Commodity: Recorders
Contact: John Bauer 296-2621
Bid due date at 4:30pm: December 11
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 21200-35019

Commodity: Silica sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 12
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79800SS

Commodity: Winter sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 12
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79800WS

Commodity: Reception station
Contact: John Bauer 296-2621
Bid due date at 4:30pm: December 7
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 04641-11754

Commodity: Portland cement
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 12
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79800PC

Commodity: Repair work to HVAC system
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: December 10
Agency: State University
Deliver to: Mankato
Requisition #: 26071-09886

State Contracts and Advertised Bids

Department of Administration: Print Communications Division

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

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

Commodity: Minnesota grown certificates, 1M 8½"x11" with logo stamped in gold foil, camera ready, 1-sided, 1-color

Contact: Printing Buyer's Office

Bids are due: December 5

Agency: Agriculture Department—Marketing Division

Deliver to: St. Paul

Requisition #: 12975

Commodity: Snowmobile safety laws, rules & regulations, 42-page books (self cover), 3⅝"x6¼", camera ready, 2-sided, 1-color, saddle stitch

Contact: Printing Buyer's Office

Bids are due: December 5

Agency: Natural Resources

Department—License Bureau

Deliver to: St. Paul

Requisition #: 13052

Commodity: Rural investment guide, 1M books 192-pages + cover, (96 pages—4 color; 96 pgs—1 color) negs available, 2-sided, perfect bind, 6½"x11"

Contact: Printing Buyer's Office

Bids are due: December 5

Agency: Trade & Economic Development Department

Deliver to: St. Paul

Requisition #: 13016

Commodity: White Kraft envelopes, 25M 11½"x14½", type to set, open end, latex seal

Contact: Printing Buyer's Office

Bids are due: December 5

Agency: Minnesota State Lottery

Deliver to: Roseville

Requisition #: 13045

Commodity: Test for syphilis, 20M 6"x8" detached 3-part forms, 1 fold, ½" tear strip carbonless, type to set + negs, 2-sided

Contact: Printing Buyer's Office

Bids are due: December 5

Agency: Minnesota Health Department

Deliver to: Minneapolis

Requisition #: 12749

Commodity: Directions for natural resources, 6M books 24-pages + cover, 8¾"x11¼" finished size, 2-folds, camera ready, 2-sided, saddle stitch

Contact: Printing Buyer's Office

Bids are due: December 5

Agency: Natural Resources Department—Planning

Deliver to: St. Paul

Requisition #: 13022

Commodity: Short term borrowing and new Mondy bonds, 3 books, approximately 104 pages, 11"x17" folded to 8½"x11", type to set + camera ready, 2-sided, saddle stitch

Contact: Printing Buyer's Office

Bids are due at 2pm: December 10

Agency: Finance Department

Deliver to: St. Paul

Requisition #: 12995, 12996, 12997

Commodity: 1991-93 undergraduate bulletin, 35M books, 272 pages 6"x9", 2-sided, negs available, perfect bind

Contact: Printing Buyer's Office

Bids are due at 2pm: December 10

Agency: State University

Deliver to: St. Cloud

Requisition #: 12810

MAILING LISTS GALORE

Successful business means successful sales

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

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

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

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155. FAX: (612) 296-2265.

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

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.

Department of Human Services

Family Support Programs

Refugee and Immigrant Assistance Division

Request for Proposals for Social Services for Vietnamese Reeducation Camp Detainees

NOTICE IS HEREBY GIVEN that the Refugee and Immigrant Assistance Division, Family Support Programs, Minnesota

Minnesota Manufacturer's Directory 1989-90



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50.

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



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

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.

Voices of the Loon

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

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

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$17.95.

Love of Loons. A Voyageur Wilderness Book, with color photos and lore of this delightful state bird make this a beautiful gift. Stock #9-22, \$12.95 + tax.

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

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

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.

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

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



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

Professional, Technical & Consulting Contracts

Department of Human Services, is seeking proposals for social services to Vietnamese reeducation camp detainees for the period February 1, 1991 - January 31, 1992.

Social services to reeducation detainees include orientation, language/vocational training, peer counseling, social adjustment/mental health and self-sufficiency services.

Funding is from the Federal Office of Refugee Resettlement Discretionary Grants in the amount of \$26,000.00. An additional amount of \$15,000.00 from the regular federal refugee Social Services allocations may be awarded for self-sufficiency services.

To be considered for funding, all proposals must be postmarked or hand delivered to the Refugee and Immigrant Assistance Division by 4:20 p.m. December 24, 1990. The State reserves the right not to act on this Request for Proposals.

The State anticipates issuing a one-year contract that is renewable for another year subject to the availability of funds.

