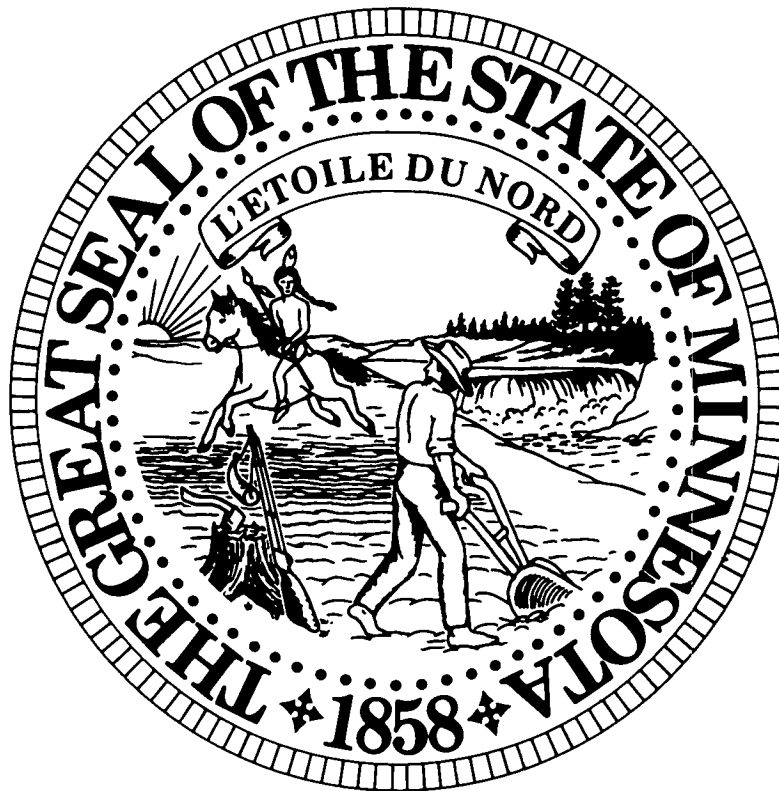


The Minnesota
**State
Register**

Department of Administration—Print Communications Division



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

Monday 4 March 1991
Volume 15, Number 36
Pages 1897-1940

State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, and announcements.

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
36	Friday 15 February	Monday 25 February	Monday 4 March
37	Monday 25 February	Monday 4 March	Monday 11 March
38	Monday 4 March	Monday 11 March	Monday 18 March
39	Monday 11 March	Monday 18 March	Monday 25 March

*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.

Arne H. Carlson, Governor

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Department of Administration

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Robin PanLener, Editor

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Jobs and Training

Proposed Permanent Rules Governing Designation and Recognition of Community Action Agencies and Granting of Funds for Community Action Programs

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Jobs and Training proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28.

The proposed rules interpret those parts of *Minnesota Statutes*, sections 268.52 through 268.54 which designate and recognize community action agencies and define the activities and projects funded as community action programs. These rules have been developed as authorized by *Minnesota Statutes*, sections 268.021 and 268.0122, subdivision 5, which permit the Commissioner of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers under *Minnesota Statutes*, chapter 268.

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

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules 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. **PLEASE NOTE that if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held in accordance with the Notice of Public Hearing on these same rules published in this *State Register* and mailed to persons registered with the Department of Jobs and Training.** To verify whether a hearing will be held, please call the Department of Jobs and Training on or after April 4, 1991, at (612) 297-1094.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Connie Greer
Economic Opportunity Office
670 American Center Building
St. Paul, MN 55101

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on April 3, 1991.

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

In 1981, the Minnesota Legislature passed *Minnesota Statutes*, sections 268.52 through 268.54, which authorized the department to financially assist community action agencies in the implementation of community action programs.

The proposed rules at *Minnesota Rules*, parts 3350.0010 to 3350.0200 are all new material.

The proposed rules embody existing departmental policy and practice and interpret state and federal law. In promulgating portions of the rules, the department has drawn on the past and present national experience in administering community action programs. The major portions of these rules address (1) the process of selecting community action agencies through designation on the local level and recognition on the state level; (2) the annual application process for funding community action programs; (3) reporting and planning requirements for receipt of funds; (4) voluntary cessation of program operations; (5) participation of low income people; (6) withholding and termination of funds under specialized circumstances; and (7) procedures for appealing the termination of funding, as well as designation or recognition.

A copy of these rules is available for your review from:

Roger Sorbel
Policy Development Office
2nd Floor, 390 North Robert Street
St. Paul, MN 55101
Telephone: (612) 296-6874

A fiscal note will not be prepared. The authority for these proposed rules, *Minnesota Statutes*, sections 268.52 through 268.54, was enacted before July 1, 1985. Therefore, these proposed rules need not include a fiscal note under exceptions provided by *Minnesota Statutes*, section 3.983, subdivision 3. Pursuant to *Minnesota Statutes*, section 14.11, subdivision 1, the agency estimates that there will be no cost to any local public bodies for the two years immediately following adoption. This estimate is based on no anticipated designation hearings or other hearings in the foreseeable future.

If no hearing is required upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General.

Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Roger Sorbel.

R. Jane Brown, Commissioner
Department of Jobs and Training

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

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Proposed Rules

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at Centennial Office Building, 658 Cedar Street, Room 49, St. Paul, MN 55155 on April 10, 1991, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rules hearing process.

PLEASE NOTE, however, that the hearing will be canceled if fewer than twenty-five persons request a hearing in response to the Notice of Intent to Adopt these Same Rules Without a Public Hearing published in this *State Register* and mailed to persons registered with the Department of Jobs and Training. To verify whether a hearing will be held, please call the Department of Jobs and Training on or after April 4, 1991, at (612) 297-1094.

Following the agency's presentation at the hearing, all interested or affected persons 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 the hearing which is to be included in the hearing record may be mailed to: Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7645, either before the hearing or within five days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period, the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rules hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 14100.0200 to 1400.1200. Questions about the procedures governing this proceeding may be directed to the Administrative Law Judge.

In 1981, the Minnesota Legislature passed *Minnesota Statutes*, section 268.52 through 268.54, which authorized the department to financially assist community action agencies in the implementation of community action programs.

The proposed rules at *Minnesota Rules*, parts 3350.0010 to 3350.0200 are all new material.

The proposed rules embody existing departmental policy and practice and interpret state and federal law. In promulgating portions of the rules, the department has drawn on the past and present national experience in administering community action programs. The major portions of these rules address (1) the process of selecting community action agencies through designation on the local level and recognition on the state level; (2) the annual application process for funding community action programs; (3) reporting and planning requirements for receipt of funds; (4) voluntary cessation of program operations; (5) participation of low income people; (6) withholding and termination of funds under specialized circumstances; and (7) procedures for appealing the termination of funding, as well as designation or recognition.

A COPY OF THESE RULES ARE AVAILABLE FOR YOUR REVIEW FROM:

Roger Sorbel
Policy Development Office
2nd Floor, 390 North Robert Street
St. Paul, MN 55101
Telephone: (612) 296-6874

A fiscal note will not be prepared. The authority for these proposed rules, *Minnesota Statutes*, sections 268.52 through 268.54, was enacted before July 1, 1985. Therefore, these proposed rules need not include a fiscal note under exceptions provided by *Minnesota Statutes*, section 3.983, subdivision 3. Pursuant to *Minnesota Statutes*, section 14.11, subdivision 1, the agency estimates that there will be no cost to any local public bodies for the two years immediately following adoption. This estimate is based on no anticipated designation hearings or other hearings in the foreseeable future.

Copies of the proposed rules are now available and at least one free copy may be obtained by contacting: Roger Sorbel, Policy Development Office, 2nd Floor, 390 North Robert Street, St. Paul, Minnesota 55101, (612) 296-6874.

Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Roger Sorbel.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be 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 rules were filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at

the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

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

(b) who spend more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication 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.

The proposed rules may affect small businesses as defined in *Minnesota Statutes*, section 14.115, subdivision 1. Pursuant to *Minnesota Statutes*, section 14.115, subdivision 2, five methods were considered by the department to reduce the impact of the proposed rules on small businesses. A discussion of these methods can be found in the Statement of Need and Reasonableness.

R. Jane Brown, Commissioner
Department of Jobs and Training

Rules as Proposed (all new material)

3350.0010 PURPOSE.

Parts 3350.0010 to 3350.0200 establish procedures for the designation and recognition of community action agencies, and for the granting of CSBG and MEOG funds for community action programs. Programs eligible for funding are those operated by agencies which receive and maintain both designation and recognition.

3350.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 3350.0010 to 3350.0200, the following terms have the meanings given them.

Subp. 2. **Act.** "Act" means *Minnesota Statutes*, sections 268.52 to 268.54, as amended.

Subp. 3. **Applicant.** "Applicant" means a community action agency, including an Indian reservation government or the Minnesota Migrant Council, which applies annually for a grant under the act from the department to fund a community action program.

Subp. 4. **Cessation.** "Cessation" means a voluntary end to the performance of all community action program services by a community action agency in a service area as provided for in part 3350.0050 and the removal of the agency's designation for the entire area which does not create the right of appeal.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Jobs and Training.

Subp. 6. **Community.** "Community" means the people to be served by the community action agency in its service area.

Subp. 7. **Community action agency (CAA).** "Community action agency" or "CAA" means an entity which:

A. has the authority to receive funds under *Minnesota Statutes*, section 268.52, to support community action programs as described in *Minnesota Statutes*, section 268.54;

B. has previously been determined eligible under federal law and regulations or is eligible under federal law and regulations; and

C. has previously been designated and recognized or is designated as provided under part 3350.0030 and recognized as provided under part 3350.0040.

Subp. 8. **Community action program.** "Community action program" means activities consistent with the objectives of *Minnesota Statutes*, section 268.54.

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Subp. 9. **Community services block grant (CSBG).** "Community services block grant" or "CSBG" means federal funds authorized by Public Law Number 97-35, title 6, subtitle B, as amended, and disbursed to CAAs by the formula in the act.

Subp. 10. **Denial.** "Denial" means the department's rejection of a proposed application for grant funds due to the applicant's failure to meet the requirements of part 3350.0170, subpart 6.

Subp. 11. **Department.** "Department" means the Minnesota Department of Jobs and Training.

Subp. 12. **Designation.** "Designation" means selection of an entity as a service area's exclusive CAA by a governing body after a public hearing has been held.

Subp. 13. **Designee.** "Designee" means an entity nominated by a governing body to become a CAA.

Subp. 14. **Governing body.** "Governing body" means the elected governmental authority of a political subdivision, as defined at subpart 18, which has the power to designate a CAA.

Subp. 15. **Grant.** "Grant" means an allocation of Minnesota economic opportunity grant or CSBG funds or both to an applicant in support of a community action program described in the application, approved by the department, and embodied in a contract.

Subp. 16. **Grantee.** "Grantee" means any CAA, including an Indian reservation government or the Minnesota Migrant Council, whose application to receive Minnesota economic opportunity grant money or CSBG money or both has been approved by the department.

Subp. 17. **Local unit of government.** "Local unit of government" means counties, Indian reservation governments, cities, and townships.

Subp. 18. **Minnesota economic opportunity grant (MEOG).** "Minnesota economic opportunity grant" or "MEOG" means state appropriated funds disbursed to grantees by the formula in the act.

Subp. 19. **Political subdivision.** "Political subdivision" means a local unit of government which has jurisdiction over the entire area served by a CAA. Under no circumstances will the governmental unit be smaller than a county unless the service area of the CAA coincides with the jurisdictional boundaries of the local unit of government.

Subp. 20. **Recognition.** "Recognition" means a process of:

A. review by the department to assure compliance with applicable state and federal law and the designation procedures as provided at part 3350.0040, subpart 1;

B. referral to the governor of the department's request for recognition as provided at part 3350.0040, subpart 3; and

C. approval by the governor of the request for recognition.

Subp. 21. **Service area.** "Service area" means the geographic boundaries in which a community action agency is designated to operate.

Subp. 22. **Subgrantee.** "Subgrantee" means any entity with which a grantee contracts to perform some or all of the community action program services authorized under a grant.

Subp. 23. **Termination.** "Termination" means the involuntary and permanent elimination of or reduction in available grant money to a CAA which gives rise to a CAA's right of appeal under part 3350.0060, subpart 5, and which may also coincide with the removal of a CAA's designation or recognition.

