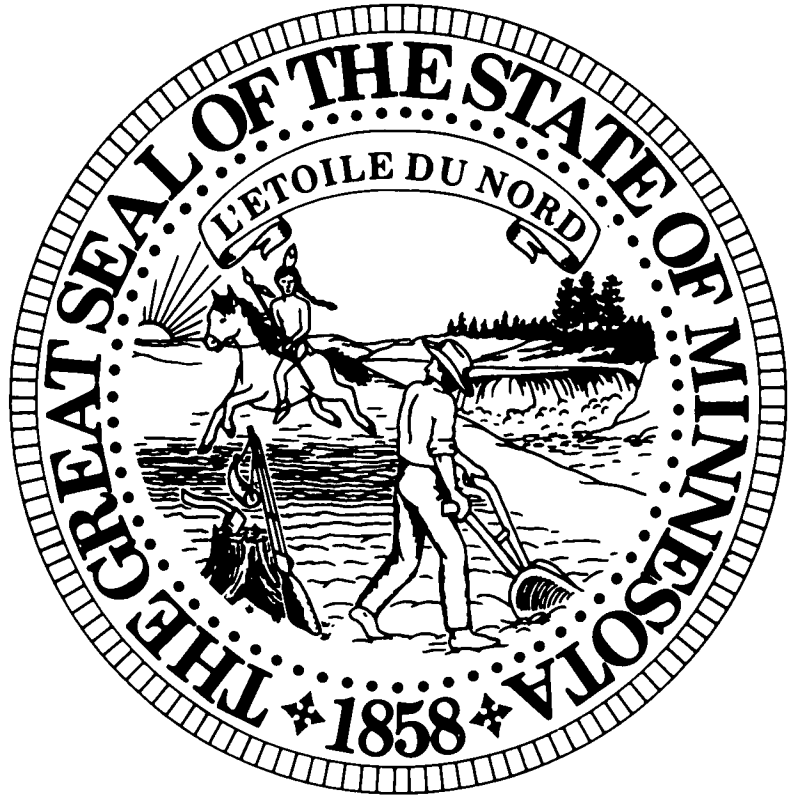


The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
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State Register

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

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

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

Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
3	Monday 2 July	Monday 9 July	Monday 16 July
4	Monday 9 July	Monday 16 July	Monday 23 July
5	Monday 16 July	Monday 23 July	Monday 30 July
6	Monday 23 July	Monday 30 July	Monday 6 August

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

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

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

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.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Labor and Industry

Proposed Permanent Rules Relating to Occupational Safety and Health

Notice of Intent to Adopt a Rule

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1988).

All persons have 30 days in which to submit comments in support of, or in opposition to, the proposed rule or any part or subpart of the rule. Comments are encouraged. Each comment must identify the portion of the proposed rule addressed, the reasons for the comment, and any change proposed.

Any interested or affected person may make a written request for a public hearing on the rule within the 30-day comment period. 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.

Written comments, objections, or requests for hearing should be submitted to: Patricia Lorentz, Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155.

SUMMARY AND BACKGROUND OF STANDARD: In the Spring of 1988, an employee of a Minnesota cement block manufacturing company was killed when an aggregate bin collapsed, dumping 250 tons of sand, cement and fly ash on top of him. The bin, forty feet high, broke free of the forward supports and arced to the floor on the back supports. Minnesota OSHA's investigation revealed that the outer wall of the hopper that held the steel legs in place had corroded, causing the structure to fail. The bin corrosion was apparently due to water and various corrosives, such as calcium chloride, which were added to the aggregate to keep it from freezing in the winter. This collapse could have been prevented if periodic testing and routine maintenance had been conducted and safe loading and operating procedures established.

Following this accident, a "Hazard Alert" was sent to all cement block manufacturing employers in Minnesota warning them of this potential hazard. In addition, Minnesota OSHA conducted inspections of all identified concrete block manufacturers in the state. Although these efforts addressed the immediate problem in this industry, it became evident that inspection and maintenance of these bins (as well as similar bins, hoppers, and tanks in other industries) was not being done on a regular basis. A schedule for structural evaluations was needed, not only for aggregate storage bins, but for all bins, hoppers, and tanks that hold materials for a period of time and located such that employees must work beneath or near the unit.

Detecting corrosion, distortion, and strain is the key to preventing structural collapse. Therefore, it is important for bins to be both visually and instrumentally accessible. Bins can be visually checked for bubbling or rust with special attention to stress points such as surface bottoms, support legs, and connection points. A structural evaluation must be conducted by a person knowledgeable and capable of determining that erosion, corrosion, stress, fatigue, damage, repairs, or alterations have not compromised the design safety factor or load capacity of the bin, hopper, or tank. Visual inspections should be on-going—employees themselves can visually inspect

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Proposed Rules

bins for rust and bubbling. Structural tests must be conducted every 12 months if the bin, hopper, or tank held corrosive agents or substances; every five years if corrosive agents or substances have not been stored or used in them. In addition, a structural evaluation must be conducted before a bin, hopper, or tank is returned to service after maintenance or repairs. This is especially important once the unit has been relined or otherwise repaired since relining presents three problems: first, it adds weight and, consequently, stress to the existing structure; second, it conceals any deterioration present on the inside walls; and third, it is rarely re-attached (through welding or bolting) to the support.

Once detected, structural imperfections must be corrected. The standard requires these repairs to be completed in the shortest amount of time necessary so that the integrity of the bin, as well as the safety of employees working in the area, can be assured.

Lastly, the standard requires that structural evaluations be documented and retained at the facility where the bin, hopper, or tank is located; records must be maintained for the life of the unit. Documentation must include the dates the evaluations were done; the names, addresses and employers of persons who conducted the evaluations; the means used and the findings of the evaluations; recommendations made as a result of the evaluation; and the corrective actions taken.

Ken Peterson, Commissioner
Department of Labor and Industry

Rules as Proposed (all new material)

BINS, HOPPERS, AND TANKS

5205.1400 INSPECTION OF BINS, HOPPERS, AND TANKS.

Subpart 1. **Structural evaluation.** The structure of all bins, hoppers, and tanks that are used to hold materials for any period of time shall be evaluated according to the schedule in subpart 2 if employees have access to the area beneath the bin, hopper, or tank or an area surrounding the bin, hopper, or tank with a radius equal to the height of the bin, hopper, or tank. The structural evaluation shall be conducted by a person qualified to conduct the evaluations under subpart 6.

Subp. 2. **Inspection schedule.**

- A. All bins, hoppers, and tanks that have held corrosive agents or substances at any time shall be evaluated every 12 months.
- B. All bins, hoppers, and tanks that have not held corrosive agents or substances at any time shall be evaluated five years after their construction or manufacture and every three years thereafter.
- C. All bins, hoppers, and tanks must be reevaluated before returning the bin, hopper, or tank to service after completion of all maintenance and repairs including relining of the bin, hopper, or tank.

Subp. 3. **Documentation.** All structural evaluations required by this part shall be documented and the required documentation must be retained at the facility where the bin, hopper, or tank is located for the life of the bin, hopper, or tank. The documentation must be made available upon request to representatives of the Occupational Safety and Health Division. Documentation of the structural evaluations must include:

- A. the dates on which structural evaluations were conducted;
- B. the names, addresses, and employers of persons conducting the structural evaluations;
- C. the means used to structurally evaluate the bins, hoppers, or tanks;
- D. the findings of the structural evaluations;
- E. the recommendations made as a result of the structural evaluations for maintenance and repairs; and
- F. the dates on which recommended maintenance and repairs were completed.

Subp. 4. **Repair schedule.** If structural deficiencies are found during a structural evaluation, all maintenance and repairs, including relining of the bin, shall be completed within the minimum amount of time necessary to complete repairs.

Subp. 5. **Means of evaluation.** All structural evaluations conducted under this part shall include visual and metallurgic evaluations which are capable of determining that erosion and corrosion does not exceed 1/16th of the original material thickness and that stress, fatigue, damage, repairs, or alterations have not compromised the designed safety factor nor the load capacity.

Subp. 6. **Qualified person.** A person is qualified to conduct structural evaluations under this part if through education, training, or experience, they are capable of determining, through visual and metallurgic evaluations, that erosion, corrosion, stress, fatigue, damage, repairs, or alterations have not compromised the design safety factor nor the load capacity.

Department of Revenue

Proposed Permanent Rules Relating to Sales Taxes; Advertising Agencies

Alternative Notices: Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt a Rule With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Department of Revenue (Department) is hereby giving notice of its intent to adopt a rule without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will be cancelled if 25 or more people do not request that one be held. With the comment period closing on August 14, 1990, there will be 13 days before the scheduled hearing date. This 13-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

II. NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Department proposes to adopt the above-entitled rule without a public hearing unless 25 or more persons submit written requests for a public hearing. A copy of the proposed rule is attached to this notice. The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* section 297A.29.

All persons have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30 days will expire on August 14, 1990. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed to the rule by the comment.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. 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. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule by August 14, 1990. If a hearing is required, the department will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Terese Koenig Smith, Attorney
Minnesota Department of Revenue
Appeals and Legal Services Division
Business Tax Unit
10 River Park Plaza
Mail Station 2220
St. Paul, Minnesota 55146-2220
Telephone: (612) 296-3438

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.

The proposed rule is published in the *State Register* issue of July 16, 1990, and a free copy of the rule may be obtained from the Department by writing or telephoning Terese Koenig Smith at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Department by writing or telephoning Terese Koenig Smith at the address or telephone number listed above.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* section 14.11 (1988).

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

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 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 Terese Koenig Smith at the address listed above.

III. NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

Please Note: that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rule within the 30-day comment period pursuant to the notice given in Part II above, a hearing will be held on August 28, 1990, in accordance with the following notice of public hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* section 14.131 to 14.20 (1988), on August 28, 1990, commencing at 9:00 a.m. in the Minnesota Department of Revenue Skjegstad Seminar Room, 8th floor, 10 River Park Plaza, St. Paul, Minnesota 55107.

The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 349-2544. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 (1988) and by *Minnesota Rules* secs. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

The proposed rule, if adopted, will replace the existing rule on advertising agencies which is being repealed. The proposed rule deals generally with the sales and use tax treatment of sales to and from advertising agencies. It modifies the current approach of treating these agencies as retailers of tangible personal property by treating them in certain circumstances as service providers, rather than retailers of tangible personal property. The proposed rule is published in the *State Register* issue of July 16, 1990, and a free copy of the rule may be obtained from the Department by writing or telephone Terese Koenig Smith at the address or telephone number listed above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Terese Koenig Smith, upon request.

The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* section 297A.29.

The proposed rule may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule are therefore advised to participate in the process.