Please direct all questions and requests for copies of the full Request for Proposals to:

Minnesota Department of Human Services
Refugee and Immigrant Assistance Division
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3837
(612) 296-1383

Department of Human Services

Health Care Programs Division

Notice of Request for Proposal for Prepaid Health Plans Serving Anoka, Ramsey and Washington Counties

The Department of Human Services is seeking additional proposals from prepaid health plans to provide health care services to Aid to Families with Dependent Children (AFDC) recipients in Anoka, Ramsey and Washington Counties as part of the AFDC Voluntary prepaid health plan program. Under the AFDC voluntary option, AFDC recipients may elect to enroll in a health plan or they may continue to receive services through the traditional fee-for-service system. Recipients who choose the health plan option can change health plans or disenroll from the health plan option upon reasonable notice.

AFDC Voluntary Prepaid health plans must be organized to provide all MA covered services and must be able to accept financial risk. Capitation rates will be set by the department in consultation with an independent actuary. Contracts will be awarded based on:

- (1.) geographic accessibility of service delivery sites;
- (2.) ability to provide service to the entire range of the AFDC population;
- (3.) financial and risk capability; and
- (4.) ability to meet quality assurance, complaint and appeal and service delivery standards.

The commissioner reserves the right to reject any or all proposals.

The formal request for proposal which contains detailed specifications may be obtained from the department by writing or contacting:

Rick Chiat
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
Phone: (612) 296-1481

The deadline for submitting a proposal is 4:30 p.m., January 18, 1991. Selection of additional contractor(s) will be made prior to February, 1991.

Department of Human Services

Health Care Programs Division

Notice of Request for Proposal for Prepaid Health Plans Serving Anoka, Dakota and Washington Counties

The Department of Human Services is seeking additional proposals from prepaid health plans to provide health care services to General Assistance Medical Care (GAMC) recipients in Anoka, Dakota and/or Washington counties. Prepaid health plans must be organized to provide all GAMC covered services and must be able to accept financial risk. Capitation rates will be set by the department in consultation with an independent actuary. Contracts will be awarded based on:

- (1.) geographic accessibility of service delivery sites;
- (2.) ability to provide service to the entire range of the GAMC population;
- (3.) financial and risk capability; and
- (4.) ability to meet quality assurance, complaint and appeal and service delivery standards.

The commissioner reserves the right to reject any or all proposals or to contract with a single prepaid health plan entity.

The formal request for proposal which contains detailed specifications may be obtained from the department by writing or contacting:

Rick Chiat
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
Phone: (612) 296-1481

The deadline for submitting a proposal is 4:30 p.m., January 18, 1991. Selection of additional contractor(s) will be made prior to February, 1991.

Department of Human Services

Division for Persons with Developmental Disabilities

Request for Proposals to Evaluate the Title XIX Home and Community Based Waiver for Persons with Developmental Disabilities or Related Conditions (MR/RC Waiver)

This is a request for proposal (RFP) to complete an independent assessment of Minnesota's Title XIX Home and Community Based Waiver for Persons with Developmental Disabilities or Related Conditions (MR/RC Waiver) as required by federal regulations (42 CFR 441.303 (g)). The assessment must objectively evaluate the quality of care provided, access to care and cost effectiveness of the MR/RC Waiver in accordance to the federal Health Care Financing Administration's (HCFA) criteria. The assessment should also include specific recommendations to improve the statewide administration of Minnesota's MR/RC Waiver.

The assessment will review information covering a time period of three years (July 1, 1987 through June 30, 1990). The cost of the assessment may not exceed \$100,000.

Firms wishing to respond to this RFP should request a more detailed explanation and materials from Barb Roberts, Waiver Manager, Division for Persons with Developmental Disabilities at the address listed 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 February 1, 1991. 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.

Contact:

Barb Roberts, Waiver Manager
Division for Persons with Developmental Disabilities
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3825
Phone: (612) 296-1146

Professional, Technical & Consulting Contracts

Department of Transportation

Notice to Consulting Engineers—Registered Civil and Structural

The Minnesota Department of Transportation (Mn/DOT) anticipates retaining Bridge Design Consultants to design and prepare construction plans for a limited number of bridges of average complexity during 1991.

Applicants must have an office in Minnesota staffed to handle the work. Recent experience in the production of bridge plans for the State Highway System, the County State Aid Highway System, or equivalent, is required.

All eligible design firms desiring to be considered as design contractors are asked to submit a brochure or resume giving qualifications and experience to D. J. Flemming, State Bridge Engineer, 610D Transportation Building, Mn/DOT, St. Paul, Minnesota 55155. Identify personnel to conduct the work and detail their training and experience. Summarize Computer Aided Drafting and Design (CADD) experience and qualifications, and list the bridge analysis and design programs used by the firm. Brochures and resumes will be received until 12:00 p.m., December 17, 1990. Applicants may be requested to interview at the Mn/DOT Building in St. Paul.