Subp. 24. **Withholding.** "Withholding" means the department's reservation of funds available under an approved application as provided in part 3350.0100 until corrective action by a CAA has successfully remedied a defect identified by the department.

3350.0030 DESIGNATION OF COMMUNITY ACTION AGENCIES.

Subpart 1. **Authority to designate.** The designation of a CAA is made by the political subdivision or combination of political subdivisions having jurisdiction over the entire area to be served. A designation must be made by the governing body of a political subdivision whose boundaries are at least coextensive with the proposed service area. The power to designate may not be delegated.

Subp. 2. **Notice and documents.** Before a designee may be designated as a CAA by a political subdivision, the governing body of the political subdivision having the requisite authority must prepare and file with the department a notice of intent to designate and eligibility documents applicable to the designee. The notice of intent to designate must state how the designee meets the requirements for an eligible entity established under the CSBG act. Eligibility documents are the following:

A. evidence of designee's incorporation or proposed efforts toward incorporation, if applicable;

B. evidence of tax exempt status or proposed efforts toward achieving tax exempt status, if applicable;

C. assurance of compliance with the act, including requirements for the composition of the designee's existing or proposed board of directors;

D. a detailed map of all geographic areas and political subdivisions in the proposed service area as well as all immediately adjacent areas and subdivisions in the same county or counties which are excluded from the proposed area to be served; and

E. a proposed mission statement.

Subp. 3. **Notice of public hearing.** After the notice of intent to designate and the eligibility documents have been filed with the department, the governing body must hold a public hearing on the proposed designation. At least 30 calendar days before the hearing date, the governing body must send a copy of the notice of intent to designate and information on the date, time, location, and subject matter of the public hearing to all local units of government within the designee's intended service area. During the 30 days before the hearing, the affected local units of government will have an opportunity to respond in writing to the proposed designation. All comments received will be included in the official record of the hearing. During the 30-day period and at least ten calendar days before the hearing, the governing body must also publish a notice of public hearing in a daily newspaper of general circulation at the county seat of each county in the designee's proposed service area. The published notice must describe the time, date, location, and subject matter of the public hearing. Furthermore, within the 30-day period and at least ten calendar days before the public hearing, low income households identified in the proposed service area must be mailed information on the date, time, location, and subject matter of the public hearing. The governing body will inform the department of the public hearing at least 30 calendar days before the hearing date. The department will notify low income households identified in the proposed service area of the public hearing. Identified low income households are those specified on the previous CAA's list or lists of clients.

Subp. 4. **Public hearing.** A public hearing must be held 30 calendar days before designation may occur. If the area to be served by the designee includes more than one county, a public hearing in conformity with the procedures of this part must be held in each county to be served.

Subp. 5. **Hearing procedure.** The governing body will appoint a presiding officer to conduct the public hearing. The governing body, however, may not appoint one of its current members as the presiding officer. The presiding officer will not have a vested interest in the outcome of the proposed designation and will ensure that all persons involved in the hearing are treated fairly and impartially. At the public hearing the representative of the designee and a representative of the governing body will make an affirmative presentation of facts establishing the designee's qualifications, expertise, and experience in providing community action program services to low income people. Furthermore, the designee's representative will describe the mission of the community action program, the focus and direction of proposed services, and the goals for outreach to and participation by low income people. The designee may rely upon facts presented by others on the record during the hearing to support its proposed designation. At the hearing, any interested person will be given the opportunity to present testimony and to ask questions of the designee's representative and of the governing body's representative. Furthermore, any interested party may submit written comments or exhibits.

Subp. 6. **Official record.** An official record of the hearing consisting of electronic recording and minutes of the proceedings will be kept. The official record will also include all testimony, written comments, and exhibits received pertaining to the proposed designation. The hearing record will remain open to receive written comments and exhibits for 20 calendar days following the date of hearing.

Subp. 7. **Summary of hearing.** The presiding officer will prepare a summary of the testimony and written comments presented before, during, and after the public hearing. At a minimum, the summary will include a list of all persons who participated, including persons identified as representatives of organizations, and whether each person supported or opposed the proposed designation. The summary together with the entire official record must be submitted to the governing body for its review.

Subp. 8. **Official resolution.** Once the summary of the public hearing is received and 30 calendar days have passed from the date of the hearing the governing body may act to designate the designee as a CAA. The governing body will pass a resolution designating the designee as a CAA if after review of the summary and official record the governing body finds that:

- A. the opinion of the community was fairly and impartially expressed;
- B. the opinion of low income people in particular was actively encouraged, representatively sampled, and fairly expressed during the whole process;
- C. the designee established the qualifications, expertise, and experience necessary to be an effective CAA; and
- D. the designee's proposed mission, services, and goals were supported by testimony and written comments received as a result of the public hearing process.

Subp. 9. **Review by department.** Before provisional recognition can occur in part 3350.0040, subpart 1, the governing body must have submitted to the department for review copies of the following documents:

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- A. eligibility documents required in part 3350.0030, subpart 2;
- B. official resolution of the governing body designating the designee;
- C. notices of public hearing and a list of all publications and dates of publication of notices of hearing;
- D. list of all local units of government sent copies of the notice of intent to designate and the notice of public hearing, including any responses received;
- E. affidavit of service of the notice of public hearing upon low income households identified in the service area; and
- F. official hearing record and summary of the hearing.

Subp. 10. **Costs.** All costs attributable to the designation process, including all costs associated with public hearings other than contested case hearings, are the responsibility of the governing body.

3350.0040 RECOGNITION OF COMMUNITY ACTION AGENCIES.

Subpart 1. **Provisional recognition.** The department will provisionally recognize a designation if the department establishes compliance with applicable state law, federal law, all the designation requirements of part 3350.0030, and, where applicable, with the change of designation requirements of part 3350.0050. Provisional recognition can occur within 60 calendar days of the department's receipt of the documents required in part 3350.0030, subpart 8, an approved transition plan, where applicable, as specified in part 3350.0050, subpart 4, and the most current copies of the following:

- A. articles of incorporation and bylaws;
- B. Internal Revenue Service certificate of 501(c)(3) tax exempt status and Minnesota Department of Revenue certificate of tax exempt status where applicable to nonprofit CAAs; and
- C. list of board of directors which indicates officers and committee memberships, tenure on the board, and the sector each director represents as required by the act. If the department finds noncompliance it will inform both the governing body and the designee within the 60-day period and, if possible, offer remedies for achieving compliance.

Subp. 2. **Governor's recognition.** After the department has provisionally recognized a designation and where applicable requirements in subpart 1 have been met, the department will request recognition by the governor.

Subp. 3. **Maintenance of recognition.** To maintain recognition, a CAA must by June 30 of each year ensure that the department has the most current copies of the following:

- A. articles of incorporation with any amendments and bylaws with any amendments;
- B. Internal Revenue Service certificate of 501(c)(3) tax exempt status and Minnesota Department of Revenue certificate of tax exempt status where applicable to nonprofit CAAs;
- C. list of board of directors which indicates officers and committee memberships, tenure on the board, and the sector each director represents as required by the act;
- D. board minutes of the past year and latest annual corporate report;
- E. organizational chart, personnel policies, data privacy policies, affirmative action plan, voter registration plan, and client service appeals policy; and
- F. narratives of the planning process and evaluation process described in parts 3350.0130 and 3350.0140, respectively.

Subp. 4. **Failure to maintain recognition.** The department may proceed to withhold available funds under part 3350.0100, subpart 1, item D, where a CAA fails to maintain its recognition under this part. If, following periods of both withholding and funding termination under part 3350.0100, subpart 2, the CAA has still not successfully complied with all of the requirements in subpart 3, the department will terminate the CAA's recognition and all future funding under part 3350.0060, subpart 3, item C or F.

3350.0050 CESSATION AND CHANGE OF DESIGNATION.

Subpart 1. **Circumstances for cessation.** A governing body may change its designation of a CAA to serve the area under its jurisdiction after a request to cease all community action program operation in the entire area has been received from the designated CAA.

Subp. 2. **Priority among possible designees.** A governing body may choose a designee under this part, in descending order of priority, by:

- A. requesting an existing CAA which is located and is providing services in a contiguous area to expand its program operations into the service area;
- B. if no existing CAA in a contiguous area agrees to expand its operations, requesting an existing CAA closest to the service area or an existing CAA within reasonable proximity to the service area to expand its program operations into the service area; and

C. where no CAA accepts the request to operate in the service area nominating any entity eligible or potentially eligible to be designated under federal law and regulations and to be recognized under part 3350.0040.

Subp. 3. Procedure. The governing body must follow the procedure provided in part 3350.0030 in order to change designation and must also prepare a transition plan for continuation of community action program services. The governing body must submit the transition plan to the department simultaneously with the notice of intent to designate. In addition to the notice requirements in part 3350.0030, subpart 3, the governing body must also serve copies of the notice of intent to designate and the notice of public hearing upon any existing CAA concurrently operating in the same political subdivision and all subgrantees directly affected by cessation and change of designation, in the service area. Upon request, copies of the designee's eligibility documents and the transition plan must be made available by the governing body to any interested party.

Subp. 4. Additional review by the department. In addition to the review requirements in part 3350.0030, subpart 8, the department must also review the transition plan for service delivery in the interim before the governor's recognition as provided in part 3350.0040, subpart 2. The department has 30 calendar days from the date of receipt of the transition plan to either approve or disapprove of the plan. If the transition plan is not approved, the governing body may not proceed to designate a CAA under the procedure of part 3350.0030. Without an approved transition plan in operation, the department will not forward to the governor a request for recognition as provided in part 3350.0040. If the transition plan is not approved, the governing body may submit a subsequent transition plan consistent with the department's comments. Along with the transition plan the department must also receive evidence of service of additional notice on interested parties as required in subpart 3.

3350.0060 TERMINATION FOR CAUSE.

Subpart 1. Cause. A CAA's funding, as well as its designation or recognition, will be terminated for cause. There may be multiple causes which apply. Termination for cause includes the following:

- A. actions threatening imminent danger to health or safety of members of the community;
- B. unresponsiveness to service needs of low income people or hindrance of participation by low income people as provided in subpart 4;
- C. willful violation of contract by the CAA;
- D. failure to remedy a short-term defect after withholding as provided in part 3350.0100, subpart 2;
- E. failure to remedy a long-term defect after funding termination as provided in part 3350.0100, subpart 2; or
- F. denial of an application as provided in part 3350.0170, subpart 6.

Subp. 2. Termination by governing body. After notification to the department, a governing body may terminate for cause a CAA's designation. However, a governing body may only terminate a CAA's designation under subpart 1, item A or B. If a CAA's designation is terminated and the CAA's appeal rights have also been exhausted, funding must be terminated by the department. Where the department intervenes as a party in a contested case concerning termination of designation, funding by the department may be immediately terminated. After adopting termination as official action, the governing body must serve the notice of termination upon the CAA to be terminated. The notice must specifically explain the cause for the termination of designation and how funding may be affected. Included with the notice of termination must be a description of the CAA's appeal rights as provided for in subpart 5. The governing body must also send to the department a copy of the notice of termination. Upon request from the department, the CAA must provide its current list or lists of identified low income households to the department. Identified low income households are those specified on the CAA's list or lists of clients. The department will notify identified low income households of the termination. With the copy of the notice of termination the governing body may also submit to the department a transition plan for phasing out currently provided services and for substituting services in the interim until a successor CAA is recognized. The department must approve the plan as well as the interim agency providing community action program services. If the governing body has not submitted a transition plan with the copy of the notice of termination, it must do so by the close of any contested case hearing that may be held. If no contested case hearing is held, the governing body must submit the transition plan to the department at least simultaneously with the notice of intent to designate a successor CAA.

Subp. 3. Termination by the department. The department may terminate for cause a CAA's funding or recognition or both. However, the department may not terminate a CAA's recognition or funding under subpart 1, item B. Wherever appropriate, the department will proceed to withholding under part 3350.0100 before acting to terminate the funding or recognition of a CAA. However, where withholding is not an option, the department may proceed directly to termination under this part. Where termination concerns

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a CAA's funding the department may terminate all or part of current or future funding. If the department terminates all future funding, it must also terminate a CAA's recognition. Similarly, if the department terminates a CAA's recognition it must also terminate funding. The department must serve the notice of termination upon the CAA to be terminated. The notice of termination must specifically explain the cause for the termination and specify the type and degree of termination, including the effect on funding. Included with the notice of termination must be a description of the CAA's appeal rights as provided for in subpart 5. The department must also send to the governing body a copy of the notice of termination. Upon request from the department, the CAA must provide its current list or lists of identified low income households to the department. Identified low income households are those specified on the CAA's list or lists of clients. The department will notify identified low income households of the termination.