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

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

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

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

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the statement of need and reasonableness may be reviewed at the Department by contacting Terese Koenig Smith at the address listed

previously, or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule is filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rule with the Secretary of State.

Promulgation of this proposed rule will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* section 14.11 (1988).

The Department is subject to *Minnesota Statutes* section 14.115 (1988) regarding small business consideration in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subd. 2 (1988) for reducing the impact of the proposed rule on small businesses is addressed in the statement of need and reasonableness.

IV. NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

Please Note: that the hearing, notice of which is given in Part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in Part II above.

To be informed whether the hearing in Part III above will be held, please telephone Terese Koenig Smith at the telephone number listed above in Part II of this notice on or before August 24, 1990, and leave your name, address, and telephone number. You will be notified if the hearing has been cancelled. You may also telephone Terese Koenig Smith after August 14, 1990, for oral confirmation, regarding the scheduled hearing.

Dated: 27 June 1990

John James
Commissioner of Revenue

Rules as Proposed (all new material)

8130.9250 ADVERTISING AND PROMOTIONAL MATERIAL.

Subpart 1. Definitions.

A. "Mass media" includes television, radio, publications, and billboards to the extent not governed by part 8130.9400.

B. "Advertising agency," as used in subparts 2 and 3, means those persons with a contractual obligation to prepare and place advertising in mass media for another person or deliver or cause delivery of advertising material to an advertiser which is prepared for mass media placement. Advertising agency may include public relation firms, sales promotional firms, and sales incentive firms.

C. An "advertiser" is a person who contracts to purchase, or have delivered to a third party on its behalf, collateral advertising or who contracts to purchase, or have delivered to third parties, or to have placed mass media advertising.

D. "Collateral advertising" is all advertising and promotional material other than mass media prepared or placed advertising. It includes brochures, direct mail advertising coupons, tear-off pads, in store promotional display kits, point-of-sales materials, calendars, pencils, pens, and ash trays.

Subp. 2. Mass media placed advertising. All activities and purchases by advertising agencies that result in mass media placement of advertising are activities and purchases in performance of a service. All taxable purchases for performance of this service are subject to either sales tax paid to the vendor or use tax paid by the advertising agency.

Subp. 3. Mass media prepared advertising. The preparation of an ad for mass media placement is a service, and all activities and purchases by advertising agencies that result in the preparation of an ad are activities and purchases in performance of a service. All taxable purchases used or consumed in providing this service are subject to either sales tax paid to the vendor or use tax paid by the advertising agency.

Subp. 4. Collateral advertising. The transfer of collateral advertising materials by any person is a retail sale, and sales tax must be collected on the total sales price of that material, without deduction for labor or service cost. Purchases by a person of items that become an ingredient or component part of the collateral advertising may be purchased exempt for resale.

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. 5. **Nonapportioned mass media prepared or placed and collateral advertising contracts.** Where a contract or commission or fee agreement or other agreement requires both the creation of mass media placed and/or mass media prepared advertising and collateral advertising by an advertising agency and when no separate cost is ascribed to collateral advertising, sales tax on the fair market value of collateral advertising must be collected and remitted to the commissioner at the time of transfer of title or possession of the collateral advertising to the advertiser or its designee. Fair market value of the collateral advertising will include a fair and appropriate allocation of the agency's fee or commission.

Subp. 6. **Purchases for uses in mass media placed and/or mass media prepared advertising and collateral advertising.** This subpart applies to purchases which may be used repeatedly, and to materials which are consumed in part for producing mass media advertising and in part for producing collateral advertising.

A. If an advertising agency makes a taxable purchase which is used, but not consumed, in both mass media placed and/or mass media prepared advertising, and collateral advertising, the determination of whether the purchase is exempt from sales or use tax is based on the initial contract for which the property is purchased.

If the initial contract is for mass media placed and/or mass media prepared advertising, the purchase is subject to sales or use tax, notwithstanding that the purchased property may later be used in collateral advertising. The subsequent sale of collateral advertising using such a purchase is not exempt from sales and use tax because of the previous tax payment.

If the initial contract is for collateral advertising, the item purchased may be purchased exempt for resale, notwithstanding that the purchased property may later be used in mass media placed and/or mass media prepared advertising. If a contract (or contemporaneously negotiated contracts) with an advertiser is for both mass media placed and/or mass media prepared advertising and collateral advertising, the burden is on the taxpayer to demonstrate, by clear and convincing evidence, the portion of the initial use that is attributable to each of such categories. If this burden is not met, the initial contract is deemed to be for mass media placed and/or mass media prepared advertising. An example of this rule may be artwork purchased and used initially in both television advertising and point-of-sale advertising. Where the burden of proof is not met by the taxpayer, no part of the purchase is exempt and the subsequent sale of collateral advertising (point-of-sale) is also not exempt.

B. If an advertising agency consumes materials in producing both mass media placed and/or mass media prepared advertising and collateral advertising, the materials can be purchased exempt by using a resale exemption certificate. If the materials are consumed in producing mass media advertising, the materials are taxable and must be reported as purchases subject to use tax on the agency's sales and use tax return. The determination of what portion of the materials are subject to use tax is based upon whether the materials can be separated by use. When the materials can be separated by use, the percentage of materials consumed in producing mass media advertising is multiplied by the total purchase price of the materials to determine the amount of materials subject to tax. The burden is on the taxpayer to demonstrate, by clear and convincing evidence, the portion of usage that is attributable to collateral advertising. If the burden is not met, all the materials consumed are deemed to be for mass media advertising. When the collateral advertising is transferred, it is a taxable sale. An example of the purchase of materials consumed in part for exempt purposes and in part for taxable purposes is paper, a portion of which is consumed printing materials to be transferred and a portion of which is consumed in the creation of photo-ready art.

Subp. 7. **Purchases for agency use.** Office supplies, capital equipment, and other materials which are consumed or used by an advertising agency and do not become an ingredient or component part of tangible personal property to be sold at retail, constitute a retail sale from the vendor to the advertising agency. An advertising agency is the consumer of such tangible personal property. Either the vendor must collect sales tax or the advertising agency must remit use tax on those purchases.

Subp. 8. **Advertising agency as a retailer.** When an advertising agency acts as a business other than an advertising agency, it is taxable to the same extent as any other person engaged in that other business.

Subp. 9. **Advertisers who are tax-exempt entities.** Advertisers who are tax-exempt entities may appoint advertising agencies as purchasing agents. If a valid purchasing agency appointment is made, the advertiser shall pay sales or use tax to the same extent and in the same fashion as if it had made the purchase directly. To make a valid appointment of an advertising agency as a purchasing agent, an advertiser must:

- A. grant to the agent the ability to bind the principal to pay for purchases made by the agent;
- B. require that the agent not purchase materials in its own name;
- C. require that all contracts, purchase orders, and other similar writings of the agent shall specifically state that the principal is obligated to pay for materials purchased and that a clear disclosure of the agency relationship is made to the vendor of the materials; and
- D. require that the advertising agency make no use of the property for itself or for any client other than the principal.

When dealing with advertising agencies, vendors must presume that the agency is the purchaser in the absence of an express statement on a purchase order from an advertising agency that the advertising agency is acting as an agent and that the purchase is

within the scope of authority expressed in the agreement. The agency may issue exemption certificates as authorized in part 8130.3000 in the name of the principal and signed by the advertising agency as purchasing agent.

REPEALER. *Minnesota Rules*, part 8130.9200 is repealed.

Board of Vocational Technical Education

Proposed Permanent Rules Relating to Technical College Instructional Licensure

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education 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*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., 16th day, August, 1990, 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 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 either:

Jeanette Daines, Supervisor
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jeanette Daines or Georgia Pomroy at the above address and phone, 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 wish to receive a copy of the adopted rule must submit the written request to either Jeanette Daines or Georgia Pomroy at the above-mentioned address.

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

Rules as Proposed

3700.0400 LICENSES IN THE HEALTH OCCUPATIONAL AREA.

Subpart 1. Listed here. An applicant for a license to teach postsecondary vocational courses and programs in the health occupational area must meet the requirements in this part. These requirements are in addition to the requirements in part 3700.0100 and for a particular license (listed under the part that covers that particular license).

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. Recent occupational experience. An applicant for a license to teach in the health occupational area must have 2,000 hours of occupational experience within the five years just before applying for licensure.

Subp. 3. Substitution. The total number of hours substituted for occupational experience must not exceed 4,000.

Subp. 4. Does not apply. Parts 3515.9920 to 3515.9930 do not apply to parts 3700.0400 and 3700.0466.

~~3709.0230~~ 3700.0405 CHIROPRACTIC ASSISTANT.

Subpart 1. **May teach.** A teacher who has a chiropractic assistant instructor license may teach in the chiropractic assistant program.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0400~~ 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Educational and occupational experience requirement.** The applicant must have the educational and occupational experience described in item A, B, or C. The education must be from an accredited postsecondary institution.

A. Licensed chiropractor and 4,000 hours of ~~verified~~ occupational experience in a chiropractic office or chiropractic hospital. This experience must include office procedures, insurance coverage, physical agents application, X-ray, and examinations.

B. Diploma or 90 or more quarter credits from a two-year chiropractic technician or chiropractic assistant program and 6,000 hours of ~~verified~~ occupational experience as a technician or assistant in a chiropractic office or chiropractic hospital. The experience must include office procedures, insurance coverage, physical agents application, and assisting the chiropractor with X-ray and examinations.

C. Diploma or 45 or more quarter credits from a one-year chiropractic technician or chiropractic assistant program or an American Chiropractic Registered Radiologist technician program and 7,000 hours of ~~verified~~ occupational experience as a technician or assistant in a chiropractic office or chiropractic hospital. The experience must include office procedures, insurance coverage, physical agents application, and assisting the chiropractor with X-ray and examinations.

Subp. 4. ~~Occupational recency~~ **Substitution for recent occupational experience.** The applicant may substitute teaching experience at an accredited postsecondary institution, or at an industrial or military setting may be substituted for 1,500 of the 2,000 hours required in part ~~3709.0400~~, subpart 1, item A 3700.0400, subpart 2, if the teaching is done during the five-year period. The teaching must be in primary program content in chiropractic assisting, chiropractic technician, or chiropractic practice. Two hours of teaching equal one hour of occupational experience.

~~3709.0240~~ 3700.0410 EKG/CARDIAC TECHNICIAN.

Subpart 1. **May teach.** A teacher who has an EKG/cardiac technician license may teach in the EKG/cardiac technician program and may also teach cardiopulmonary resuscitation.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0400~~ 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Occupational experience requirement.** The applicant must have current cardiopulmonary resuscitation instructor certification and 8,000 hours of ~~verified~~ occupational experience in one of the following:

A. registered nurse in critical care using 12 lead cardiograms, exercise stress testing of clients, care of clients with pacemakers, and interpreting basic and advanced cardiac rhythms; or

B. supervisory EKG/cardiac technician.

Subp. 4. **Substitution for occupational experience.** An applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of occupational experience required in subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in medicine, nursing, or cardiac technology may be substituted for 4,000 hours.