Names of selected firms will be retained on file with Mn/DOT for consideration during 1990.

Non-State Public Contracts

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

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

Metropolitan Waste Control Commission

Request for Proposals (RFP) for Professional Consultant Services for the Development and Delivery of Training Program on Heterosexism and Homophobia

The Metropolitan Waste Control Commission (MWCC) is requesting proposals for professional consultant services for the development and delivery of a training program on the topic of heterosexism and homophobia. This request provides background information on the MWCC, outlines training goals, describes expectations of the delivery of training, identifies items which should be specifically addressed in proposals responding to this RFP, and the selection criteria.

Additional copies of this request can be obtained by contacting Rebecca Gaspard, Affirmative Action Officer, at (612) 229-2188. RFP's are available November 20, 1990.

Proposals for the development and delivery of a training program on heterosexism and homophobia will be accepted by the MWCC until 4:30 p.m. on December 18, 1990.

All proposals shall be addressed to:

Metropolitan Waste Control Commission
230 East Fifth Street
Sixth Floor
St. Paul, MN 55101
Attention: Rebecca W. Gaspard

The MWCC reserves the right to reject all or any proposals, and to waive any minor irregularities and deviations from the requirements outlined in the RFP.

It is hereby agreed between the parties that *Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are to be incorporated into any contract between these parties. A copy of these portions of the *Minnesota Statutes* and *Minnesota Rules* are available upon request from the MWCC.

Announcements

Wildlife Food Planting Stock Available: Minnesota landowners have an opportunity to develop wildlife habitat on their lands through the purchase of a special tree and shrub planting stock packet available from the Minnesota Department of Natural Resources (DNR). Four-season wildlife food planting stock is being sold in packets of 500 seedlings for \$150, plus \$9 tax. The packets feature a mixture of crabapple, wild plum, ginnala maple, junberry, dogwood, chokecherry, cotoneaster, Nanking cherry and Washington hawthorn seedlings. The seedling packets are designed to provide food and cover for a variety of wildlife, according to DNR Nongame Wildlife Supervisor Carrol Henderson. The habitat created by these shrubs and trees is especially attractive to songbirds, robins, pheasants, brown thrashers, catbirds, cedar waxwings and mourning doves. The packets were developed by the DNR Forestry and Wildlife divisions and the Minnesota Nursery and Landscape Association. Order forms and price lists for the wildlife food packets and a variety of other deciduous and coniferous seedlings available from the DNR may be obtained from DNR Forestry offices; Agricultural Stabilization and Conservation Service (ASCS) offices; Soil Conservation Service (SCS) offices; County Extension Service offices; the DNR General Andrews Nursery, P.O. Box 95NC, Willow River, MN 55795 (phone 218-372-3183); or the DNR Forestry Division, 500 Lafayette Road, St. Paul, MN 55155-4044 (phone 612-296-4480).

Give State Parks Gifts This Year: Camping in the woods. A fall color hike. Cross country skiing along well-groomed trails. An informative program by a professional naturalist. Volksmarches and special events. And a full-color photo calendar to help plan for the activities. Minnesotans can give all that for Christmas this year, at a cost of only \$21, including postage and handling. The Minnesota Department of Natural Resources is offering a special holiday package of a 1991 state park vehicle permit (worth \$16) and a 1991 state park calendar (worth \$6.95 plus \$3 for postage and handling). The special package includes a gift enclosure card and a state park directory. The 1991 state parks calendar is a large, four-color calendar that features photographs taken in some of Minnesota's 65 state parks. It highlights many of the state parks festivals and events, including special activities planned for the state parks centennial celebration in 1991. The 1991 state parks vehicle permit, which is now on sale, allows entrance into all 65 state parks for the remainder of 1990 and all of 1991. For more information or to order state parks permits, calendars, or Nature Store merchandise catalogs, write to Minnesota State Parks, 500 Lafayette Road, St. Paul, MN 55155-4039. People may also call (612) 296-9223 in the Twin Cities area, or call toll free in Minnesota 1-800-652-9747 (ask for the DNR).

DNR Gift Certificates: People may purchase DNR Gift Certificates for hunting and fishing licenses, cross-country ski passes, state park vehicle permits, current and non-current collectible wildlife stamps, and registrations for watercraft, snowmobiles and all-terrain vehicles. The DNR Gift Certificate is offered for specific licenses and seasons, rather than for open dollar amounts. DNR Gift Certificates may be obtained and redeemed in person or by mail only at the DNR License Bureau, 500 Lafayette Road, St. Paul, MN 55155-4026. For mail application, contact the DNR License Bureau at (612) 296-4508, or call toll free in Minnesota 1-800-652-9747 (ask for the DNR).