Subp. 4. **Petition for termination.** If a petition requesting termination is received from the community containing at least 1,000 names with addresses, the governing body must hold a public hearing to consider termination of a CAA's designation. The persons signing the petition must reside both within the CAA's service area and within the jurisdictional boundaries of the governing body's political subdivision. The following are the causes for termination under this subpart:

A. the CAA's community action program is incompetent and ineffective in meeting the service needs of the low income people in the service area; or

B. the CAA is discouraging the participation of low income people by:

- (1) preventing adequate representation by low income people on the CAA's board of directors;
- (2) refusing consistently to consider the funding of activities proposed by low income people; or
- (3) obstructing systematically the ability of low income people to influence the character of program activities.

The purpose of the public hearing is to receive testimony and evidence concerning the CAA's purported incompetence and ineffectiveness or the CAA's alleged hindrance of low income people's participation. At least 30 calendar days before the hearing date, the governing body must inform all local units of government within the CAA's service area of the date, time, location, and subject matter of the public hearing. During the 30 days before the hearing, the affected local units of government will have an opportunity to respond in writing. All comments received will be available for the governing body's review. During the 30-day period and at least ten calendar days before the hearing, the governing body must also publish a notice of public hearing in a daily newspaper of general circulation of the county seat in the CAA's service area. The published notice must describe the time, date, location, and subject matter of the public hearing. Furthermore, within the 30-day period and at least ten calendar days before the public hearing, low income households identified in the CAA's service area must be mailed information on the date, time, location, and subject matter of the public hearing. The governing body will inform the department of the public hearing at least 30 calendar days before the hearing date. Upon request from the department, the CAA must provide its current list or lists of identified low income households to the department. Identified low income households are those specified on the CAA's list or lists of clients. The department will notify identified low income households of the date, time, location, and subject matter of the public hearing at least ten calendar days before the hearing date. If, following the public hearing, the governing body is persuaded that sufficient cause exists, as supported by convincing evidence, it may take official action to terminate the CAA's designation under subpart 2.

Subp. 5. **Appeal procedure.** If, after receipt of the notice of termination, a CAA is aggrieved, the CAA may request a contested case hearing from the department within 30 calendar days of the receipt of the notice. If the CAA's request for a contested case hearing is not received by the department during the 30-day period the CAA loses its right of appeal under this subpart. The request for a contested case hearing before an administrative law judge as provided in *Minnesota Statutes*, sections 14.57 to 14.62, must be in writing. The contested case hearing will be initiated and conducted according to parts 1400.5100 to 1400.8500. As provided for in part 1400.6200, the department will have the right to intervene as a party in a contested case hearing on termination of designation by a governing body.

Subp. 6. **Federal appeal rights.** Federal appeal rights may also exist for an aggrieved CAA under the CSBG act, Public Law Number 97-35.

Subp. 7. **Successor.** If a CAA's designation or recognition is terminated, the governing body will follow the priority guidelines in part 3350.0050, subpart 2, and the procedure in part 3350.0030 to designate a successor.

Subp. 8. **Costs.** Only costs directly attributable to the contested case hearing process in subpart 5 are the responsibility of the department. The costs associated with the procedure for termination provided for in subpart 4 are the responsibility of the governing body.

3350.0070 ALLOCATION OF FUNDS.

Subpart 1. **Formula.** The department will allocate funds under the act according to the formula in *Minnesota Statutes*, section 268.52, subdivision 2.

Subp. 2. **Poverty level population.** For purposes of the formula in subpart 1, the poverty level population will be based on Department of Commerce, Bureau of the Census, statistics, as revised.

3350.0080 MONTHLY, PERIODIC, AND FINAL REPORTS.

Each grantee receiving grant funds under the act will submit in a complete and accurate form the following:

- A. periodic client and fiscal performance report to document both CSBG and MEOG funded activities;
- B. monthly financial status report to substantiate cash requests; and
- C. final financial status report to close-out the program year.

3350.0090 DUE DATES FOR MONTHLY, PERIODIC, AND FINAL REPORTS.

Each monthly report specified in part 3350.0080 is due ten calendar days after the end of the month. Each final status report specified in part 3350.0080 is due no later than 30 calendar days after the end of the program year. Each periodic report under part 3350.0080 is due 30 calendar days after the date specified in the CAA's contract. If monthly, periodic, or final reports are delinquent more than five calendar days from their due dates or, though submitted, remain incomplete or inaccurate more than five calendar days from their due dates, the department may proceed to withhold available funds from a CAA under part 3350.0100, subpart 1, item A.

3350.0100 WITHHOLDING OF CASH DISBURSEMENTS.

Subpart 1. **Circumstances for withholding.** The department will withhold cash disbursements available for drawdown under an approved application if a CAA is not:

- A. complying with the reporting requirements of the grant as required by its contract with the department, including the timely submission of complete and accurate monthly, periodic, and final reports as required in part 3350.0080, of complete and accurate annual audits as required in part 3350.0160, subpart 2, and of complete and accurate annual evaluation reports as required in part 3350.0150;
- B. following its submitted and approved work plan or budget or both;
- C. fulfilling the terms of its contract; or
- D. maintaining recognition as provided in part 3350.0040, subpart 3.

Subp. 2. **Notice, conversion option, and termination.** Before withholding cash disbursements, the department will notify the CAA of its defective action or omission, inform the CAA of potential withholding and specify a reasonable date by which corrective action should occur. The specified date must be at least ten working days from the date of the CAA's receipt of the notice of withholding. If the defect is not remedied satisfactorily by the date specified in the notice, the department will begin to withhold available funds after that date. During any time within 90 calendar days following the department's actual withholding of funds, the CAA may, at its option, convert the withholding to a termination under part 3350.0060, subpart 1, item D, with right to a contested case hearing. A CAA must request in writing both a conversion to termination and a contested case hearing. After receipt of a CAA's request for conversion to termination and contested case hearing, the department will initiate contested case proceedings as provided in *Minnesota Statutes*, sections 14.57 to 14.62. The department will also send the CAA a notice of termination and comply with the other procedural requirements of part 3350.0060, subpart 3. The department will terminate funding for the period of time between the date identified in the notice of withholding and the date on which the short-term defect is actually remedied. If the CAA has not exercised its right of conversion during 90 days of withholding and if the defect has not been remedied during 90 days of withholding, the department will proceed under part 3350.0060, subpart 1, item E, to terminate the CAA's available funding for a period covering the total of (1) the time during which funds have been withheld and (2) the time remaining before the subsequent June 30. The department will first issue a final notice ten calendar days before proceeding to termination under part 3350.0060. If following a period of funding termination for failure to remedy a long-term defect the CAA has still not successfully remedied the identified defect, the department will deny subsequent applications by the CAA under part 3350.0170, subpart 6, item D, until corrective action has occurred. However, if the defect constitutes failure to maintain recognition under subpart 1, item D, the department will proceed according to part 3350.0040, subpart 4.

3350.0110 PROGRAM GUIDELINES AND ELIGIBLE ACTIVITIES.

Subpart 1. **Program guidelines.** Each community action program must:

- A. be of benefit to low income persons;
- B. represent progress toward the elimination of poverty;
- C. utilize resources from other programs operating in the service area; and

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D. be of sufficient scope and size for maximum effectiveness and efficiency.

Subp. 2. **Eligible grant activities.** A variety of activities as determined by the local planning process may be included in a community action program funded by a grant. Eligible activities are those designed to help low income persons to:

A. secure and retain meaningful employment;

B. attain an adequate education;

C. obtain and maintain adequate housing and a suitable living environment;

D. make better use of available income;

E. obtain emergency assistance through loans or grants;

F. meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;

G. remove obstacles and solve problems which block the achievement of self-sufficiency;

H. achieve greater participation in the affairs of the community; and

I. make more effective use of other programs related to the purposes of the CSBG act.

Subp. 3. **Federal prohibitions.** Activities ineligible for funding with CSBG money are those listed in the annual CSBG state plan. A copy of the annual CSBG state plan is available by request from the Economic Opportunity Office, Department of Jobs and Training, 670 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101.

3350.0120 PARTICIPATION BY LOW INCOME PERSONS.

Grantees must consider the participation of low income people in the local planning process of part 3350.0130, the annual work plan of part 3350.0170, subpart 1, the evaluation process of part 3350.0140 and the annual evaluation report of part 3350.0150. Each CAA must devise specific opportunities for involvement of low income people in proposing, planning, approving, and evaluating the activities of community action programs.

3350.0130 LOCAL PLANNING PROCESS.

Each CAA will develop a plan for submission to the department as a requirement for maintenance of recognition under part 3350.0040, subpart 3. The plan's narrative will include a description of how the local planning process will be implemented, how the CAA will publicize major planning activities to encourage community participation, and how the CAA will involve low income people in the planning process. Each annual work plan submitted as part of a grant application under part 3350.0170, subpart 1, must be consistent with, and complementary to, this local planning process. The local planning process of a CAA will include the following steps:

A. develop a mission statement which defines the overall CAA purposes and which represents the views and opinions of the CAA's board of directors, low income groups, and representatives of the community;

B. assess short and long range community needs in order to respond to the poverty in the community and its causes;

C. catalog the resources from both the public and private sectors which are available to solve the causes of poverty;

D. establish priorities after analyzing the extent and causes of poverty and after evaluating the capability of the CAA and other available resources to ameliorate the causes of poverty;

E. set realistic goals as a basis for action which are consistent with established priorities;

F. develop innovative strategies, including, but not limited to, service strategies, which encompass community acceptance, funding availability, direct benefits to low income people, high impact on problems of poverty, and organizational capability;

G. develop clear and concise objectives that describe how to attain the CAA's goals;

H. list sequential activities under each objective to describe the efforts at community coordination and identification of resource needs including assignment of CAA staff and training or technical assistance in the community; and

I. select performance indicators to measure progress toward achieving the established objectives and to form the basis for community action program reporting and evaluation.

3350.0140 EVALUATION PROCESS.

Each CAA will develop a standardized written process for evaluating its own community action program and describe the process in a narrative form. The narrative description must show how the results of the evaluation will influence the CAA's future planning and how the CAA will involve low income persons in the evaluation process. The evaluation process as embodied in the narrative must be approved by the CAA's board of directors. The evaluation process narrative must be submitted to and approved by the department in order to maintain CAA recognition under part 3350.0040, subpart 3.

3350.0150 ANNUAL EVALUATION REPORT.

The annual evaluation report is due no later than December 30 of each year. The evaluation report will summarize the extent and type of the previous year's program services and assess their effectiveness using the evaluation elements under part 3350.0140 and the performance indicators under part 3350.0130. If annual reports are delinquent more than five calendar days from their due dates or, though submitted, remain incomplete or noncomplying more than five calendar days from their due dates, the department will proceed to withhold available funds from a CAA under part 3350.0100, subpart 1, item A.

3350.0160 ADMINISTRATION OF GRANTS.

Subpart 1. **Grantee financial control system.** Grantees must establish and use a financial control system which complies with federal and state reporting and fiscal procedures. The federal and state requirements are contained in Department of Jobs and Training Subgrantee Administrative Requirements No. 1, as revised or superseded. This publication is incorporated by reference, and is not subject to frequent change. It is available from the State Law Library.

Subp. 2. **Grantee audit.** Each grantee must follow the audit requirements contained in the attachment to its contract with the department. Audits must be completed and the required reports submitted no later than six calendar months after the end of the grantee's fiscal year. If audits are delinquent more than five calendar days from their due dates or, though submitted, remain incomplete, noncomplying, or inaccurate more than five calendar days from their due dates, the department may proceed to withhold available funds from a CAA under part 3350.0100, subpart 1, item A.

Subp. 3. **Alterations.** A grantee must obtain prior written approval from the Economic Opportunity Office before changing its work plan and budget as described in its approved application.