B. An associate degree in nursing, perfusionist, echo cardiac sonographer, EKG/cardiac technician, cardiac technology, biomedical equipment, cardiopulmonary, medical laboratory, medical technology, medical imaging, or radiography, or a bachelor's degree in biomedical science or medical technology may be substituted for 2,000 hours.

C. A diploma in nursing, perfusionist, EKG/cardiac technology, or cardiac technician may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two- or three-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in cardiac care, cardiac conditions, or cardiac equipment use and maintenance may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. ~~Occupational recency~~ **Substitution for recent occupational experience.** The applicant may substitute teaching experience

at an accredited postsecondary institution, or at an industrial or military setting, or public safety agency ~~may be substituted~~ for 1,500 of the 2,000 hours required in part ~~3709.0100, subpart 1, item A~~ 3700.0400, subpart 2, if the teaching is done during the five-year period. The teaching must be in cardiac technology. Two hours of teaching equal one hour of occupational experience.

3709.0250 3700.0415 PHYSICAL THERAPIST ASSISTANT.

Subpart 1. **May teach.** A teacher who has a physical therapist assistant instructor license may teach in the physical therapist assistant program and may also teach courses in anatomy and physiology, medical terminology, exercise physiology, kinesiology, neuroanatomy and neurophysiology, and physical disability/rehabilitation.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Occupational and educational experience requirement.** The applicant must have the following experiences:

A. a bachelor's or higher degree with a major in physical therapy from an American Physical Therapy Association accredited institution;

B. physical therapist registration in the state of Minnesota; and

C. 4,000 hours of ~~verified~~ occupational experience as a registered physical therapist in at least two of the following: acute care setting, outpatient physical therapy, long-term care, or rehabilitation setting.

Subp. 4. **~~Occupational recency~~ Substitution for recent occupational experience.** The applicant may substitute teaching experience at an American Physical Therapy Association accredited institution ~~may be substituted~~ for 1,500 of the 2,000 hours required in part ~~3709.0100, subpart 1, item A~~ 3700.0400, subpart 2, if the teaching is done during the five-year period. The teaching must be in primary program content in physical therapy or physical therapy assistant. Two hours of teaching equal one hour of occupational experience.

3700.0420 PRACTICAL NURSING.

Subpart 1. **May teach.** A teacher who has a practical nursing instructor's license ~~may teach the following:~~ practical nursing, health unit coordinator, homemaker/home health aide, nursing assistant, passenger assistance, human services and medical assistant/nursing component, and may also teach the following courses:

A. integrated sciences/anatomy and physiology;

B. integrated sciences/medical terminology;

C. administration of medicines;

D. human behavior and communications in health care;

E. ethical/legal aspects of health care;

F. disease conditions;

G. pediatric health care; and

H. geriatric health care.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Educational and occupational experience requirements.** The applicant must have current Minnesota nursing registration and the experience as described in item A, B, C, or D. The education must be from an accredited postsecondary institution. The occupational experience may be as a registered nurse or licensed practical nurse.

A. A bachelor's or higher degree in nursing and 4,000 hours of occupational experience as a public health nurse, home health care nurse, or a nurse doing direct patient care in a hospital, skilled or intermediate nursing care facility, or in a hospice.

B. An associate degree in nursing and 6,000 hours of occupational experience as a public health nurse, home health nurse, or a nurse doing direct patient care in a hospital, skilled or intermediate nursing care facility, or in a hospice.

C. Diploma from a three-year nursing program and 4,000 hours of occupational experience as a public health nurse, home health nurse, or a nurse doing direct patient care in a hospital, skilled or intermediate nursing care facility, or in a hospice.

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Proposed Rules

Subp. 4. Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution in nursing programs that prepare individuals for state licensure as a practical nurse or registered nurse for up to 1,500 of the 2,000 hours required in part 3700.0400. Two hours of teaching equal one hour of occupational experience.

~~3709.0260~~ 3700.0425 PUBLIC SAFETY COMMUNICATION (911).

Subpart 1. **May teach.** A teacher who has a public safety communication (911) license may teach in the public safety communication (911) program and may also teach emergency communications.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0400~~ 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of ~~verified~~ occupational experience as an operator dispatcher or supervisor in a public safety communications center with a minimum of 6,000 of the 8,000 hours doing the job of an operator dispatcher. Operator dispatcher includes level III operator dispatcher or communication training operator (CTO). Supervisor includes lead dispatcher, head dispatcher, communications manager, assistant supervisor, or shift supervisor.

Subp. 4. **Substitution for occupational experience.** An applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of occupational experience required under subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in law enforcement, criminal justice, ~~or~~ corrections, emergency medical services, or fire protection may be substituted for 4,000 hours.

B. An associate degree in emergency medical service, fire protection, law enforcement ~~or~~ public safety communications, or a bachelor's degree or higher in public administration may be substituted for 2,000 hours.

C. A diploma in law enforcement ~~or~~ public safety, fire protection, or communication may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two- or three-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in the use of public safety emergency telecommunications equipment may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. ~~Occupational recency~~ **Substitution for occupational recency.** The applicant may substitute teaching experience at an accredited postsecondary institution, or at an industrial or military setting, or public safety agency ~~may be substituted~~ for 1,500 of the 2,000 hours required in part ~~3709.0400, subpart 4, item A~~ 3700.0400, subpart 2, if the teaching is done during the five-year period. The teaching must be in public safety communication. Two hours of teaching equal one hour of occupational experience.

~~3709.0270~~ 3700.0430 RADIOLOGIC TECHNOLOGY.

Subpart 1. **May teach.** A teacher who has a radiologic technology license may teach in the radiologic technology program.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0400~~ 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Occupational and educational experience requirement.** The applicant must:

- A. have a two-year certificate, associate degree or above in radiologic technology;
- B. be credentialed in radiography by the American Registry of Radiologic Technologists; and
- C. have 6,000 hours of ~~verified~~ occupational experience as a certified radiographer in a medical setting.

Subp. 4. ~~Occupational recency~~ **Substitution for occupational recency.** The applicant may substitute teaching experience at a postsecondary institution in an accredited program of radiographic technology ~~may be substituted~~ for 1,500 of the 2,000 hours required in part ~~3709.0400, subpart 4, item A~~ 3700.0400, subpart 2, if the teaching is done during the five-year period. The teaching must be in radiologic technology. Two hours of teaching equal one hour of occupational experience.

Rules as Proposed (all new material)

3700.0435 ATHLETIC TRAINING TECHNICIAN LICENSE.

Subpart 1. **May teach.** A teacher who has an athletic training technician license may teach in the athletic training technician program and may also teach courses in:

- A. biomechanics;
- B. exercise physiology;
- C. sports injuries recognition, care, and management;

- D. strength conditioning;
- E. sports equipment fit, care, and use;
- F. sports training, testing, and conditioning;
- G. legalities of sports; and
- H. sports rehabilitation techniques.

Subp. 2. **Other requirements.** An applicant must meet the requirements listed in part 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Educational and occupational experience requirements.** An applicant must have the experiences as described in items A, B, and C. The education must come from an accredited postsecondary institution.

- A. Bachelor's or higher degree with a science major in health, sports, or exercise.
- B. Athletic trainer certification obtained from the Athletic Trainers Association.
- C. 4,000 hours of occupational experience as an athletic trainer.

Subp. 4. **Substitution for recent occupational experience.** An applicant may substitute teaching experience at an accredited postsecondary institution in primary program content in athletic trainer, athletic medicine technology, or physical education for 1,500 of the 2,000 hours required under part 3700.0100, subpart 2. Two hours of teaching equal one hour of the occupational experience required in part 3700.0400, subpart 2.

3700.0770 SURFACE FINISHING AND PLATING TECHNICIAN LICENSE.

Subpart 1. **May teach.** A teacher who has a surface finishing and plating technician license may teach in the surface finishing and plating technician program and may also teach courses in surface finishing and plating anywhere in the technical college system.

Subp. 2. **Other requirements.** An applicant must meet the requirements listed in part 3700.0100 and the requirements for a teacher in the technical area under part 3700.0700.

Subp. 3. **Occupational and educational experience requirements.** An applicant must have the educational and occupational experience as described in item A, B, or C. The education must be from an accredited postsecondary institution.

A. Bachelor's or higher degree with a major in chemistry, chemical engineering, electrochemistry, material science, or metallurgy; occupational experience of 4,000 hours in surface finishing and electroplating, including bath make-up and maintenance including wet analysis, surface finishing and plating processes and equipment, physical testing for quality control of product and process, and waste management for plating; and certification by the American Electroplating and Surface Finishing Society.

B. Two years of postsecondary education with a degree, diploma, or certificate in surface finishing and electroplating including 15 quarter credits in chemistry; occupational experience of 6,000 hours in surface finishing and electroplating, including bath make-up and maintenance including wet analysis, surface finishing and plating processes and equipment, physical testing for quality control of product and process, and waste management for plating; and certification by the American Electroplating and Surface Finishing Society.

C. One year of postsecondary education including 15 quarter credits of chemistry; occupational experience of 7,000 hours in surface finishing and electroplating, including bath make-up and maintenance including wet analysis, surface finishing and plating processes and equipment, physical testing for quality control of product and process, and waste management for plating; and certification by the American Electroplating and Surface Finishing Society.

Subp. 4. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, industrial, or military setting may be substituted for 1,500 of the 2,000 hours required in part 3700.0700, subpart 2, if the teaching is in primary program content in surface finishing and electroplating technology. Two hours of teaching equal one hour of occupational experience.

Board of Vocational Technical Education

Proposed Permanent Rules Relating to Electronics Technology Instructor License

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education 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*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

Proposed Rules

All persons have 30 days until 4:30 p.m., 16th day, August, 1990, 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 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 either:

Jeanette Daines, Supervisor
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jeanette Daines or Georgia Pomroy at the above address and phone, 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 wish to receive a copy of the adopted rule must submit the written request to either Jeanette Daines or Georgia Pomroy at the above-mentioned address.

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

Rules as Proposed (all new material)

3700.0765 ELECTRONICS TECHNOLOGY LICENSE.

Subpart 1. **May teach.** A teacher who has an electronics technology instructor license may teach in the electronics technology programs and may also teach:

- A. electronics core; and
- B. any course which is electronic theory or application.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the technical occupational area under part 3700.0700.