Minnesota Communities Receive National Awards: Five Minnesota communities have received national recognition for their efforts to promote better health. The five have been chosen this year to receive the Secretary's Award for an Outstanding Program in Community Health Promotion. The award is presented once every two years by the U.S. Department of Health and Human Services. The winning programs include: • **The Clay-Wilkin Tobacco Use Prevention Project.** This program was aimed at adolescent males, aged 9-15, who were at risk of becoming "smokeless" tobacco users—and young women aged 18-30 who were already smoking or at risk of becoming smokers. • **The West Central AIDS Project.** Organizers of this program worked to educate the community about AIDS and AIDS virus infection—and mobilize the community to deal with AIDS-related issues—in a nine county area of west central Minnesota. • **Cook County Cancer Screening Clinics.** The Cook County Health Department—with the cooperation with community groups in the Grand Marais area and the help of over 300 community volunteers—has conducted annual cancer screening clinics since 1965. • **Smoking Doesn't Work.** The Hennepin County Community Health Department conducted this educational program, which targeted women students at the Hennepin Technical Institute. • **Aitkin-Itasca-Koochiching Tobacco Use Prevention Project.** This project targeted adolescent and pre-adolescent males who were at risk of becoming "smokeless" tobacco users, pre-adolescents of both sexes who were at risk of becoming smokers, and young adult women who were at risk of becoming smokers.

**It's
Never
O.K.**

Social workers', counselors' and therapists' guides and directories

It's Never OK. A handbook for professionals on sexual exploitation by counselors and therapists. It covers the therapeutic and prevention issues and employer responsibilities, plus recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95 + tax.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from prevention/intervention services to a wide range of treatment services. Each type of program includes a listing of facilities and description of programs. Stock No. 1-12, \$15.00 + tax.

Process parenting—Breaking the Addictive Cycle. This training manual provides parent education and treatment techniques for professionals working with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 + tax.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and \$2.00 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone. FAX: (612) 296-2265.

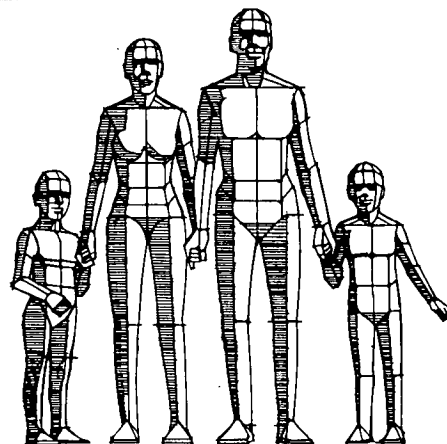
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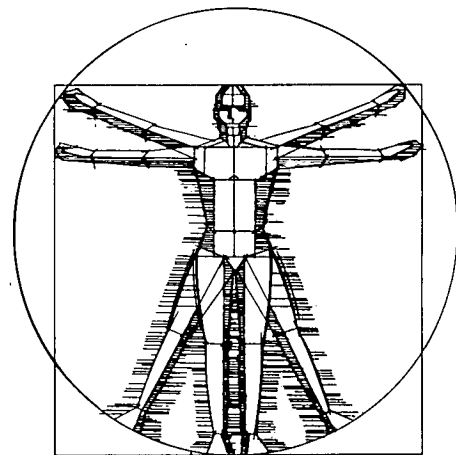
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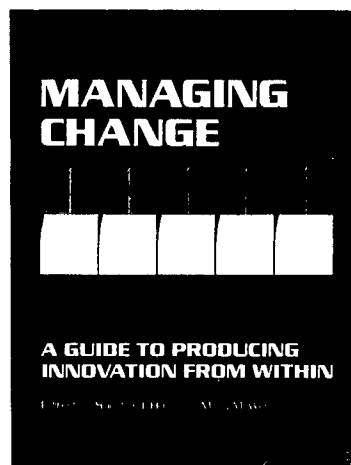
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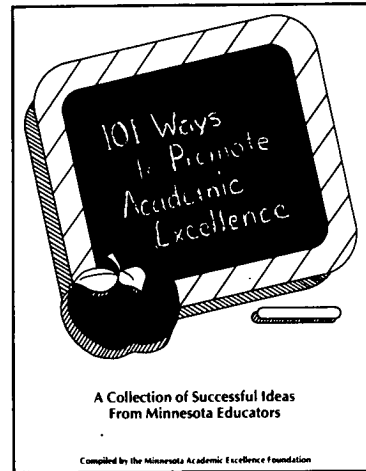
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