3350.0170 GRANT APPLICATIONS.

Subpart 1. **Forms and documents.** All forms necessary for completion of the application will accompany the annual guidelines mailed to all grantees. Assistance in completing the forms may be requested directly from the Economic Opportunity Office at its central office. Each CAA will submit to the department an annual work plan and budget on forms supplied by the department as part of the grant application process. Each work plan for the subsequent year will include a narrative comprised of the following:

- A. prioritized list of community needs;
- B. design for accomplishing identified goals, objectives, and activities;
- C. coordination strategy showing the establishment of working relationships with other providers in the service area; and
- D. description of any delegated activity, including copies of subgrantee contracts.

Subp. 2. **Grant application deadlines.** Applications for a program year must be received by the Economic Opportunity Office no later than June 30 immediately preceding the program year.

Subp. 3. **Waiver of application deadline.** Upon written request, the Economic Opportunity Office may waive the application deadline provided in subpart 2 and allow an applicant to submit its grant application after that date. A request for a waiver must be signed by the chair of the applicant's board of directors and contain justification of the local need for a waiver. The request for a waiver must be received by the Economic Opportunity Office on or before June 30. The Economic Opportunity Office will respond to the request in writing. If the Economic Opportunity Office is persuaded by the local need, it will grant a waiver and establish another deadline for receipt of the application. Local need is demonstrated if a CAA, through no fault of its own, cannot meet the application deadline because of the following:

- A. key staff responsible for the submission of the application are on medical leave or other leave, have retired or are no longer employed, and replacement staff cannot reasonably complete the application in the time remaining; or
- B. a natural disaster such as a tornado, fire, or flood or a material change in circumstances such as a labor strike or the loss of a building lease has adversely affected or completely halted program operations.

Subp. 4. **Approval of application.** The department will review all submitted applications. When the department approves an application for a grant, it will provide written notification of approval to the applicant. Requests for cash cannot be processed until an application has been approved. After applications have been approved, the department and the applicant will enter into a contract. The grant contract is effective on the date when the Minnesota Department of Finance signature is affixed to the contract.

Subp. 5. **Late, incomplete, or noncomplying application.** If a previously funded grantee has not submitted an application within

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45 calendar days of the deadline established by waiver in subpart 3 or within 45 calendar days of the deadline provided in subpart 2 where a waiver was not granted, the department will deny the application under subpart 6. If a submitted application remains incomplete or noncomplying for 30 calendar days after the department's request for a revision of the application, supplementary information, or other required documents or 45 calendar days from an applicable deadline, whichever period is greater, the department will deny the application under subpart 6.

Subp. 6. **Denial of application.** Before the department denies an application, it will, as soon as possible, provide written notification of the deficiency leading to a possible denial and, where appropriate, request a revision of the application, supplementary information or other required documents. An application will be denied if any of the following occur:

- A. application is submitted after the deadlines in subpart 5;
- B. applicant submits an incomplete application;
- C. applicant submits a noncomplying application where:
 - (1) applicant's annual work plan activities are:
 - (a) inconsistent with community action program activity as defined in the act and part 3350.0110;
 - (b) not demonstrative of participation by low income persons as required by part 3350.0120; or
 - (c) inconsistent with the local planning process in part 3350.0130;
 - (2) applicant cannot demonstrate adequate fiscal management capabilities as required in part 3350.0170; or
 - (3) applicant's budget does not support, or is inconsistent with, the work plan activities; or
- D. applicant, after a period of funding termination, has not remedied a long-term defect that first led to withholding under part 3350.0100, subpart 2.

The department's denial of an application based on items A, B, and C is cause for termination of available funds for an entire program year under part 3350.0060, subpart 1, item F. Depending on the circumstances, the department's denial of an application based on item D is cause for termination of available funds for an entire program year or all future funding.

3350.0180 SUBGRANTEES.

All grantees will obtain written approval from the department before delegating any part of their service delivery to a subgrantee. Grantees must enter into contracts with subgrantees outlining which community action program services the subgrantees will provide. Subgrantees must meet the same reporting and fiscal requirements as grantees. Grantees are responsible for acts or omissions of their subgrantees.

3350.0190 RECORD KEEPING.

All records and books of account related to grants must be kept by the grantee for three years from the date of submission of the final invoice. Records must be retained beyond the three-year period if audit exceptions, claims, or litigation concerning the records or any accounting transactions are still unresolved or pending. After any disposition of nonexpendable property acquired with grant funds, records of the disposition must also be retained for three years.

3350.0200 MONITORING.

The department will perform monitoring activities to ensure that grantees are in compliance with parts 3350.0010 to 3350.0200, the act, and other federal and state requirements. The monitoring functions will include the following:

- A. performance of a pre-award review; and
- B. preparation and execution of an annual monitoring plan which includes at least one annual on-site visit to all grantees with annual dollar volume over \$100,000 and to 25 percent of all grantees with annual dollar volume between \$10,000 and \$100,000.

Department of Natural Resources

Proposed Permanent Rules Relating to Boat and Water Safety

Notice of Intent to Amend a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt an amendment to the above-referenced rule without public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the amendment of these rules is contained in *Minnesota Statutes*, § 86B.211.

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

Any person may make a written request for a public hearing 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 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 department will proceed pursuant to *Minnesota Statutes*, Section 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Kim A. Elverum
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046

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 rules has been prepared and is available free, upon request from Kim A. Elverum.

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 the submission of this material to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Kim A. Elverum.

The Department does not anticipate that this rule amendment will have any impact on small business or agricultural land, or require the additional expenditure of funds by local public bodies.

Dated: 14 February 1991

Rodney W. Sando
Commissioner
Minnesota Department of Natural Resources

Rules as Proposed

6110.0100 APPLICATION FOR WATERCRAFT LICENSE.

Application for watercraft license shall be made to the commissioner of natural resources or his authorized agents on a form he the commissioner shall provide. The commissioner may specify the information required on the application, including that which may be required by federal regulation. A watercraft license number and certificate shall be issued by the commissioner upon receipt of the fee prescribed by law.

6110.0300 DISPLAY OF LICENSE NUMBER AND VALIDATION DECAL ON MOTORIZED WATERCRAFT.

The license number on all watercraft, except nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, and rowing shells shall be securely affixed on each side of the forward half of the watercraft for which it was issued in such a position as to provide clear and legible identification. The letters and numerals must be of a color that contrasts with the background and may be reflectorized decals or metal or may be painted. The letters and numerals shall read from left to right and shall not be less than three inches in height, of block type, of a stroke not less than one-half inch or more than three-fourths inch in width, not including a border. The license number shall be maintained so that it is clearly visible and legible, and the letter groups must be separated from the numeral groups by a space of not less than three inches nor more than four inches. Adjacent letters and numerals within each group must be spaced not less than one-half inch nor more than three-fourths inch apart. A state validation decal for the current license period must be affixed toward the stern of the boat and not more than four inches from the first or last letter of the license number on each side of the boat.

6110.1000 ENFORCEMENT PENNANT.

The pennant required under *Minnesota Statutes*, section ~~361.215~~ 86B.805, subdivision 2, shall be triangular in shape and of the

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following dimensions: four inches in depth at the staff and one foot in length. The pennant shall be of a blue background and bear a three-inch replica of the Minnesota state seal.

6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.

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

Subp. 2. **Mode of operation of watercraft.** Mode of operation:

A. No person shall operate a watercraft in such a manner that its wash or wake will endanger, harass, or unnecessarily interfere with any other person or property.

B. No person shall operate a watercraft in any manner as to intentionally obstruct or interfere with the takeoff, landing, or taxiing of any aircraft.

C. No person shall operate a watercraft within 150 feet of a diver's warning flag (described in *Minnesota Statutes*, section ~~361.085~~ 86B.601).

D. No person shall operate a watercraft in the vicinity of a lock and dam on the Mississippi River from Upper St. Anthony Falls through Lock and Dam Number Eight in violation of the following:

(1) In the marked restricted area 600 feet upstream or 150 feet downstream of the dam, including auxiliary locks not in service.

(2) At greater than a slow-no wake speed in the lock or lock approach area. "Slow-no wake," means the operation of a watercraft at the slowest possible speed necessary to maintain steerage, and in no case greater than five miles per hour.

(3) Enforcement, emergency, resource management, and other government personnel or contractors are exempt from this part when performing official duties or authorized work.

E. The operator of any watercraft, when signaled to do so by a conservation officer, sheriff, or sheriff's deputy shall bring the watercraft to a stop or maneuver it in a manner which will allow the officer to come alongside.

[For text of subps 3 to 6, see M.R.]

Subp. 7. **Lighting equipment.** Lighting equipment:

A. ~~All motorized watercraft will be classified for lighting requirements in the following manner:~~

~~(1) Class A: under 16 feet in length;~~

~~(2) Class 1: 16 feet to less than 26 feet;~~

~~(3) Class 2: 26 feet to less than 40 feet;~~

~~(4) Class 3: 40 feet to 65 feet.~~

B. All motorized watercraft must display the correct lights for their class from sunset to sunrise when underway or at anchor.

The system of lighting may be chosen from either the International Rules Light Requirements found in item D, or the Inland Rules Light Requirements found in items E and F. Red and green lights must be visible at a distance of one mile and white lights at a distance of two miles.

~~C. B.~~ The following terms are defined for the purpose of these rules:

(1) "Aft:" means to the rear of the midlength measured from end to end of the hull over the deck excluding sheer.

(2) "All-round light" means a white light visible in an unbroken horizontal arc of 360 degrees.

(3) ~~Combined lantern:~~ "Combination light" means a single fixture showing green to starboard and red to port, visible in an unbroken horizontal arc from dead ahead to ~~two points~~ 22.5 degrees abaft the beam on ~~their~~ its respective sides side.

~~(3) (4)~~ "Forward:" means forward of the midlength measured from end to end of the hull over the deck excluding sheer.

(4) ~~Higher than or lower than:~~ a higher level or lower level, respectively, than another light under any normal conditions of trim under way or stopped in smooth water.

(5) ~~Point:~~ one point of the compass ($11\frac{1}{4}$ degrees) when specifying the arc of visibility of a light. "Masthead light" means a white light visible in an unbroken horizontal arc of 22.5 degrees, placed at or near the centerline of the watercraft. The light must be visible from dead ahead to 22.5 degrees abaft the beam on both sides of the watercraft. On motorboats less than 40 feet in length, this light must be at least three feet higher than the red and green lights. On motorboats 40 feet or more in length, this light must be at least nine feet above the gunwale.

(6) "Side lights:" means separate fixtures, the one on the starboard side showing green and the one on the port side showing red, visible in an unbroken horizontal arc from dead ahead to ~~two points~~ 22.5 degrees abaft the beam on ~~their~~ its respective sides side.

(7) “At the stem and at the stern:” means as nearly as practicable at the stem and at the stern, respectively.

(8) “Stern light” means a white light placed at the stern, visible in an unbroken horizontal arc of 135 degrees. The light must be visible from dead astern to 22.5 degrees abaft the beam on both sides of the watercraft.

(9) “Visible:” when applied to lights, means visible on a dark night with clear atmosphere. The prescribed visibility means minimum visibility, and does not restrict greater distance of visibility, provided that the navigation lights are primarily intended for navigation purposes and will not be confused with other lights.

D. International Rules Light Requirements for motorized watercraft:

(1) Separate 10-point red (port or left) and green (starboard or right) side lights showing from dead ahead to two points abaft the beam; or a 20-point combination of red-green light showing red from ahead to two points abaft the port beam and green from ahead to two points abaft the starboard beam. The red and green lights shall be visible at a distance of at least one mile.

(2) A 20-point white light forward, showing ten points on each side, placed at least three feet above the red-green lights and visible at a distance of at least three miles. On vessels 40 feet to less than 65 feet long the 20-point white light must also be at least nine feet above the gunwale.

(3) A 12-point white light aft, showing six points on each side and visible at a distance of at least two miles. Motor-powered watercraft of Class A or 1 may carry this light off the center line.

(4) When at anchor, a 32-point white light, visible at a distance of at least one mile all around the horizon.

E. Inland Rules Light Requirements for Classes A and 1:

(1) a 20-point combination red-green bow light as described in item D, subitem (1);

(2) a 32-point bright white light aft to show all around the horizon located above the red-green combination lights and visible at a distance of at least two miles;

(3) the 32-point white light aft may be located off center line;

(4) when at anchor, a 32-point white light, visible at a distance of at least one mile all around the horizon.