Subp. 3. **Educational and occupational experience requirement.** The applicant must have the educational and occupational experience described in items A and B:

A. a minimum of two years of education in electronics technology from an accredited postsecondary institution resulting in a diploma, certificate, or degree; and

B. 6,000 hours of occupational experience in installation, maintenance, troubleshooting, and repair of electronic circuitry in any of the following areas:

- (1) computer systems;
- (2) industrial electronics;
- (3) manufacturing electronics;
- (4) electronic communications;
- (5) biomedical electronics; or
- (6) consumer electronics.

Subp. 4. **Substitution for recent occupational experience.** Teaching experience at an accredited postsecondary institution, industrial, business, or military setting in primary program content in electronics technology may be substituted for 1,500 of the 2,000 hours required under part 3700.0700, subpart 2. Two hours of teaching equal one hour of occupational experience for purposes of part 3700.0700, subpart 2.

Adopted Rules

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

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

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

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

Board of Electricity

Adopted Permanent Rules Relating to Uniform Electrical Violation Citation

The rule proposed and published at *State Register*, Volume 14, Number 25, pages 1413-1415, December 18, 1989 (14 S.R. 1413), and Volume 14, Number 42, pages 2451-2452, April 16, 1990 (14 S.R. 2451) is adopted as proposed.

Department of Health

Adopted Permanent Rules Relating to Emergency Medical Technician Certificates

The rules proposed and published at *State Register*, Volume 14, Number 29, pages 1793-1794, January 16, 1990 (14 S.R. 1793) and Volume 14, Number 41, page 2431, April 9, 1990 (14 S.R. 2431) are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Aid to Families with Dependent Children

The rules proposed and published at *State Register*, Volume 14, Number 31, pages 1901-1920, January 29, 1990 (14 S.R. 1901) are adopted with the following modifications:

Rules as Adopted

9500.2060 DEFINITIONS.

Subp. 58. **Full-time student.** "Full-time student" means a person who is enrolled in ~~and attending~~ a graded or ungraded primary, intermediate, secondary, GED preparatory, trade, technical, vocational, or postsecondary school, and who meets the school's standard for full-time attendance.

9500.2140 BASIC ELIGIBILITY REQUIREMENTS.

Subp. 5. **Physical presence.** To be eligible for AFDC, a dependent child and a caretaker must live together except as provided in items A to C.

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

Adopted Rules

C. The absence of a caretaker or child does not affect eligibility for the month of departure when he or she received assistance for that month and lived together immediately prior to the absence. Eligibility also exists in the following month when the absence ends on or before the tenth day of that month. A temporary absence of a caretaker or a child which continues beyond the month of departure must not affect eligibility when the home is maintained for the return of the absent family member, the caretaker continues to maintain responsibility for the support and care of the dependent child, and when one of subitems (1) to (7) apply:

(7) when a recipient child has run away from home ~~or when a recipient child has been taken from home without the consent of the recipient caretaker or a court order and the caretaker has initiated legal action for the return of the child, and another person has not made application for that child~~, assistance must continue for no more than two months following the month of departure; ~~provided another person has not made application for the recipient child.~~

9500.2380 INCOME.

Subp. 2. **Excluded income.** A local agency shall exclude items A to DD from income:

I. state and federal income tax refunds ~~except for~~ including the earned income tax credit;

J. funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made from public agencies, ~~issued by insurance companies~~, awarded by a court, solicited through public appeal, or made as a grant by a federal agency subsequent to a presidential declaration of disaster;

CC. income which is otherwise specifically excluded from AFDC program consideration in federal law, state law, or federal regulation;

DD. rebates of rental payments paid by an applicant or recipient.

9500.2420 DOCUMENTING, VERIFYING, AND REVIEWING ELIGIBILITY.

Subp. 4. **Factors to be verified.** A local agency shall verify factors of program eligibility at the time of application, when a factor of eligibility changes, and at each redetermination of eligibility under subpart 5.

C. A local agency may verify additional program eligibility and assistance payment factors when it determines that information on the application is inconsistent with statements made by the applicant, other information on the current application, information on previous applications, or other information received by the local agency. The local agency must document the reason for verifying the factor in the case record of an assistance unit. ~~A local agency may also verify additional program eligibility and assistance payment factors when it has received department approval to verify those factors on a county-wide basis because of unique circumstances.~~

Additional factors that may be verified, subject to the ~~conditions of this item~~ approval of the commissioner, are:

9500.2580 EMPLOYMENT DISREGARDS.

A local agency shall deduct the disregards in items A to D from gross earned income as defined in part 9500.2380:

[For text of item A, see M.R.]

A. A ~~\$75~~ \$90 work expense, whether employment is part- or full-time. ~~This disregard must be deducted from the gross earned income of each employed member of an assistance unit and for other financially responsible household members who are ineligible or otherwise excluded from the assistance unit, except that sanctioned persons who are not allowed allocations under part 9500.2600, item C must not receive this disregard. This expense is A \$75 work expense shall be deducted for those financially responsible persons under part 9500.2500, subpart 4, item G, subitem (3), prior to the payment eligibility test under part 9500.2500, subpart 5, and must not be deducted a second time under part 9500.2500, subpart 5, item B.~~

B. A monthly deduction for ~~documented~~ costs for care of a dependent child or an adult dependent who is in the assistance unit. These costs must be documented according to part 9500.2420, subpart 4, item B, subitem (6). This disregard must only be deducted from the gross income of a member of an assistance unit or an ineligible parent, except that sanctioned persons who are not allowed allocations under part 9500.2600, item C must not receive this disregard. The deduction must not exceed ~~\$160 per~~ \$175 for each dependent age two or older or \$200 for each dependent under the age of two when employment equals or exceeds 30 hours per week; ~~or \$159 per.~~ The deduction must not exceed \$174 for each dependent age two or older or \$199 for each dependent under the age of two when employment is less than 30 hours per week. A deduction for dependent care costs is not allowed when the care is provided by a member of an assistance unit, by a parent of a dependent child, or by a spouse of a caretaker of a dependent child. The deduction under this item shall be taken after the deductions in items A, C, and D.

C. A deduction for a \$30 and one-third work incentive disregard. This disregard must be deducted for each employed member of an assistance unit. The first \$30 must be applied against the balance of gross earned income after deductions for the work expense ~~and dependent care~~ have been allowed. A deduction of one-third of the balance must also be applied after allowing the \$30 deduction. This disregard is limited by subitems (1) to (6).

[For text of subitems (1) to (6), see M.R.]

[For text of items C and item D, see M.R.]

9500.2640 CORRECTION OF OVERPAYMENTS AND UNDERPAYMENTS.

Subp. 5. **Determining net income.** A local agency shall determine net income for purposes of recoupment by deducting:

A. the first \$75 \$90 of earned income and, for self-employed persons, the expenses directly related to and necessary for the production of goods and services; and

9500.2680 PAYMENT PROVISIONS.

Subp. 3. **Choosing payees for protective, vendor, and two-party payments.** A local agency shall consult with a caretaker regarding the selection of the form of payment, the selection of a protective payee, and the distribution of the assistance payment to meet the various costs incurred by the assistance unit. When choosing a protective payee, the local agency shall notify the caretaker of a consultation date. If the caretaker fails to respond to the local agency's request for consultation by the effective date on the notice, the local agency shall choose a protective payee for that payment month and subsequent payment months until the caretaker responds to the agency's request for consultation. The local agency shall notify the caretaker of the right to appeal the determination that a protective, vendor, or two-party payment should be made or continued and to appeal the selection of the payee.

When a local agency is not able to find another protective payee, a local agency staff member may serve as a protective payee. A person who is not to serve as protective payee is: a member of the county board of commissioners; the local agency staff member determining financial eligibility for the family; special investigative or resource staff; the staff member handling accounting fiscal processes related to the recipient; or a landlord, grocer, or other vendor dealing directly with the recipient.

9500.2800 AFDC PAYMENTS FOR FUNERALS, HOUSING, AND SPECIAL NEEDS.

~~Subp. 8a. Employment preparation expenses. A local agency may pay for child care, transportation, tuition, and other incidental expenses related to employment preparation provided funds for the nonfederal share of employment special needs expenses are available. Items A to G specify the restrictions which apply to special needs payments for employment preparation expenses.~~

~~A. The expense must be an obligation of the recipient.~~

~~B. The local agency must determine if the recipient is eligible for other funding which would cover all or part of the expense. If funding is available through another program, these funds should be used before using employment special needs to pay for the expense. Educational grants and scholarships are considered available resources only when considering an employment special need payment for tuition.~~

~~C. The need for the expense must be documented in an employability plan developed by an individual or agency approved by the local agency to develop employability plans.~~

~~D. The local agency must provide prepayment approval for the expense.~~

~~E. A local agency must not make special needs payments for expenses directly related to on-the-job activities, including work study jobs, of an employed recipient.~~

~~F. A local agency must not make special needs payments for expenses resulting from participation in the Community Work Experience Program (CWEP) or the Employment Search Program (ESP).~~

~~G. A local agency shall make payment for employment preparation expenses directly to a recipient unless the recipient requests vendor payment. The types of employment preparation expenses that may be covered by employment special needs are listed in subitems (1) to (6):~~

~~(1) child care expenses up to the maximum child care rates allowed by the Child Care Fund under *Minnesota Statutes*, section 268.91, subdivision 8;~~

~~(2) transportation expenses;~~

~~(3) tuition expenses, excluding post-baccalaureate tuition, of a recipient who has applied for educational grants or scholarships and not received assistance sufficient to cover tuition expenses;~~

~~(4) payments for incidental expenses related to employment preparation, such as safety equipment needed for participation in an educational or training program;~~

~~(5) job search expenses; and~~

~~(6) vocational counseling or testing expenses.~~

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

Adopted Rules

Subp. 9. **Verification and preauthorization requirements.** Payments made under subparts 6 to ~~8a~~ 8 must be made only when a recipient's need for the item is verified by the local agency. A local agency may require prior authorization as a condition of payment, but when the need for a special need item occurs at a time outside of the local agency's business hours, this requirement is satisfied when a recipient contacts the local agency on the next working day to request authorization.

~~Subp. 10. Postpayment verification. Postpayment verification is required for all payments made under subpart 8a. Failure to provide postpayment verification shall result in an overpayment.~~

9500.2820 EMERGENCY ASSISTANCE.

[For text of subs 1 to 14 3, see M.R.]

Subp. 4. **Inquiries.** A local agency shall offer, by hand or mail, an application form and an informational brochure provided by the department as soon as a person makes a written or oral inquiry about the program. A local agency shall offer an application form and brochure on the same day the inquiry is received by the local agency. The brochure shall include information on how a food stamp grant is affected when emergency assistance is accepted as a cash payment instead of as a vendor or a two-party payment.

[For text of subs 5 to 14, see M.R.]

Department of Human Services

Adopted Permanent Rules Relating to General Assistance Representative Payees

The rules proposed and published at *State Register*, Volume 14, Number 14, pages 892-901, October 2, 1989 (14 S.R. 892) are adopted with the following modifications:

Rules as Adopted

9500.1272 ASSIGNMENT OF REPRESENTATIVE PAYEE FOR RECIPIENTS WHO ARE DRUG DEPENDENT.

Subpart 1. **Definitions.** As used in this part, the following terms have the meanings given them in this subpart.

A. "Basic needs" means the ~~items necessary to maintain a~~ minimum personal requirements of subsistence level compatible with decency and health, including and is restricted to:

(1) shelter;

(2) utilities;

(3) food; ~~and;~~

(4) clothing; ~~and~~

(5) other items the loss or lack of which is determined by the county agency to pose a direct, immediate threat to the physical health or safety of the applicant or recipient.

H. "Intoxicated person" means an individual who has a blood alcohol content of 0.10 or greater, or whose mental or physical functioning is substantially impaired as a result of the physiological presence of a chemical.

I. "Representative payee" means a person or agency selected to receive and manage general assistance benefits provided by the ~~local~~ county agency on behalf of a general assistance recipient.

J. "Vendor payment" means a payment made by a ~~local~~ county agency directly to a provider of goods or services.

Subp. 2. **Referral for chemical use assessment.** A ~~local~~ county agency may refer a ~~client an applicant or a recipient~~ for a chemical use assessment by an assessor as defined in part 9530.6605, subpart 4, when there is a reasonable basis for ~~suspecting that the client cannot responsibly manage his or her financial affairs because of drug dependency questioning whether a person is drug dependent.~~ A reasonable basis for referral exists when: ~~the conditions in items A and either B or C are satisfied.~~

A. ~~Evidence indicates the client has, in the last six months, failed to use his or her income and resources, including public assistance, to meet the client's basic needs.~~

B. ~~The client is eligible for general assistance under part 9500.1258, subpart 1, item M, subitem (5).~~

C. ~~Two or more of the following are present:~~

(1) ~~A. The client person has required detoxification at least two or more times in the last 12 months ;~~

(2) ~~The client was, in the last 12 months, the subject of arrest or legal intervention related to chemical use as defined in part 9530.6605, subpart 3.~~

(3) The client has been involuntarily committed for drug dependency treatment at least once in the last five years; has received treatment, including domiciliary care, for drug abuse or dependency at least three times in the last five years; or has been convicted of driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169.121, or a comparable statute in another state at least two times in the last five years.

(4) The client has a permanent physical or mental impairment related to chemical use.

(5) The client has been treated for temporary medical conditions related to chemical use two or more times in the last 12 months.

(6) The client has been terminated from employment in the last 12 months due to chemical use.

(7) B. The client has, within the last six months, been or appeared to be person appears intoxicated while present at the local county agency offices as indicated by the client's blood alcohol level, or two or more of the following:

(a) (1) odor of alcohol;

(b) (2) slurred speech;

(c) (3) disconjugate gaze;

(d) (4) impaired balance;

(e) (5) difficulty in remaining awake;

(f) (6) consumption of a chemical;

(g) (7) responding to sights or sounds that are not actually present; and

(h) (8) extreme mental excitement marked by restlessness, fast speech, or unusual belligerence;

C. The person has been involuntarily committed for drug dependency at least once in the past 12 months; or

D. The person has received treatment, including domiciliary care, for drug abuse or dependency at least twice in the past 12 months.

Subp. 3. **Referral procedures for chemical use assessment.** A referral for a chemical use assessment must be made according to items A to C and B.

A. When the local county agency decides to refer a client for a chemical use assessment, the local county agency shall notify the client of the referral in writing. The notice must inform the client of:

(1) the basis for the referral;

(2) the name, address, and phone number of the individual to contact to schedule the assessment, or the time, date, and location of the chemical use assessment if one has already been scheduled by the local county agency;

(3) the fact that the client's cash general assistance benefits will be changed to emergency general assistance payments or applicant's general assistance benefits will be paid in the form of vendor payments under or emergency general assistance as specified in subpart 4 until the local agency decides whether to assign a representative payee under subpart 8;

(4) the fact that if the recipient has been receiving cash general assistance that those benefits will be changed to emergency general assistance payments or general assistance vendor payments under subpart 4 until the county agency decides whether to assign a representative payee under subpart 8;

(5) the effect under subpart 8 of failing to participate in the chemical use assessment within 30 days of the date of referral;

(6) the client's right to appeal the county agency's decision to refer the client for an assessment, and the right to appeal the assessment results when the assessment has been completed; and

(7) the need to contact the local county agency and consult with the local county agency concerning the choice of representative payee.

Subp. 4. **Form of payment pending completion of assessment.** A local county agency shall provide only emergency general assistance (EGA) or general assistance vendor payments to a client who has been referred for a chemical use assessment under subpart 2. EGA may be provided to clients only in emergency situations as provided in part 9500.1238. All other payments made under this subpart must be general assistance vendor payments.

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

Adopted Rules

Subp. 5. **Timing and duration of general assistance vendor payments or EGA.** A local county agency shall not change the form of a recipient's benefit payments from cash general assistance to general assistance vendor payments under subpart 4 until ten days after the notice of referral under subpart 3 is mailed or delivered to the client recipient. If the client meets the criteria for assignment of a representative payee under subpart 8, the local county agency shall continue to provide EGA or general assistance vendor payments until the local county agency begins making general assistance payments through the client's representative payee. If the client does not meet the criteria under subpart 8 for assignment of a representative payee, the local county agency shall provide future general assistance benefits to which the client is entitled in cash beginning on the first day of the payment month immediately following the date of the determination that the client does not meet the criteria for assignment of a representative payee.

Subp. 6. **Amount of vendor payments.** EGA or general assistance vendor payments may be provided only to the extent needed to meet the client's basic needs. If the local county agency is unable to vendor pay the entire standard of assistance to which the client is entitled, the remaining amount of the standard of assistance must not be issued until a representative payee is assigned or until the local county agency decides not to assign a representative payee. If a representative payee is assigned, the unissued amount must be provided to the representative payee within 15 days after the date the local county agency begins making payments through the representative payee. If the client does not meet the criteria under subpart 8 for assignment of a representative payee, the unissued amount must be provided directly to the client within 15 days after the date of the determination that the client does not meet the criteria for assignment of a representative payee.

Subp. 8. **Criteria governing assignment of representative payee.** The local county agency may assign a representative payee to manage a client's general assistance if the client fails, without good cause as defined in part 9500.1206, subpart 15, to participate in a chemical use assessment within 30 days after referral under subparts 2 and 3; or if: an assessment performed within the last six months indicates that the client is drug dependent and eligible for placement in extended care under part 9530.6640.

~~A. evidence indicates the client has, at any time in the last six months, failed to use his or her general assistance or other income to meet the client's basic needs; and~~

~~B. a chemical use assessment conducted within the last six months indicates that the client is drug dependent and eligible for placement in extended care under part 9530.6640.~~

Subp. 9. **Procedures governing assignment of representative payee after referral under subparts 2 and 3.** A representative payee must be assigned according to items A to C.

A. The local county agency shall provide the client with an opportunity to consult with the local county agency in selecting a representative payee. The local county agency shall consider the client's preferences for particular individuals to serve as payees but the local county agency's preference must prevail ~~unless the client demonstrates that the client's choice would better ensure that the client's basic needs are met.~~

B. The local county agency shall notify the client in writing of:

(4) the date the local county agency will begin making payments through the representative payee;

C. The notice under item B must be mailed or delivered to the client or the client's last known address within 15 days after the date of the chemical use assessment on which the assignment is based, or within 30 days after the date of the referral under subparts 2 and 3 if a representative payee is assigned because of the client's failure to participate in an assessment. The notice must also be mailed or delivered at least ten days before the local county agency begins making payments through the representative payee.

Subp. 10. **Procedures governing assignment of representative payee without referral under subparts 2 and 3.** A local county agency may assign a representative payee to a client who meets the criteria for assignment under subpart 8 but who has not been referred for a chemical use assessment under subparts 2 and 3. A representative payee assigned under this subpart must be assigned according to items A to E.

A. The local county agency may provide only emergency general assistance or general assistance vendor payments to a client who meets the criteria for assignment of a representative payee under subpart 8 until the local county agency begins making general assistance payments through the client's representative payee or until the first day of the payment month following a determination that the client does not meet the criteria for assignment of a representative payee. Payments under this item shall be made according to subparts 4 and 6 and shall not begin until the date the local county agency mails or delivers the notice under item C.

B. The local county agency shall provide a client with an opportunity to consult with the local county agency on the choice of representative payee as provided in subpart 9, item A.

C. The local county agency shall notify a client in writing of:

(3) the client's right to consult with the local county agency on the choice of representative payee;

(4) the date by which the local county agency must select a representative payee under item D; and

(5) the fact that the local county agency will provide the client's general assistance benefits in the form of emergency assistance or vendor payments until the local county agency begins making payments through a representative payee.

D. The ~~local~~ county agency shall notify a client in writing of its selection of a representative payee within 15 days after issuing the notice required under item C. The notice shall inform the client of:

(2) the date the ~~local~~ county agency will begin making payments through the representative payee;

E. The ~~local~~ county agency shall not begin making payments through a representative payee until at least ten days after the notice under item D is mailed or delivered to the client.

Subp. 11. **Criteria governing the choice of representative payee.** A ~~local~~ county agency shall appoint as representative payee an individual or agency who is likely to manage the client's income and resources in a manner that meets the client's basic needs. A ~~local~~ county agency shall not appoint as representative payee any individual to whom the client is in financial debt. In selecting the representative payee, the ~~local~~ county agency shall consider all factors relevant to the prospective ~~payees~~ payee's ability to manage the client's general assistance to meet the client's basic needs, including the following factors:

A. the prospective ~~payees~~ payee's experience and training in managing the finances of others;

B. the prospective ~~payees~~ payee's familiarity with the geographic area and the community resources available to meet the client's basic needs; and

Subp. 12. **Responsibilities of the representative payee.** The representative payee assigned to a client must:

C. complete a report every six months containing the client's general assistance financial records and a recommendation as to whether the client continues to require a representative payee. The report must be provided to the ~~local~~ county agency and the client on request.

Subp. 13. **Review of client's representative payee status.** The ~~local~~ county agency shall conduct a review of a client's need to continue receiving benefits through a representative payee within 12 months of the client's previous chemical use assessment. The ~~local~~ county agency shall conduct the review under this subpart no earlier than six months after the client's previous chemical use assessment. A review requested by a client must be conducted within 15 days of the client's request. Each review conducted under this subpart must include a chemical use assessment to determine whether the recipient remains drug dependent and eligible for placement in extended care and an examination of the representative payee's report required under subpart 12.