F. Inland Rules Light Requirements for Classes 2 and 3:

(1) separate ten-point red and green side lights showing from dead ahead to two points abaft the beam and visible at a distance of at least one mile;

(2) a 20-point white light as near the stem as possible showing ten points on each side and visible at a distance of at least two miles;

(3) a 32-point bright white light aft to show all around the horizon, visible at a distance of at least two miles and located higher than the 20-point white light forward;

(4) when at anchor, a 32-point white light, visible at a distance of at least one mile all around the horizon.

G. All watercraft over 65 feet in length must display the lights required by item D.

C. The lighting system on each watercraft must be chosen from either subitem (1) or (2):

(1) Motorboats less than 40 feet in length must display the following:

(a) a combination light or separate sidelights and an all-round light at the stern when underway and not anchored; and

(b) an all-round light when anchored.

(2) Motorboats of any length must display the following:

(a) a combination light or separate sidelights, a masthead light, and a stern light when underway and not anchored; and

(b) an all-round light when anchored.

H. D. All nonmotorized watercraft when under way or anchored, between sunset and sunrise, shall carry aboard but not necessarily fixed to any part of the watercraft a minimum of one lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more. ~~Such~~ The light or lantern shall be displayed in sufficient time to avoid collision with another watercraft.

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~~F. E.~~ When a watercraft is moored to a buoy authorized by a permit issued under part 6110.1800 it shall not be required to display the ~~32-point~~ anchor light required in items ~~C and D to H.~~

6110.1400 CAPACITY PLATE INFORMATION REQUIREMENTS FOR WATERCRAFT CONSTRUCTED ON OR AFTER AUGUST 1, 1980.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Definitions.** The terms "safe power capacity" and "safe carrying capacity" used in *Minnesota Statutes*, section ~~361.05,~~ ~~clause (4) 86B.311, subdivision 1,~~ shall be that capacity displayed on the manufacturer's capacity plate. If no such plate exists, the method referred to in either part 6110.1300, items B and C, or 6110.1400, subpart 2 shall be used to determine the capacity.

6110.1500 WATERWAY MARKERS.

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

Subp. 2. **Channel marker buoys.** Channel marker buoys:

A. Every channel marker buoy shall have the external form of a cylinder having a circular transverse cross-section not less than nine inches in diameter. ~~All such Channel~~ markers must extend at least 36 inches above the water.

B. Where channel marker buoys are placed to indicate the location of a well defined boating channel, an all green buoy and an all red buoy shall be placed in opposition to each other to indicate the course of the channel is located between them. ~~In flowing water, the red buoy shall be situated on the right side of the channel when facing upstream. The red buoy or marker shall be situated on the right side of the channel when heading towards shore, or when heading upstream.~~ A green flashing light shall be used in conjunction with a green buoy if it is to be lighted. When reflectorization is used with a green buoy, it shall be green in color and no less than a ~~four-inch~~ three-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be odd. A red flashing light shall be used in conjunction with a red buoy if it is to be lighted. When reflectorization is used with a red buoy, it shall be red in color and no less than a ~~four-inch~~ three-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be even. ~~Existing black buoys may be used through December 31, 1987.~~

C. ~~To indicate a watercraft should pass to south or west, where there is no well defined channel, a buoy shall have the top surface and upper five inches colored red and the remainder colored white. If the buoy is reflectorized, it shall be done with a white strip, no less than four inches in width, that completely encircles the buoy and it shall be placed directly under the red top. A white quick-flashing light shall be used if the buoy is lighted.~~

D. ~~To indicate a watercraft should pass to the north or east, where there is no well defined channel, a buoy shall have the top surface and the upper five inches colored black and the remainder colored white. If the buoy is reflectorized, it shall be done with a white strip no less than four inches in width that completely encircles the buoy and it shall be placed directly under the black top. A white quick-flashing light shall be used if the buoy is lighted.~~

[For text of subs 3 and 4, see M.R.]

Subp. 5. **Regulatory and information signs and buoys.** Regulatory and information signs and buoys:

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

G. No person shall operate any motor vehicle, snowmobile, all-terrain vehicle, ice boat, or any other conveyance used to transport persons over the ice on public waters of the state within 150 feet of a diver's warning flag described in *Minnesota Statutes*, section ~~361.085~~ 86B.601.

[For text of items H and I, see M.R.]

J. Any sign may be reflectorized or fluorescent provided that the entire displayed surface ~~thereof~~ is uniformly reflectorized or fluorescent.

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

~~L. Whenever an emergency situation requires that immediate warning be given of any hazardous condition on any waters of the state, any available object or apparatus may be utilized as a temporary waterway marker to give such warning until the emergency ceases to exist or until a marker complying with these regulations can be substituted therefor.~~

Subp. 6. [See repealer.]

Subp. 7. **Milfoil areas.** Buoys or signs indicating an area that is infested with Eurasian water milfoil may be marked using a solid yellow sign or buoy. If a buoy is used, it shall be no less than four inches in diameter and extend at least 30 inches above the surface of the water. The words "Milfoil" or "Milfoil Area" must appear on opposing sides of the buoy in at least two-inch high black letters. If a sign is used, it shall be no more than 12 inches in width or more than 18 inches in height and extend at least 30 inches above the surface of the water at normal high water level. The words "Milfoil" or "Milfoil Area" must appear on the sign in at least two-inch high black letters.

Subp. 8. Exceptions. Whenever an emergency situation requires that immediate warning be given of a hazardous condition, any appropriate marker may be used until such time as the emergency ceases to exist or until a marker complying with these rules can be obtained. In addition, the commissioner or designee may exempt specific types of waterway markers or buoys from the dimensional requirements of this part where safety would not be adversely affected and may also designate buoys or markers for purposes not previously set forth in this part.

6110.1800 PLACEMENT OF TEMPORARY STRUCTURES AND BUOYS IN THE WATERS OF THE STATE.

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

Subp. 2. **Permit for temporary structure or buoy.** The sheriff of any county may issue a permit for the placement of any such structure or buoy whenever, in his ~~his~~ the sheriff's opinion, the structure or buoy will not constitute an undue hazard to or illegal obstruction of navigation.

Each structure or navigational buoy placed pursuant to such permit shall have the permit number painted ~~thereon~~ on it and shall have attached either a light visible in all directions, or sufficient reflectorized material so as to reflect light from all directions, which material shall retain 80 percent of its dry weather reflective signal strength when submerged in water.

Nothing in this ~~rule part~~ shall be construed to affect the provisions of ~~Minnesota Statutes 1969, section 105.42~~ 103G.245, or the requirements for permits from the commissioner of natural resources thereunder, nor shall this ~~rule part~~ be construed to affect the construction of blinds built in accordance with the provisions of ~~according to Minnesota Statutes 1969, section 100.29, subdivision 47 sections 97B.805 and 97B.811.~~

6110.1900 ACCIDENT REPORTS.

~~Each county sheriff shall report to the commissioner of natural resources promptly, on forms provided by the commissioner, each accident involving a watercraft, and every drowning, in order to properly evaluate the water safety program. In the event of death, the report shall be made within 48 hours; in event of serious injury which incapacitates the victim for more than 72 hours or involves property damage of over \$200 report must be made within five days. Each charge of a violation of law made against a watercraft operator and each written warning thereof shall be reported. Each watercraft for hire which does not comply with the standards of safety for such watercraft shall also be reported.~~

Subpart 1. Accident reports. Each county sheriff shall report to the commissioner of natural resources:

A. each watercraft accident involving either a fatality, personal injury requiring treatment beyond first aid, or property damage that totals more than \$500; and

B. all drownings.

Reports shall be submitted on forms provided by the commissioner and forwarded within ten days of the accident.

Subp. 2. Other reports. Each county sheriff shall maintain copies of watercraft citations or written warnings and rental boat inspection reports for a minimum of three years following the year in which they were issued or completed.

6110.2100 REIMBURSEMENT OF COUNTY SHERIFFS FOR SEARCH AND RESCUE OPERATIONS.

Payments for annual appropriations for search and rescue operations shall be made pursuant to the provisions hereof in order of presentation until expended.

A search and rescue operation resulting from or related to ~~outdoor~~ water-related recreational activities will qualify for reimbursement if the incident necessitating the operation is of an unusual and nonrecurring nature. Reimbursable items of expense are those which are over and above the sheriff's regular operating budget, and include rental of private equipment and employment of personnel hired expressly for the search and rescue operation.

Payment by the state is limited to 50 percent of the reimbursable items of expense, subject to maximum state payment of \$2,500 for each search and rescue operation.

A sheriff claiming reimbursement shall submit in duplicate an itemized invoice, verified by the county auditor, together with a statement showing that the operation qualified for reimbursement, to the Department of Natural Resources. All claims will be subject to audit by the state.

REPEALER. Minnesota Rules, parts 6110.1500, subpart 6 and 6110.1600, subpart 3, are repealed.

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Department of Natural Resources

Proposed Permanent Rules Relating to Restitution Value for Fish and Wildlife

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Natural Resources 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*, §§ 14.22 to 14.28. The statutory authority to adopt the rule is set forth in *Minnesota Statutes* § 97A.345(a).

All persons have until 4:30 p.m. on April 4, 1991 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

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

Jack Skrypek
Department of Natural Resources
Division of Fish and Wildlife
Ecological Services Section
500 Lafayette Road
St. Paul, Minnesota 55155-4025
(612) 296-0783 or 297-4219 (Doug Norris)

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 upon request from Jack Skrypek at the address and telephone number stated above.

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

Dated: 14 February 1991

Rodney Sando
Commissioner

Rules as Proposed (all new material)

6133.0010 STATUTORY AUTHORITY.

Pursuant to *Minnesota Statutes*, section 97A.345, the restitution values to the state of species of wild animals listed in this chapter are prescribed as indicated.

6133.0020 DEFINITIONS.

- Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them, unless otherwise provided.
- Subp. 2. **Big game.** "Big game" has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 3.
- Subp. 3. **Endangered animal species.** "Endangered animal species" are those animals designated as endangered in part 6134.0200.
- Subp. 4. **Fur-bearing animals.** "Fur-bearing animals" has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 22.
- Subp. 5. **Game birds.** "Game birds" has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 24.
- Subp. 6. **Game fish.** "Game fish" has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 25.
- Subp. 7. **Minnnows.** "Minnnows" has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 29.

Subp. 8. **Small game.** "Small game" has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 45.

Subp. 9. **Sunfish.** "Sunfish" has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 46.

Subp. 10. **Threatened animal species.** "Threatened animal species" are those animals designated as threatened in part 6134.0200.

Subp. 11. **Trophy animal.** "Trophy animal" is defined for deer, elk, and moose as an animal with antlers that meet or exceed the score specified in items A to D when measured using the Boone and Crockett Club's official scoring system for North American big game trophies (Nesbitt, W.H. and J. Reneau, eds., *Records of North American Big Game*, Ninth Edition, The Boone and Crockett Club, Dumfries, VA, 1988, 498 pp.). This scoring system is incorporated by reference and is available through the Minitex interlibrary loan system and is not subject to frequent change:

- A. white-tailed deer (typical), score of 135;
- B. white-tailed deer (nontypical), score of 160;
- C. moose, score of 145; and
- D. elk, score of 260.

Trophy animal is defined for black bear as an animal with a skull that meets or exceeds a score of 20 using the Boone and Crockett Club's official scoring system for North American big game trophies (id.)

For the purposes of this chapter, antlers or skulls may be measured at any time; no drying period is required.

6133.0030 GAME BIRDS.

The restitution values for game bird species are as follows:

- A. turkey (wild), \$400;
- B. pheasant, \$50;
- C. quail, \$50;
- D. chukar partridge, \$50;
- E. gray partridge, \$50;
- F. ruffed grouse, \$50;
- G. sharp-tailed grouse, \$50;
- H. spruce grouse, \$50;
- I. greater prairie chicken, \$500;
- J. American woodcock, \$50;
- K. common snipe, \$50;
- L. sora, Virginia rails, \$50;
- M. gallinules, \$50;
- N. coot, \$25;
- O. ducks and mergansers, except canvasback, \$50;
- P. canvasback, \$200;
- Q. geese, \$50;
- R. tundra swan, \$200; and
- S. trumpeter swan, \$3,000.

6133.0040 BIG GAME.

Subpart 1. **General.** The restitution values for big game species are as follows:

- A. deer, \$500;

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Proposed Rules

- B. elk, \$1,000;
- C. caribou, \$1,000;
- D. moose, \$1,000;
- E. pronghorn antelope, \$500; and
- F. black bear, \$400.