Subp. 14. **Discontinuing a client's representative payee status.** A ~~local~~ county agency shall discontinue the use of a representative payee only if a review conducted under subpart 13 indicates that the client is no longer eligible for placement in extended care ~~or that the client's ability to function has improved to such a degree that the client is likely to manage the client's own finances in a way that meets his or her basic needs.~~ A ~~local~~ county agency shall not discontinue the use of a representative payee until at least six months have elapsed since the client last underwent a chemical use assessment showing the client to be chemically dependent and eligible for placement in extended care.

Subp. 15. **Investigating need for change in representative payee.** The ~~local~~ county agency shall review a representative payee's performance and determine whether to appoint a new representative payee if the client alleges or the ~~local~~ county agency has reason to believe that the representative payee is not complying with the requirements of subpart 12. When an investigation is initiated in response to a client's complaint, the ~~local~~ county agency's decision to retain the current representative payee or appoint a new one must be made within 30 days of the date the complaint is received by the ~~local~~ county agency. An investigation conducted under this subpart must include a review of all financial records maintained by the representative payee concerning the use of the client's general assistance benefits and any other relevant evidence.

Subp. 17. **Change in representative payee.** The ~~local~~ county agency shall appoint a new representative payee if the current representative payee fails to comply with the requirements of subpart 12 or requests that the ~~local~~ county agency appoint a new representative payee.

Subp. 18. **Appealable issues.** A client may appeal:

A. the proposed assignment of a representative payee, including the results of the chemical use assessment upon which the assignment is based; ~~and~~

B. the ~~local~~ county agency's choice of representative payee; ~~and~~

C. the decision to refer a person for an assessment. However, notwithstanding any provision of Minnesota Statutes, section 256.045 to the contrary, an applicant or recipient who is referred for an assessment and is otherwise eligible to receive a general assistance benefit may only be provided with emergency general assistance or vendor payments pending the outcome of an administrative or judicial review.

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

Adopted Rules

If a representative payee is assigned under subpart 8 without a chemical use assessment, the client may appeal the local agency's finding of a reasonable basis for the initial referral under subpart 2 or the local county agency's determination that the client did not have good cause for failing to participate in the chemical use assessment.

Subp. 19. **Appeal procedures and timing of appeals.** A client may appeal a local agency action under this part only after the client has been notified under subpart 9, item B, or 10, item D, of the local agency's proposal to assign a representative payee. If the client appeals before the date the representative payee is scheduled to begin receiving the client's general assistance benefits, the local county agency shall continue to vendor pay the client's general assistance and shall not make general assistance payments through the representative payee until after the appeal is decided unless the client requests in writing to have payments made through the representative payee pending the outcome of the appeal.

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Medical Charges and Reimbursement

The rules proposed and published at *State Register*, Volume 14, Number 41, pages 2412-2413, April 9, 1990 (14 S.R. 2412) are adopted as proposed.

Department of Labor and Industry

Occupational Safety and Health Division

Adopted Permanent Rules Relating to OSHA Update (Exempt)

The rules proposed and published at *State Register*, Volume 14, Number 46, dated May 14, 1990 (14 S.R. 2619) are adopted as proposed.

Rules as Adopted

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the Federal Register on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to May 1, 1990:

[For text of items A to K, see M.R.]

L. Federal Register, Vol. 54:

[For text of subitems (1) to (4), see M.R.]

(5) Federal Register, Vol. 54, No. 133, dated July 13, 1989: "Occupational Exposure to Formaldehyde (1910.1048); Corrections and Technical Amendments to Final Rule."

(6) Federal Register, Vol. 54, No. 133, dated July 13, 1989: "Occupational Exposure to Asbestos (1910.1001); Approval of Collection of Information Requirements."

(7) Federal Register, Vol. 54, No. 139, dated July 21, 1989: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of Partial Stay and Amendment of Final Rule (1910.1001 and 1910.1101)."

(8) Federal Register, Vol. 54, No. 144, dated July 28, 1989: "Powered Platforms for Building Maintenance (1910.66)-Final Rule."

(9) Federal Register, Vol. 54, No. 146, dated August 1, 1989: "Occupational Exposure to Formaldehyde (1910.1048); Correction."

(10) Federal Register, Vol. 54, No. 166, dated August 29, 1989: "Occupational Exposure to Formaldehyde (1910.1048); Extension of Administrative Stay."

(11) Federal Register, Vol. 54, No. 169, dated September 1, 1989: "Control of Hazardous Energy Sources - Lockout/Tagout (1910.147)."

(12) Federal Register, Vol. 54, No. 170, dated September 5, 1989: "Air Contaminants; Final Rule - Grant of Petitions for Reconsideration of Three Exposure Limits and Partial Stays of Effective Dates for Four Substances (1910.1000)."

(13) Federal Register, Vol. 54, No. 174, dated September 11, 1989: "Occupational Exposure to Formaldehyde (1910.1048); Correction."

(14) Federal Register, Vol. 54, No. 193, dated October 6, 1989: "Air Contaminants (1910.1000); Final Rule Partial Stay of Effective Date for Two Substances."

(15) Federal Register, Vol. 54, No. 199, dated October 17, 1989: "Control of Hazardous Energy Sources - Lockout/Tagout (1910.147); Final Rule Approval of Information Collection Requirements."

(16) Federal Register, Vol. 54, No. 213, dated November 6, 1989: "Control of Hazardous Energy Sources - Lockout/Tagout (1910.147); Final Rule Extension of Effective Date."

(17) Federal Register, Vol. 54, No. 219, dated November 15, 1989: "Air Contaminants; Final Rule Corrections."

(18) Federal Register, Vol. 54, No. 233, dated December 6, 1989: "Air Contaminants; Final Rule Partial Stay of Effective Date for Two Substances."

(19) Federal Register, Vol. 54, No. 243, dated December 20, 1989: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite (1910.1001); Partial Response to Court Remand."

M. Federal Register, Vol. 55:

(1) Federal Register, Vol. 55, No. 20, dated January 30, 1990: "Occupational Exposure to Lead (1910.1025); Statement of Reasons."

(2) Federal Register, Vol. 55, No. 21, dated January 31, 1990: "Occupational Exposure to Hazardous Chemicals in Laboratories (1910.1450); Final Rule."

(3) Federal Register, Vol. 55, No. 24, dated February 5, 1990: "Air Contaminants (1910.1000); Partial Stay of Effective Date for Two Substances."

(4) Federal Register, Vol. 55, No. 24, dated February 5, 1990: "Occupational Exposure to Asbestos (1910.1001); Partial Response to Court Remand."

(5) Federal Register, Vol. 55, No. 30, dated February 13, 1990: "Occupational Exposure to Lead; Corrections to Final Rule."

(6) Federal Register, Vol. 55, No. 44, dated March 6, 1990: "Occupational Exposures to Hazardous Chemicals in Laboratories (1910.1450); Corrections."

(7) Federal Register, Vol. 55, No. 67, dated April 6, 1990: "Air Contaminants; Partial Stay of Effective Date for Two Substances."

(8) Federal Register, Vol. 55, No. 70, dated April 11, 1990: "Safety and Health Standards: Welding, Cutting and Brazing; Resignation and Other Nonsubstantive Revisions."

(9) Federal Register, Vol. 55, No. 72, dated April 13, 1990: "Hazardous Waste Operations and Emergency Response (1910.120); Corrections to Final Rule."

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the Federal Register on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work; and subsequent changes made prior to May 1, 1990:

[For text of items A to D, see M.R.]

E. Federal Register, Volume 54:

[For text of subitems (1) to (4), see M.R.]

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

Adopted Rules

(5) Federal Register, Vol. 54, No. 243, dated December 20, 1989: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1926.58); Partial Response to Court Remand."

F Federal Register, Volume 55:

(1) Federal Register, Vol. 55, No. 24, dated February 5, 1990: "Occupational Exposure to Asbestos (1926.58); Partial Response to Court Remand."

{For text of subp 7, see M.R.}

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.

Department of Administration

Print Communications Division

Notice of Publication of the 1990 Minnesota Session Laws

NOTICE IS HEREBY GIVEN that the *Session Laws* from the 1990 Minnesota Legislative Session are now available at a cost of \$40.00 for the two volume set. The set also includes the laws passed during the 1989 Special Session.

Copies may be obtained at Minnesota's Bookstore between 8:00 a.m. and 4:30 p.m., Monday-Friday, or send payment (check, VISA, MasterCard, American Express credit cards) with your order to Minnesota Bookstore, 117 University Avenue, St. Paul, MN 55155. Credit card orders may be FAXED to (612) 296-2265.

For more information, call (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for Minnesota's Bookstore.

Minnesota State Arts Board

Notice of Board Meeting

The annual meeting of the Minnesota State Arts Board will take place at 1:00 p.m. on Thursday, July 19, 1990 at the Ordway Music Theatre, 345 Washington Street in St. Paul. The public is invited to attend. Open meeting law guidelines will be in effect. The Ordway Music Theatre is fully handicap accessible.

Agenda items will include grant recommendations from the Artists in Education School Support program, and the selection of officers for the new fiscal year. Members of the public should call the Arts Board; for information on this meeting or other programs, contact the Arts Board at (612) 297-2603 or toll-free from greater Minnesota at (800) 652-9747.

Department of Health

Commissioner of Health

Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Clearwater County Hospital Ambulance Service, Bagley, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Clearwater County Hospital Ambulance Service, Bagley, Minnesota for a permanent Basic Ambulance license.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to Minnesota Statutes §§ 14.57 to 14.69 and 144.802 a public hearing will be held on August 20th, 1990 at the American Legion Club, 228 North Main, Bagley, Minnesota commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public meeting. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set out at *Minnesota Statutes* §§ 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093, *Minnesota Statutes* §§ 14.57 to 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rule and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. James P. Fossum, Office of Administrative Hearings, 310 South 6th Street, P.O. Box 624, Brainerd, Minnesota 56401, telephone: (218) 828-3398, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 on or before September 10th, 1990. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before August 10th, 1990.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if non public data is submitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* §§ 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* §§ 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Department of Health

Commissioner of Health

Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Douglas County Ambulance Service, Inc., Alexandria, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from **Douglas County Ambulance Service, Inc.**, Alexandria, Minnesota, to change their type of license from Basic Ambulance Service to Advanced Ambulance Service and to expand their currently designated primary service area to include a portion of Pope County.