Subp. 2. **Adjustments for trophy animals.** The restitution values for deer, elk, moose, and bear may be increased to twice the amount listed in subpart 1 if the animal is a trophy animal.

6133.0050 SMALL GAME.

The restitution values for small game species other than game birds are as follows:

- A. cottontail rabbit, \$20;
- B. jack rabbit, \$20;
- C. snowshoe hare, \$20;
- D. fox and gray squirrel, \$20;
- E. red and gray fox, \$30;
- F. wolverine, \$1,000;
- G. badger, \$100;
- H. otter, \$100;
- I. pine marten, \$100;
- J. fisher, \$100;
- K. mink, \$30;
- L. raccoon, \$30;
- M. beaver, \$30;
- N. muskrat, \$30;
- O. opossum, \$30;
- P. bobcat, \$100;
- Q. lynx, \$500; and
- R. cougar, \$1,000.

6133.0060 ENDANGERED ANIMAL SPECIES.

The restitution values for endangered animal species are as follows:

- A. mammals and birds, \$4,000; and
- B. all other animals, \$2,000.

6133.0070 THREATENED ANIMAL SPECIES.

The restitution values for threatened animal species are as follows:

- A. mammals and birds, \$2,000; and
- B. all other animals, \$500.

6133.0080 GAME FISH.

Subpart 1. **General.** For fish species that do not have a designated quality size, or for fish that have a total length equal to or less than the designated quality size, the restitution value is the base value shown in the following table. For fish that have a length that exceeds the designated quality size, the restitution value is the base value plus \$10 for every inch over the quality size.

	Base Value	Quality size in inches
A. Walleye	\$ 30	22
B. Sauger	30	15

Proposed Rules

C. Northern pike	30	32
D. Black bass (largemouth, smallmouth)	30	16
E. Sunfish (bluegill, pumpkinseed, green sunfish, orange spotted sunfish, longear sunfish, warmouth, hybrid sunfish)	5	8
F. White and black crappie	5	11
G. Yellow perch	5	12
H. Rock bass	5	8
I. White bass, yellow bass	5	9
J. Channel catfish	10	26
K. Flathead catfish	25	28
L. Chinook salmon	50	28
M. Coho, Atlantic salmon	30	20
N. Kokanee, pink, other salmon	30	17
O. Lake trout	50	22
P. Splake	50	15
Q. Brook trout	30	17
R. Brown trout	30	21
S. Rainbow (steelhead) trout	30	23
T. Paddlefish	500	
U. Lake sturgeon	500	
V. Shovelnose sturgeon	200	
W. Sturgeon hybrids		same value as morphologically nearest parent

Subp. 2. **Muskellunge.** The restitution values for muskellunge are as follows:

- A. 0 to less than 30 inches, \$40;
- B. 30 to less than 40 inches, \$200;
- C. 40 to less than 50 inches, \$500; and
- D. 50 inches and over, \$1,000 plus \$100 for each inch over 50 inches.

6133.0090 MINNOWS.

The restitution values for minnows are as follows:

- A. cyprinidae, fair market value at time of violation;
- B. umbridae, 50 cents a pound;
- C. catostomidae, 50 cents a pound;
- D. bullhead (7 inches or less), 50 cents a pound;
- E. cisco (7 inches or less), 50 cents a pound;
- F. lake whitefish (7 inches or less), \$1 a pound;
- G. goldeyes and mooneyes (7 inches or less), 50 cents a pound; and
- H. leeches, fair market value at time of violation.

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Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Permanent Rules Relating to Agriculture Contracts

The rules proposed and published at *State Register*, Volume 15, Number 23, pages 1282-1285, December 3, 1990 (15 SR 1285) are adopted with the following modifications:

Rules as Adopted

1572.0020 MEDIATION AND ARBITRATION.

Subp. 7. **Sample copies of contracts.** A contractor using a written commodity contract must submit to the commissioner a sample copy of each contract offered to producers. Schedules of prices and charges need not be included. Contract samples must be submitted to the commissioner and made available to producers at least 30 days before being offered to producers for signature the contract crops are planted or the contract livestock is placed in the producer's facility.

1572.0030 RECAPTURE OF LARGE CAPITAL INVESTMENT.

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

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

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

1572.0045 UNFAIR TRADE PRACTICES.

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

Department of Commerce

Adopted Permanent Rules Relating to Currency Exchange Rates

The rules proposed and published at *State Register*, Volume 14, Number 32, pages 1966-1967, February 5, 1990 (14 SR 1966) and Volume 14, Number 47, pages 2680-2681, May 21, 1990 (14 SR 2681) are adopted with the following modifications:

Rules as Adopted

2872.0100 CURRENCY EXCHANGE FEES.

Subpart 1. **Presumption.** It shall be presumed that fees and amendments of fees filed with the commissioner of commerce under *Minnesota Statutes*, section 53A.07, are fair and reasonable if they do not exceed the following amounts:

A. for cashing checks, ~~drafts, money orders, or travelers' checks,~~ the greater of (1) one and one-half percent of the face amount of the instrument, or (2) 50 cents issued by a government entity in an amount up to \$500, the greater of (1) 2-1/2 percent

of the face amount of the instrument, or (2) \$1, except that it is permissible to charge a first-time customer up to five percent of the face amount of the instrument; and

B. for cashing checks issued by a government entity in an amount up to \$500, the greater of (1) one percent of the face amount of the instrument, or (2) 50 cents ~~all other government checks and for cashing payroll checks, the greater of (1) three percent of the face amount of the instrument, or (2) \$1, except that it is permissible to charge a first-time customer up to six percent of the face amount of the instrument.~~

2872.0200 POSTING OF FEE SCHEDULES.

The fees charged by a currency exchange for rendering any service authorized by *Minnesota Statutes*, chapter 53A, at all times shall be prominently posted on the premises. The notice shall be made of plastic or metal, be no less than 30 inches wide and 36 inches high, with letters between one-half inch and three-quarters inch in size.

For checks, other than those which are issued by a government entity in an amount up to \$500, the notice must indicate, in one cent increments, between 50 cents and \$7.50, the fee that applies to the full amount of the check to be cashed.

For checks which are issued by a government entity in an amount up to \$500, the notice shall indicate, in one cent increments, between 50 cents and \$5, the fee that applies to the full amount of the check to be cashed.

If a minimum fee of 50 cents is imposed, the notice must indicate that fact. The notice must be posted on two separate walls in the customers' area.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Child Care Grants; Campus Contracts with County

The rule proposed and published at *State Register*, Volume 15, Number 23, pages 1290-1295, December 3, 1990 (15 SR 1290) is adopted as proposed.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Postsecondary Grant Program for Registered Nurses

The rules proposed and published at *State Register*, Volume 15, Number 23, pages 1290-1295, December 3, 1990 (15 SR 1290) are adopted as proposed.

Higher Education Coordinating Board

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

The rules proposed and published at *State Register*, Volume 15, Number 23, pages 1290-1295, December 3, 1990 (15 SR 1290) are adopted as proposed.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Postsecondary Rural Physician Loan Forgiveness Program

The rules proposed and published at *State Register*, Volume 15, Number 23, pages 1290-1295, December 3, 1990 (15 SR 1290) are adopted as proposed.

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Official Notices

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

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

Department of Agriculture

Agronomy Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Nitrogen Fertilizer Best Management Practices

NOTICE IS HEREBY GIVEN that the State Department of Agriculture is seeking information or opinions from sources outside the agency in preparing Best Management Practices for nitrogen fertilizers. The adoption of Best Management Practices is authorized by *Minnesota Statute* (1989) Chapter 326 (Article 1) which requires the Commissioner of Agriculture to take action necessary to prevent contamination of water resources from nitrogen fertilizer use. Best Management Practices are defined in *Minnesota Statute* 1989 Chapter 326, Article 1, Section 1, Sub. 4 as:

“ . . . voluntary practices that are capable of preventing and minimizing degradation of groundwater, considering economic factors, availability, technical feasibility, implementability, effectiveness, and environmental effects.”

All persons or groups have until April 5, 1991 to submit comment in support of or in opposition to the proposed Best Management Practices or any part or subpart thereof. Comment is encouraged. Each comment should identify the portion of the proposed Best Management Practices addressed, the reason for the comment, and any change proposed.

Interested persons or groups are encouraged to submit written or oral information or opinions to:

Bruce Montgomery
Agronomy Services Division
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107
Telephone: (612) 297-7178

The proposed Best Management Practices may be modified if the modification are supported by data and views and do not result in a substantial change in the proposed Best Management Practices as noticed.

PROPOSED NITROGEN FERTILIZER BEST MANAGEMENT PRACTICES

ORGANIZATIONAL STRATEGY

Best Management Practices are based upon a three-tier strategy. Each succeeding tier enhances or refines the previous tier. The three tiers are: (1) Statewide BMPs, (2) Regional BMPs, and (3) Special Situation BMPs.

(1) Statewide BMPs apply to all areas of the state. The succeeding tiers refine the statewide recommendations. The application of these BMPs result in specific practices that are uniquely tailored to a given situation.

(2) Regional BMPs account for some of the local variation in soils, hydrogeologic conditions and climatic conditions. The state has been divided into five regions based upon general climatic conditions, soil characteristics and the resulting sensitivity to groundwater contamination. The regional BMPs refine the prescriptions of the statewide BMPs.

(3) Special Situation BMPs describe management criteria for the following conditions: (1) irrigated soils, (2) coarse textured, non-irrigated soils, (3) turf, and (4) areas near surface water. These areas pose additional environmental susceptibility problems and require additional management considerations.

BEST MANAGEMENT PRACTICES

A. Statewide Nitrogen BMPs—

1. Develop realistic yield goals. The yield goal should be based on the past five year average, excluding the worst year. In situations where rotation practices limit recent yield information, yield goals should be based on farm/field specific information from the previous five years or from a three or four year average for the specific crop to be fertilized.

2. Develop and utilize a comprehensive record-keeping system to record field specific information.

3. Adjust nitrogen rates according to soil organic matter content, previous crop, and manure application.

4. Use a soil nitrate test when appropriate.

5. Use prudent manure management to optimize nitrogen credit:
 - (a) Test manure for nutrient content.
 - (b) Calibrate manure application equipment.
 - (c) Apply manure uniformly throughout a field.
 - (d) Injection of manure is preferable, especially on strongly sloping soils.
 - (e) Avoid manure application to sloping, frozen soils.
 - (f) Incorporate broadcast applications whenever possible.
6. Credit second year nitrogen contributions from alfalfa and manure.
7. Do not apply nitrogen fertilizer above recommended rates.
8. Plan nitrogen application timing to achieve high efficiency of nitrogen use.

B. Regional BMPS—**1. Southeastern Minnesota: Counties of Dakota, Goodhue, Fillmore, Houston, Olmsted, Wabasha, and Winona.**

- (a) Do not apply fertilizer nitrogen in the fall.
- (b) Anhydrous ammonia or urea sources of nitrogen should be used in spring preplant applications. Broadcast urea should be incorporated within three days of application.
- (c) Sidedress applications to corn should be applied prior to the V4 stage of development.
- (d) Sidedress applications of urea and UAN-28 should be injected or incorporated to a minimal depth of four inches.
- (e) A nitrification inhibitor should be used with preplant nitrogen applications if soils are poorly drained and soil moisture levels are high in the upper portion of the profile.
- (f) Minimize direct movement of surface water runoff to sinkholes.

2. South Central Minnesota: Counties of Blue Earth, Brown, Carver, Faribault, Freeborn, Le Sueur, Martin, McLeon, Meeker, Mower, Nicollet, Rice, Scott, Sibley, Steele, Watonwan, and Waseca.

- (a) Spring preplant applications of nitrogen are highly recommended.
- (b) If some nitrogen is to be fall applied, delay application until the soil temperature is below 50°F at a six inch depth. Anhydrous ammonia should be used for fall applications.
- (c) Anhydrous ammonia or urea sources of nitrogen should be used in spring preplant applications. Broadcast urea should be incorporated within three days of application.
- (d) Sidedress applications to corn should be applied prior to the V4 stage of development.
- (e) Sidedress applications of urea and UAN-28 should be injected or incorporated to a minimal depth of four inches.
- (f) A nitrification inhibitor should be used with fall and preplant nitrogen applications if soils are poorly drained and soil moisture levels are high in the upper portion of the profile.
- (g) Carefully manage nitrogen applications on soils characterized by a high leaching potential.
 - (1) Do not apply fertilizer nitrogen in the fall to coarse textured soils.
 - (2) When soils have a high leaching potential, application of nitrogen in a sidedress or split application program is preferred. Use a nitrification inhibitor with early sidedressed nitrogen on labeled crops.