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

Official Notices

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 and 144.802 a public hearing will be held on August 14th, 1990 at the Douglas County Courthouse, Civil Defense Room, 8th and Elm, Alexandria, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set out at *Minnesota Statutes* §§ 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093, *Minnesota Statutes* §§ 14.57 to 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. George Gaffaney, Office of Administrative Hearings, 1118 Broadway, Alexandria, Minnesota 56308, telephone: (612) 763-6561, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 on or before September 4th, 1990. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before August 6th, 1990.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if non public data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* §§ 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* §§ 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Department of Health

Bureau of Community Services

Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Fiscal Year 1991 Maternal and Child Health Block Grant Funding

The Minnesota Department of Health will sponsor a public meeting to obtain comment on its application for continuation of Federal Maternal and Child Health (MCH) Block Grant funding for the Fiscal Year starting October 1, 1990 and ending September 30, 1991. The draft application is available for inspection upon request.

The meeting will be held Monday, July 30, 1990 at the Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota. The meeting will begin 9:00 a.m. in the Chesley Room (Room 105) and will conclude upon presentation of all testimony.

Any citizen or group may submit either written or oral testimony at the meeting. Testimony will be given in order of registration. Persons wishing to attend and/or present testimony are requested to register by July 25, 1990.

For further information or registration contact:

Dr. Ronald Campbell, Section Chief
MCH Technical Services
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
(612) 623-5539

Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of **Augsburg College**, a Minnesota non-profit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on July 25, 1990 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an aggregate principal amount of up to approximately \$900,000, to provide financing for a Project generally described as acquisition and installation of a new campus telecommunications system, including wiring upgrade, and a new administrative computer system equipment and software, to be owned and operated by the College and located on the campus of the College, the street address of which is Augsburg College, 731 21st Avenue South, Minneapolis, Minnesota 55454. At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 9 July 1990

BY ORDER OF THE MINNESOTA HIGHER
EDUCATION FACILITIES AUTHORITY

Joseph E. LaBelle
Executive Director

Department of Human Services

Community Social Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Public Guardianship for Adults With Mental Retardation

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing public guardianship for adults with mental retardation. The adoption of the rule is authorized by *Minnesota Statutes*, chapter 252A, which permits the agency to promulgate rules which establish standards for the supervision of those adult citizens with mental retardation who are unable to fully provide for their own needs and for whom no qualified person is willing and able to seek private guardianship or conservatorship under *Minnesota Statutes*, sections 525.539 to 525.705.

The State Department of Human Services requests information and opinions regarding the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Laura Plummer, Rules and Bulletins Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone at 612/297-4997 and in person at above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 9 July 1990

Laura Plummer
Rules and Bulletins Division
Department of Human Services

Department of Public Safety

Driver and Vehicle Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Licensing and Regulation of Motor Vehicle Dealers

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the licensing and regulation of motor vehicle dealers.

On September 22, 1986, the Department of Public Safety published notice in the *State Register* soliciting outside opinion regarding proposed rules governing the licensing of motor vehicle dealers, dealer records, and temporary vehicle permits. The Department is again publishing notice to ensure that all interested and affected parties are able to review and comment on the proposed rules before the final draft is prepared.

The adoption of these rules is authorized by *Minnesota Statutes*, sections 168.27, 299A.01, and 14.06. Section 168.27 requires that the Department license and regulate motor vehicle dealers. Section 299A.01 gives the Department the power to adopt rules to carry out its duties. Section 14.06 requires that the Department adopt rules related to the administration of official Department duties that directly affect the rights of the public.

The State Department of Public Safety requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

David Orren
Department of Public Safety
Driver and Vehicle Services Division
208 Transportation Building
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone by David Orren at (612) 296-2631 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 3 July 1990

Paul J. Tschida, Commissioner
Department of Public Safety

Minnesota State Retirement System

Board of Directors, Special Meeting

A special meeting of the Board of Directors, Minnesota State Retirement System, will be held on Thursday, July 19, 1990 at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

State Contracts and Advertised Bids

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

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

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

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

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

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

Commodity: Kardex Lektriever
Contact: John Bauer 296-2621
Bid due date at 2pm: July 18
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000-03982

Commodity: Judicial signage
Contact: John Bauer 296-2621
Bid due date at 2pm: July 18
Agency: Minnesota Historical Society
Deliver to: St. Paul
Requisition #: 02310-18126

Commodity: Informix Software
Contact: Joan Breisler 296-9071
Bid due date at 2pm: July 19
Agency: Human Rights Department
Deliver to: St. Paul
Requisition #: 17000-02787

Commodity: Data Products Printer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 19
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12200-48425

Commodity: DG Laser Printer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 19
Agency: Metropolitan State University
Deliver to: St. Paul
Requisition #: 26176-03100

Commodity: SCO-XEN-X System
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 19
Agency: Trade & Economic
Development Department
Deliver to: St. Paul
Requisition #: 22900-01350

Commodity: Lazer Level
Contact: John Bauer 296-2621
Bid due date at 2pm: July 20
Agency: DNR—Wildlife
Deliver to: St. Paul
Requisition #: 29000-54455

Commodity: Facility monitoring and
control system upgrade
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: July 20
Agency: Community College
Deliver to: Minneapolis
Requisition #: 27000-51649

Commodity: Utility vehicle
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: July 20
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32300-22735

Commodity: Floor cleaning equipment
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: July 20
Agency: Veterans Home
Deliver to: Hastings
Requisition #: 75250-60341

Commodity: Message and center line
painter
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: July 20
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79382-02004

Commodity: Epson Equity II
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: July 23
Agency: Nursing Home
Deliver to: Ah Gwah Ching
Requisition #: 55510-03637

Commodity: Miscellaneous graphic
equipment and software
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: July 23
Agency: Human Services
Deliver to: St. Paul
Requisition #: 55000-03979

Commodity: Gateway 2000-386 Based
PC
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: July 23
Agency: State University
Deliver to: Mankato
Requisition #: 26074-20367

Commodity: Pavement friction tester
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: July 23
Agency: Transportation Department
Deliver to: Maplewood
Requisition #: 79000-05789

State Contracts and Advertised Bids

Commodity: Request for proposal—
ATC Simulation System
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: July 25
Agency: Vocational Technical Institute
Deliver to: Eden Prairie
Requisition #: 36000-50050

Commodity: Universal Programmer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 24
Agency: State University
Deliver to: Mankato
Requisition #: 26071-20366

Commodity: 80286 AT Clone
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 24
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79000-06135

Commodity: Northgate 386 Computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 24
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12400-48451

Commodity: Steel: common used
items—rebid
Contact: Patricia Anderson 296-3770
Bid due date at 2pm: July 30
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Steel: tubing, mesh and
expanded metal
Contact: Patricia Anderson 296-3770
Bid due date at 2pm: July 31
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Clothing—jeans and shirts—
inmates
Contact: Norma Cameron 296-2546
Bid due date at 2pm: July 23
Agency: Corrections Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Truck lifts
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: July 24
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-06145

Commodity: Heating systems
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: July 24
Agency: Transportation Department
Deliver to: Various
Requisition #: 79000-06144

Commodity: Turf utility vehicles
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: July 24
Agency: Natural Resources Department
Deliver to: Rochester
Requisition #: 29005-14015

Commodity: Infocus projection systems
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: July 24
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000-11171

Commodity: Interpro 225
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: July 25
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-03970

Commodity: Traffic channelizing
devices—reboundable drum like
channelizers
Contact: Patricia Anderson 296-3770
Bid due date at 2pm: August 1
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

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: Profile Minnesota, 10M—
32 pages + cover. 11"x17" folded to
8½"x11", saddle stitch, camera ready,
2-sided, 4-color
Contact: Printing Buyer's Office
Bid due date at 2pm: July 23
Agency: Trade and Economic
Development Department
Deliver to: St. Paul
Requisition #: 9788

Commodity: "Link" newsletter, 7M per
issue, 11 issues, 8½"x11" 4-6 pages,
recycled paper, 4-color, bleeds all four
sides, reverses, knockouts, drop
shadows, screens, tints
Contact: Printing Buyer's Office
Bid due date at 2pm: July 23
Agency: Minnesota State Lottery
Deliver to: St. Paul
Requisition #: 9582

Commodity: Client Handbook, 125M
40-pages + cover, 16"x8½" folded to
5½"x8½", 2-color, camera ready,
2-sided, saddle stitch
Contact: Printing Buyer's Office
Bid due date at 2pm: July 23
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 9741

Professional, Technical & Consulting Contracts

Commodity: Authorization Invoice, 15M 6-part continuous forms, 8½"x12" overall includes pinfeeds, type to set + negs, 1-sided, carbonless

Contact: Printing Buyer's Office

Bids are due: July 19

Agency: Jobs and Training Department

Deliver to: St. Paul

Requisition #: 9954

Commodity: TJTC Voucher & Characteristic, 25M 3-part continuous forms, carbon interleave, type to set + negs, 1-sided, 8½"x5¾" part 1; 8½"x11" parts 2 and 3

Contact: Printing Buyer's Office

Bids are due: July 19

Agency: Jobs and Training Department

Deliver to: St. Paul

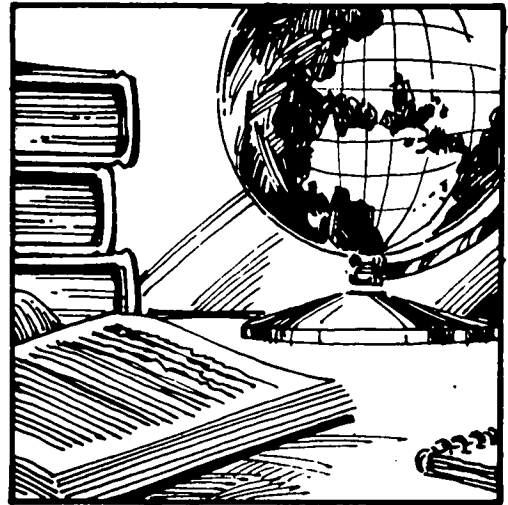
Requisition #: 9969

Get Smart with these Education Resources

Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

Education Directory 1989-90. All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$8.95 plus tax.

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Professional, Technical & Consulting Contracts

Department of Administration

Notice of Availability of a Request for Proposal on Provision of Cost-Effective Travel Services to all State Departments and Agencies

The Department of Administration herein gives notice of the availability of a request for proposals on provision of cost-effective travel services to all traveling state employees. In fiscal year 1989, the state spent \$20 million on travel.

The Department is seeking to contract with one or more "preferred" travel agencies in the interest of: 1) saving state travel dollars; 2) saving employee time used for making travel arrangements; and 3) generating revenue.

A copy of the request for proposal can be obtained through the mail by calling the Department at (612) 296-6781, or by writing to Robert McNeil, Department of Administration, Travel Management Division, 610 N. Robert St., St. Paul, MN 55101.

The deadline for receipt of proposals is set for 4:00 p.m., August 10, 1990.