3. Southwest and West-Central Minnesota: Counties of Big Stone, Chippewa, Cottonwood, Douglas, Grant, Kandiyohi, Jackson, Lac Qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Pope, Redwood, Renville, Rock, Stevens, Swift, Traverse, and Yellow Medicine.

- (a) Use a soil nitrate test with a two to four foot depth to determine nitrogen needs. Soil samples should be taken in the fall, after the soil temperature is below 50°F at the six inch depth, or in early spring.
- (b) A spring preplant application of Anhydrous ammonia or urea sources of nitrogen should be used. Broadcast urea and preplant applications of UAN-28 should be incorporated within three days of application.
- (c) In situations where fall nitrogen applications are used, delay application until the soil temperature is below 50°F at a six inch depth. Use anhydrous ammonia or urea sources of nitrogen; UAN-28 should not be fall applied.
- (d) Sidedress nitrogen to corn should be applied prior to the V4 stage of development.
- (e) Sidedress applications of urea and UAN-28 should be injected or incorporated to a minimal depth of 4 inches.

Official Notices

4. East-Central and Central Minnesota: Counties of Aitkin, Anoka, Beltrami, Benton, Carlton, Cass, Chisago, Cook, Crow Wing, Hennepin, Hubbard, Itasca, Kanabec, Koochiching, Lake, Lake of the Woods, Mille Lacs, Morrison, Pine, Ramsey, St. Louis, Sherburne, Stearns, Todd, Wadena, Washington, and Wright.

- (a) Carefully manage nitrogen applications on soils that have a high leaching potential.
- (b) Anhydrous ammonia or urea sources of nitrogen should be used in spring preplant applications on fine and medium textured soils. Broadcast urea should be incorporated within three days of application.
- (c) Sidedress applications of urea and UAN-28 should be injected or incorporated to a minimal depth of four inches.

5. Northwest Minnesota: Counties of Becker, Clearwater, Clay, Kitteson, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Red Lake, Roseau, and Wilkin.

- (a) Use a soil nitrate test to a two or four foot depth to determine nitrogen needs. Soil samples should be taken in the fall after the soil temperature is below 50°F at the six inch depth or early spring.
- (b) Delay fall nitrogen application until the soil temperature is below 50°F at a six inch depth. Anhydrous ammonia or urea sources of nitrogen should be used for fall applications. UAN-28 should not be fall applied. Broadcast urea and spring preplant applications of UAN-28 should be incorporated within three days of application.
- (c) Denitrification inhibitors are not recommended on fine textured soils but are recommended on coarse-textured soils with high leaching potential.

C. Special Situation BMPs—

1. Irrigated Soils.

- (a) Do not apply fertilizer nitrogen in the fall.
- (b) Follow proven water management strategies to provide effective irrigation and minimize leaching.
- (c) Test irrigation water for nitrogen content and adjust nitrogen fertilizer rates accordingly.
- (d) Sidedress or split application of nitrogen is preferred on irrigated soils. Use a nitrification inhibitor with preplant or early sidedressed nitrogen on labeled crops. For corn, include a nitrification inhibitor with all nitrogen applications prior to the V4 growth stage. (Fertilizer chemigation rules are being developed by the Minnesota Department of Agriculture at this time. Backflow prevention, well head safety and other techniques are recommended until rules are adopted.)
- (e) Include a small amount of nitrogen in starter fertilizer in most situations (10-20 pounds/acre).
- (f) Do not delay nitrogen applications past optimum uptake period.
- (g) Establish a cover crop following early harvest of crops.

2. Coarse-Textured (non-irrigated soils) which include the following textural classes: sandy loams, loamy sands, and sands.

- (a) Do not apply nitrogen fertilizer in the fall to coarse textured soils.
- (b) Apply nitrogen in a sidedress or split application program.
- (c) Use a nitrification inhibitor with early sidedressed nitrogen.

3. Turf.

- (a) Avoid off-target applications.
- (b) With fall nitrogen applications, spring nitrogen applications can be reduced or discontinued. Light applications of nitrogen may be applied in mid-summer to high-use areas.
- (c) Utilize a soil test to determine organic matter content which can be used to aid in determination of nitrogen needs; use the results of this test to adjust applications to the individual lawn.
- (d) Leave grass clippings on mowed lawns and account for residue nitrogen content in determining nitrogen load rates for subsequent applications.
- (e) Use a slow release fertilizer formulation when possible.
- (f) Account for soil type in determining appropriate nitrogen application rate and frequency.
- (g) Select (homeowners) and promote the selection of (lawn care industry) low-maintenance turf varieties which require fewer fertilizer applications and less watering.
- (h) Do not apply insurance nitrogen to turf. Apply only the amount of nitrogen necessary to maintain plant nutrition.

4. Areas near surface water bodies.

(a) Filter strips should be developed and maintained between open bodies of water and agricultural fields.

(b) Establish tillage and erosion control techniques, such as conservation tillage systems and terraces, where erosion contributes to surface water contamination.

(c) For lawns located adjacent to surface water bodies, construct a berm (roughly six inches high) between the lawn and water body. The berm may also be covered in grass or turf. In addition to berms, an unmanaged fringe of natural vegetation may be utilized as a filter strip.

(d) For all urban turf, avoid stray application of any fertilizer to sidewalks, streets or directly into water bodies that abut lawn areas.

ASSISTANCE TO NITROGEN USERS

Contact the Minnesota Department of Agriculture or the Minnesota Extension Service for further information on Nitrogen Fertilizer Best Management Practices.

Department of Finance

Maximum Interest Rates for February 1991

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, John Gunyou, announced today that the maximum interest rate for municipal obligations in the month of February, 1991 would be eight (8) percent per annum.

Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to nine (9) percent per annum.

Department of Human Services

Notice of Hospital Cost Index

Minnesota Statutes 256.969, subdivision 1 and *Minnesota Rules*, parts 9500.1120 require the establishment of a Hospital Cost Index (HCI) for rate setting purposes for inpatient hospital services under the General Assistance Medical Care and Medical Assistance Programs. The inflation forecasts provided below were obtained from the Data Resources, Inc./McGraw-Hill, Health Care Costs as published in the fourth quarter of 1990 using the percent moving average. The cost category weights were provided by the Minnesota Hospital Association. The HCI will be used to adjust the rates of hospitals whose next fiscal year begins during the second calendar quarter of 1991.

Minnesota Statutes, 256.9695, subd. 3, (c) limits the HCI to five percent effective June 1, 1990 except in the case of small hospitals that met the criteria for the rateable increase. Comments concerning the HCI may be forwarded to the following address:

Richard Tester
Hospital Reimbursement Section
Audit Division
444 Lafayette Road, Fifth Floor
St. Paul, Minnesota 55155-3836

<u>Cost Category</u>	<u>Weight</u>	<u>Percent</u>	<u>Weighted Percent</u>
Salaries	.535	6.0	3.21
Employee Benefits	.093	5.1	.47
Medical Fees (Medical Care Service)	.062	7.4	.46
Raw Food	.012	4.3	.05
Medical Supplies (Medical Commodities)	.113	5.3	.60
Pharmaceuticals	.043	5.3	.23
Utilities	.024	9.3	.22

Official Notices

<u>Cost Category</u>	<u>Weight</u>	<u>Percent</u>	<u>Weighted Percent</u>
Repairs/Maintenance	.017	5.3	.09
Insurance*	.013	5.3	.07
Other Operating	<u>.088</u>	5.3	<u>.47</u>
	1.000		5.87

*Excludes Malpractice

HCI = 5.9%

Department of Human Services

Children's Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Child Care Fund

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 amendments to the rule governing the Child Care Fund, *Minnesota Rules*, parts 9565.5000 to 9565.5200. The commissioner is authorized under *Minnesota Statutes*, section 256H.02 to adopt rules governing the child care fund program. Section 256H.02 also directs the commissioner to develop standards for county and human services boards to provide child care services to enable eligible families to participate in employment, training, or education programs; to distribute money to counties to reduce the costs of child care for eligible families; to establish a sliding fee; and to maximize the use of federal money available for child care.

Amendments to the rule will clarify existing child care definitions and add new definitions; clarify general program requirements; modify the allocation formula under the basic sliding fee program; clarify methods of payment; set standards governing child care rates; clarify county responsibilities; modify rule provisions governing absence and sick care; clarify child care for families participating in education programs; establish fraud recoupment provisions; establish standards governing Project STRIDE child care, AFDC transitional year child care, and other federal programs that provide child care funding.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Vicki Kunerth, Department of Human Services, Children's Services Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3832. Oral statements will be received during regular business hours over the telephone at (612) 296-6085 and in person at the 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.

State Board of Investment

Executive Council

Meeting Notice

The Executive Council and State Board of Investment will meet on Wednesday, March 13, 1991 at 8:30 a.m. in Room 118, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, March 12, 1991 at 2:00 p.m. in Conference Rooms "A" and "B", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

Office of Social Work and Mental Health Boards

Notice of Executive Committee Meetings for 1991

The regular meetings of the Executive Committee of the Minnesota Office of Social Work and Mental Health Boards for the year

State Contracts and Advertised Bids

1991 shall take place on the fourth Friday of every month at 9:00 a.m. The meetings will be held in the Office Conference Room at 2700 University Avenue W., Suite 225, St. Paul, MN 55114 and shall take place on the following dates:

January 25, 1991	July 26, 1991
February 22, 1991	August 23, 1991
March 22, 1991	September 27, 1991
April 26, 1991	October 25, 1991
May 24, 1991	November 29, 1991
June 28, 1991	December 27, 1991

Board of Social Work

Notice of Regular Meetings for 1991

The regular meetings of the Minnesota Board of Social Work for the year 1991 shall take place on the third Friday of every month at 12:00 p.m. The Board meetings will be held in the Office Conference Room at 2700 University Avenue W., Suite 225, St. Paul, MN 55114 and shall take place on the following dates:

January 18, 1991	July 19, 1991
February 15, 1991	August 16, 1991
March 15, 1991	September 20, 1991
April 19, 1991	October 18, 1991
May 17, 1991	November 15, 1991
June 21, 1991	December 20, 1991

State Contracts and Advertised Bids

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

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

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

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

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

Commodity: Tractor/tractor loader
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 14
Agency: Natural Resources—Southern Services Center
Deliver to: Various
Requisition #: 29000-55749

Commodity: Blood alcohol kits
Contact: Don Hanson 297-5619
Bid due date at 2pm: March 20
Agency: Public Safety
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Auto body supplies
Contact: Dale Meyer 296-3773
Bid due date at 2pm: March 13
Agency: Minnesota Correctional Facility
Deliver to: Stillwater
Requisition #: Price contract

State Contracts and Advertised Bids

Commodity: Miscellaneous heating parts
Contact: Linda Parkos 296-3725
Bid due date at 2pm: March 8
Agency: Regional Treatment Center
Deliver to: Willmar
Requisition #: 02310-19010

Commodity: Camcorder, VCR, tripod
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: March 7
Agency: Corrections
Deliver to: St. Paul
Requisition #: 78000-25465-01

Commodity: Water well work
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: March 11
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79050-25531-01

Commodity: Oil heating unit
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: March 4
Agency: Winona State University
Deliver to: Winona
Requisition #: 26074-13733

Commodity: Interviewing service
Contact: Theresa Ryan 296-7556
Bid due date at 4:30pm: March 6
Agency: Metro State University
Deliver to: St. Paul
Requisition #: 26176-03241

Commodity: Lease/purchase of electronic key system
Contact: Teresa Ryan 296-7556
Bid due date at 4:30pm: March 19
Agency: Jobs & Training
Deliver to: Fairmont
Requisition #: 21200-35417

Commodity: Brush chipper
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 12
Agency: Transportation
Deliver to: Various
Requisition #: 79382-02197

Commodity: School bus
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 12
Agency: Academy for the Deaf
Deliver to: Faribault
Requisition #: 37001-10921

Commodity: Panasonic key system
Contact: Teresa Ryan 296-7556
Bid due date at 4:30pm: March 7
Agency: Jobs & Training
Deliver to: St. Cloud
Requisition #: 21200-35416

Commodity: Physical testing equipment
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: March 8
Agency: Mankato State University
Deliver to: Mankato
Requisition #: 26071-47559

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: 1991 Moose hunt information booklet, type to be set (text) camera ready copy (maps), two-sided, 80,000 books, 8½" x 11", saddle-stitch
Contact: Printing Buyer's Office
Bids are due: March 7
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 14792

Commodity: 1991 resident spearing license, type to be set, perforating, multiple part form, two-sided
Contact: Printing Buyer's Office
Bids are due: March 8
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 14852

Commodity: College pamphlet, 10,000 sheets, type to be set, three folds including perforations 100 lb, white gloss offset
Contact: Printing Buyer's Office
Bids are due: March 6
Agency: Worthington Community College
Deliver to: Worthington
Requisition #: 14273

Commodity: 1991 resident whitefish license, type to be set, two-sided, multiple part form, perforating
Contact: Printing Buyer's Office
Bids are due: March 8
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 14853

Commodity: Statement of benefits paid, camera ready copy, one-sided, 5,000 4-part continuous, carbon interleave
Contact: Printing Buyer's Office
Bids are due: March 6
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 14896

Commodity: Background study mailer, 50,000 two-part mailers, type to be set, continuous feed mailer, perforating
Contact: Printing Buyer's Office
Bids are due: March 7
Agency: Human Services
Deliver to: St. Paul
Requisition #: 14889

Professional, Technical & Consulting Contracts

Commodity: Assessment of juvenile client risk, type to be set, one-sided, 5,000 sets, perforating, carbonless, shrink-wrap

Contact: Printing Buyer's Office

Bids are due: March 6

Agency: Corrections

Deliver to: St. Paul

Requisition #: 14806

Commodity: Aircraft registration certificate, camera ready copy, two-sided, 6,000 sheets

Contact: Printing Buyer's Office

Bids are due: March 6

Agency: Transportation Department

Deliver to: St. Paul

Requisition #: 14833

Commodity: MPCA 703 Supplemental, 100 pads, type to be set, carbonless-blue with chipboard

Contact: Printing Buyer's Office

Bids are due: March 6

Agency: Pollution Control Agency

Deliver to: St. Paul

Requisition #: 14810

Commodity: 1991 resident wild rice license, type to be set, two-sided, perforating, multiple part form

Contact: Printing Buyer's Office

Bids are due: March 8

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 14854

Commodity: 1991 nonresident no quota bear license, multiple part form, type to be set, two-sided, perforating

Contact: Printing Buyer's Office

Bids are due: March 8

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 14855

Commodity: 1991 nonresident firearm deer license, multiple part form, perforating, type to be set, two-sided

Contact: Printing Buyer's Office

Bids are due: March 8

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 14857

Commodity: Two part continuous forms letterhead stationery, camera ready copy, one-sided, 60,000 sets, carbon interleave

Contact: Printing Buyer's Office

Bids are due: March 8

Agency: Human Rights

Deliver to: St. Paul

Requisition #: 14758

Commodity: Kaleidoscope, camera ready copy, two-sided, 50,000 books

Contact: Printing Buyer's Office

Bids are due: March 7

Agency: Lakewood Community College

Deliver to: White Bear Lake

Requisition #: 14796

Commodity: MPCA DMR form, type to be set, black ink, 3,000 sets

Contact: Printing Buyer's Office

Bids are due: March 7

Agency: Pollution Control Agency

Deliver to: St. Paul

Requisition #: 14809

Commodity: 1991 nonresident bow and arrow deer license, type to be set, perforating, two-sided, multiple part form

Contact: Printing Buyer's Office

Bids are due: March 8

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 14850

Commodity: 1991 resident no quota bear license, type to be set, two-sided head to head, perforating, shrink wrap, multiple part form

Contact: Printing Buyer's Office

Bids are due: March 8

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 14851

Professional, Technical & Consulting Contracts

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

Department of Health

Health Resources Division

Request for Proposal

Notice of Request for Proposal for seven to ten qualified physicians located throughout the state, to act as part time consultants to the Quality Assurance & Review Program. The contract period commences July 1, 1991 and concludes June 30, 1993.

Interested physicians will submit formal proposals according to the procedures required by the Department of Administration. Maximum contract amounts and hourly rates will be discussed in the "Request for Proposal" (RFP) issued by the Minnesota Department of Health. The deadline for submission for proposals is 2:30 p.m., April 20, 1991. To obtain a copy of the RFP for Professional Services Contract, contact Connie Krmpotich at the following address:

Connie Krmpotich
Quality Assurance & Review Section
Minnesota Department of Health
393 North Dunlap Street

P.O. Box 64938
St. Paul, Minnesota 55164-0938
(612) 643-2504

Professional, Technical & Consulting Contracts

Minnesota Historical Society

Notice of Availability of Contract for Planning of Communications and Special Events

For the Opening of the Minnesota Historical Society's History Center

The Minnesota Historical Society is seeking proposals from individuals and firms with experience in communications, public relations and event planning for contract work associated with the planning phase for the opening of the Society's History Center.

This phase of the opening preparation, which will be performed under contract, will involve development of a master plan for opening communications, activities and ceremonies; schedule and budget development; and implementation of some of the initial communications and activities that will occur prior to the formal opening.

The maximum budget expected to be available for this project is \$15,000. All planning work included in this project must be completed not later than June 30, 1991, however, some implementation may occur during the remainder of 1991.

A detailed description of the project is contained in the formal Request for Proposals which may be obtained by calling the Society's Information Officer, George Ryan at (612) 297-1827.

Proposals should be directed to: Minnesota Historical Society, Gary W. Goldsmith, Contracting Officer, 690 Cedar Street, Minneapolis, MN 55101.

Proposals will be accepted until 4:00 p.m. March 19, 1991. Late proposals will not be considered.

The Society reserves the right to accept any proposal or to reject all proposals and to waive any informalities therein.

Department of Public Safety

Office of Traffic Safety

Request for Proposals for Safety Belt Media Relations

The Department of Public Safety has received a grant from the National Highway Traffic Safety Administration to implement a law enforcement safety belt project. The Department is seeking proposals to conduct the media relations aspect of the project. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Susan Palmer
Department of Public Safety
Office of Traffic Safety
Room 207 Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-8512

Estimated cost of the contract is \$35,000.00. Final date for submitting proposals is Friday, March 22, 1991 by 4:00 p.m.

Department of Transportation

Office of Aeronautics

The Minnesota Department of Transportation, Office of Aeronautics, is accepting proposals from consultant firms that are interested in providing the services needed to purchase a parcel of land at each of three Minnesota airports.

The Office of Aeronautics is planning to install an Instrument Landing System (ILS) at three airports in Minnesota in the near future. This system provides the pilot with electronic guidance to the airport runway.

One of the components of the ILS is an Outer Marker (OM). This marker is located from four to seven miles from the airport on the extended center line of the runway. The facility consists of a radio transmitter housed in a small building and ground mounted antenna.

The size of the site required for an OM is 500 feet by 500 feet. Electrical and phone service are needed. An access road is required for maintenance.

The survey and mapping section of Mn/DOT will make a field survey of the extended center line of the runway. They will mark this line at appropriate locations from about four to seven miles from the runway threshold.

Professional, Technical & Consulting Contracts

The services that the consultant shall provide are:

1. Determine suitable sites along the extended center line that meet the needed criteria. Mn/DOT personnel will pick the site to be purchased.
2. Preliminary Evaluation and Contract Negotiation
3. Title Work
4. Site Survey
5. Prepare Property Map
6. Appraisal
7. Landowner Negotiation
8. Abstract Update and Title Opinion
9. Final Documentation Preparation and Closing
10. Other Associated Tasks

The airports that are included in the project are:

1. Fergus Falls
2. Warroad
3. Marshall

The contract to install the outer marker equipment has been awarded to Wilcox Electric of Kansas City. Their contract requires that the installation be completed within a certain time period at each airport. To meet that schedule, a Permit To Construct will be required at the outer marker sites on the following dates.

<u>Airport</u>	<u>Permit Required</u>
Fergus Falls	April 1, 1992
Warroad	Spring 1992
Marshall	Fall 1992

The proposal shall contain a statement of qualifications, with a list of similar projects that have been done by the firm in the past. Also include a cost estimate to complete the above tasks. The cost of the land or costs associated with a possible condemnation procedure are not required.

Proposals shall be submitted by March 29, 1991. They shall be sent to:

Douglas E. Johnson
Electrical Engineering Assistant
Mn/DOT, Office of Aeronautics
Room 417, State Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155
(612) 296-0745

Minnesota Office of Waste Management

Notice of Request for Proposals

The Minnesota Office of Waste Management (OWM) is developing a statewide public education campaign on waste management. As currently envisioned, this campaign will include four elements: (1) a multi-media presentation, including paid-for advertising, public service announcements and display materials; (2) information packets to be distributed by the OWM to local officials; (3) a statewide event; and (4) a set of six portable displays for use by local communities in conjunction with the campaign. The OWM intends to conduct its education campaign during the fall 1991.

Consistent with the waste hierarchy established in *Minnesota Statutes* § 115A.02, the goal of the campaign is to discourage the use of land disposal as a waste management option and to encourage reduction, reuse and recycling of waste. The campaign is also intended to generate information that may be used by local communities to meet waste education goals. Many of these goals are mandated by the legislature.

Professional, Technical & Consulting Contracts

Through this Request for Proposal (RFP), the OWM is soliciting the services of a consultant to: (1) develop and assist the OWM in implementing the campaign; (2) develop and implement a method for evaluating the impact of the campaign; and (3) conduct "focus group" discussions to obtain information about the public's waste management attitudes and habits.

The OWM has prepared a detailed Request for Proposal (RFP) that describes the tasks to be performed by the consultant. The RFP also describes important contract terms. Persons are considered qualified under the RFP if they have had previous, successful experience in developing and implementing statewide public education campaigns in Minnesota. Preference will be given to qualified proposers who have experience in disseminating information about waste or other environmental issues.

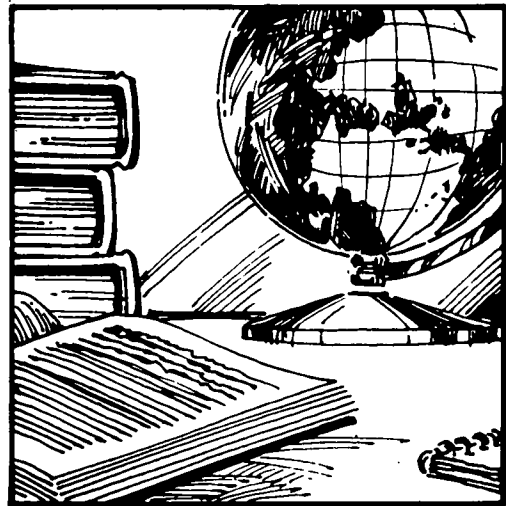
Persons interested in obtaining copies of the RFP should contact: Diane Wanner, Minnesota Office of Waste Management, 1350 Energy Lane, St. Paul, MN 55108. Telephone: (612) 649-5775. Persons interested in submitting proposals should direct them to Ms. Wanner at the address above. The OWM will consider only those proposals received at the above-address by 5:00 p.m., Monday, April 1, 1991. (NO FAX COPIES WILL BE ACCEPTED)

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.

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



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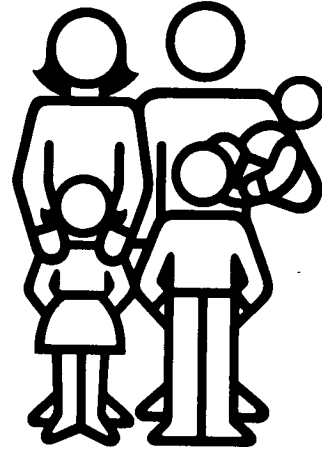
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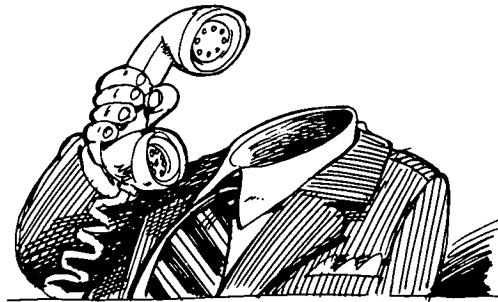


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