PREFERENCE: In accordance with *Minnesota Statutes* 16B.19, subdivisions 2c and 2d, certified and targeted group bidders will receive a six percent (6%) preference and certified economically disadvantaged bidders (E.D.) will receive a four percent (4%) preference on the basis of award for this bid. Bidders interested in becoming a certified bidder or verifying their status should call (612) 296-2600. **All preference, set-aside and subcontracting requirements shall be considered within the confines of all other conditions of request for contract bids and proposals.**

Professional, Technical & Consulting Contracts

Minnesota Historical Society

Notice of Contract Availability for Cultural Resource Survey and Planning Work

The Minnesota Historical Society is considering completing several of the cultural resource survey and planning projects outlined below, and requests proposals from qualified contractors.

1. National Register nominations for one historic district in Duluth.
2. National Register nominations for three properties in Sibley, Dakota, and Pipestone counties.
3. National Register nominations for three properties with important historic archaeological components in Cass, Rice, and Redwood Counties.
4. National Register nominations for eight individual properties and one historic district in the St. Anthony Falls Historic District area (Hennepin County).
5. Evaluation and National Register nomination(s) for Rainy Lake District in Koochiching County.
6. Multiple Property Nomination Form(s) for portages associated with the contact period up to the mid-nineteenth century.
7. Intensive level survey and National Register nominations for University of Minnesota campuses.
8. Survey, evaluation, Multiple Property Documentation Form, and individual registration forms for Minnesota's Tuberculosis Sanitariums.
9. Survey, evaluation, Multiple Property Documentation Form, and individual registration forms for Chaska brick farmsteads in Carver County.
10. Survey of archaeological resources associated with the Prehistoric and Contact periods in Traverse County.

Required qualifications:

1. Demonstrated experience in conducting cultural resource planning, identification, evaluation, and/or registration activities in conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation highly preferred.
2. Preparation of a National Register form for a property that has been placed on the Register within the last five years highly preferred.
3. Principal Investigator must meet appropriate Secretary of the Interior's professional qualifications for historian, architectural historian, or archaeologist as specified in the project descriptions available upon request.

These services will be provided under contract. More detailed information for each project including project description, professional requirements, and specific proposal requirements is available by calling the State Historic Preservation Office. Additional background information is available for inspection by appointment at the Fort Snelling History Center during business hours. To schedule an appointment or to request project descriptions, call Michele Decker at 612-726-1171.

Contractor qualifications, amount of bid, and quality of proposal will be considered in making any awards.

Qualified contractors should send proposals to: Gary W. Goldsmith, Contracting Officer, 1500 Mississippi Street, St. Paul, MN 55101, no later than the close of the business day (5:00 p.m.) Tuesday, August 7, 1990. Late proposals will not be accepted.

Award of any of these contracts is contingent upon the availability of funds. The solicitation for proposals does not obligate the Society to complete these projects, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests. The Society also reserves the right to reject or accept any or all proposals and to waive any irregularities therein.

Department of Labor and Industry

Request for Proposal for Actuarial Services to Study Insurance Ratemaking

The Minnesota Department of Labor and Industry is seeking an actuarial consultant for research conducted by the Department's Research and Education Division.

The actuary will assist the Department's researchers in analyzing losses and insurance rates in the Minnesota workers' compensation system. The results will be published in reports to the legislature.

The actuary will consult weekly with the Director and Senior Researcher in the Division on insurance ratemaking and paid loss data. The consultant may meet less often at the discretion of the Director. The actuary is expected to contribute to the development of methodology, analysis, interpretation of the data and read and edit the final reports. In addition, the actuary may be required to meet occasionally with senior staff of the Department. The actuary should also be available for occasional phone consultation.

Supreme Court Decisions, Opinions & Rules

The Division will provide all data and data entry, computer equipment, statistical runs, and word processing services.

The actuary should be an Associate or Fellow in the Casualty Actuary Society. A background in ratemaking, and Minnesota's workers' compensation system is essential. Knowledge about research methods, statistics, underwriting cycles, reserving practices, and insurance profitability is helpful.

The project will begin on September 15, 1990 and end March 15, 1991. The cost of this project is not to exceed \$20,000.

Proposals must be submitted to Lisa Thornquist, Research and Education, 443 Lafayette Road, St. Paul, MN 55155 by August 15, 1990. The Department reserves the right to reject any bids and cancel this request for proposal at any time prior to contracting for services.

Department of Education

Notice of Request for Proposals for Evaluation of Promising School-Based Prevention Strategies

Proposals are being solicited to conduct evaluation of up to 20 promising prevention strategies currently being conducted in Minnesota Schools. The evaluation includes development of data collection instruments, design of evaluation system for prevention strategies, data analysis, provision of technical assistance to programs and preparation of a final report.

The anticipated time frame is September 1, 1990 through September 1, 1991. Up to \$75,000 is available for this evaluation.

This is a one-year contract.

Applicants must have documented education and expertise in evaluation and prevention methodology.

Copies of the complete Request for Proposal may be obtained by contacting Nancy Montemurro at 612/296-3925 of the Minnesota Department of Education, Learner Support Systems, 906 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Proposals must be postmarked no later than August 20, 1990.

Department of Education

Notice of Request for Proposals for Planning Grants to Meet the Needs of Targeted Children and Young People

Proposals are being solicited to address the problems of targeted children and youth.

Up to twenty (20) communities will be awarded \$5,000 planning grants to plan for programs that will help "Targeted Children and Youth" by providing for the coordination of services in locations at or near schools. Services must include (but is not limited to) mental health or family counseling, health screening and referrals, and vocational training or employment services. Six (6) \$50,000 implementation grants for the best of the twenty plans will be awarded.

Copies of the grant may be obtained by contacting Nancy Montemurro at 612/296-3925 of the Minnesota Department of Education, Learner Support Systems, 906 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Proposals must be postmarked no later than September 14, 1990, and should be mailed to the above address.

Supreme Court Decisions, Opinions & Rules

Decisions Filed 13 July 1990

C5-89-1592 Mark A. Wieland, petitioner, Appellant v. State of Minnesota. Redwood County.

The trial court did not abuse its discretion in denying petitioner's petition for postconviction relief.

Affirmed. Simonett, J.

Announcements

Environmental Quality Board (EQB): Comments are due August 9 on the following environmental assessment worksheets at their listed regional governing unit: **Haines Road Fill Project**, City of Hermantown (218) 729-6331; **Golden Egg Farms-Expansion #15, 16, 17**, MPCA (Minn. Pollution Control Agency) (612) 296-7432. • Petitions for project review have been received for the following projects: **West River Parkway-Soil Contamination**, MPCA, (612) 296-7799; **Minnesota Aquafarms, Inc.-Alum Treatment**, MPCA (612) 296-7799; **Turtle Lake's Newburg Bay-Itasca County**, Itasca County, Terry Greenside, Zoning Administrator, Courthouse, Grand Rapids, MN 55744; **J and D Enterprises Contaminated Soil Treatment Site-Culver Township**, MPCA (612) 296-7799. • Special Local Need Registration has been issued by the Minn. Dept. of Agriculture for Fusilade 2000 herbicide for the control of quackgrass in fine fescue seed production. Written comment may be submitted to Calvin Blanchard, MN Dept. of Agriculture-Agronomy Services Div., 90 W. Plato Blvd., St. Paul, MN 55107 by Aug. 9. • A public hearing on the matter of a **Culvert Cleanout at the Outlet of Protected Basin 34-407P** located in the southwest quarter of section 11, Township 120 North, Range 35 West, by Kandiyohi County. The hearing will begin at 10:00 a.m. in the Willmar Utilities Bldg., 700 Southwest Litchfield Avenue, Willmar. To discuss informal disposition of the case, contact William A. Szotkowski, special assistant attorney general, Suite 200, 520 Lafayette Road, St. Paul, MN 55155, (612) 296-0690.

Worker Displacement Study Commission Named: Governor Rudy Perpich named representatives to a new *Worker Displacement Study Commission*. The commission, representing business, labor and communities, will investigate the impact on local communities when workers lose their jobs because of corporate takeovers, mass layoffs and mergers. It will issue a concluding report to the Governor and the Minnesota Legislature next February. Ex-officio chair of the commission is **Paul Goldberg**, who is commissioner of the state's Bureau of Mediation Services. Representing business on the committee are: **Don Bauer**, Mendota Heights, FMC; **Jane Belau**, Rochester, Control Data Corporation; **Paul Bockley**, Edina, Honeywell; **Caroline Pare**, Chanhassen, Dayton Hudson Corporation; and **Brad Robinson**, Excelsior, Robinson Rubber. Representing organized labor are: **Bernard Brommer**, Oakdale, Minnesota AFL-CIO; **Jeff Farmer**, Minneapolis, Minnesota AFL-CIO; **Dave Foster**, Duluth, United Steel Workers of America; **Henry Martin**, Worthington, United Food and Commercial Workers; and **Jack Mogelson**, Golden Valley, Minnesota Teamsters. Representing Minnesota communities are: **Representative Karen Clark**, Minneapolis; **Senator Don Frank**, Spring Lake Park; **Dr. Orly Gunderson**, Thief River Falls; **Mayor David Miller**, Fairmont; and **Dr. Rose Marie Park**, Minneapolis.

Catching criminals is only one part of law enforcement.

Police Report Writing Style Manual 1986—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00.

Motor Vehicle Traffic Laws 1989—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$15.95.

Criminal Code & Selected Statutes 1989—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$18.00.

Blue Binder—3 ring. 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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Human Services Laws and Rules

Human Services Laws 1989

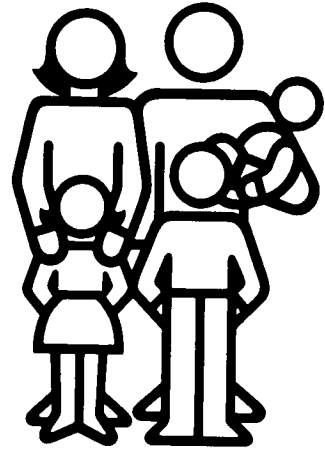
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$29.95.

Human Services Rules 1989

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$34.95.

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Mammals of Minnesota, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, \$16.95.

Bird Portraits in Color, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

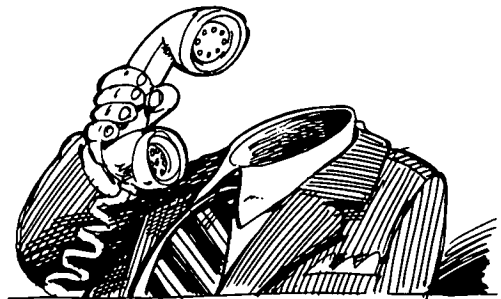
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