

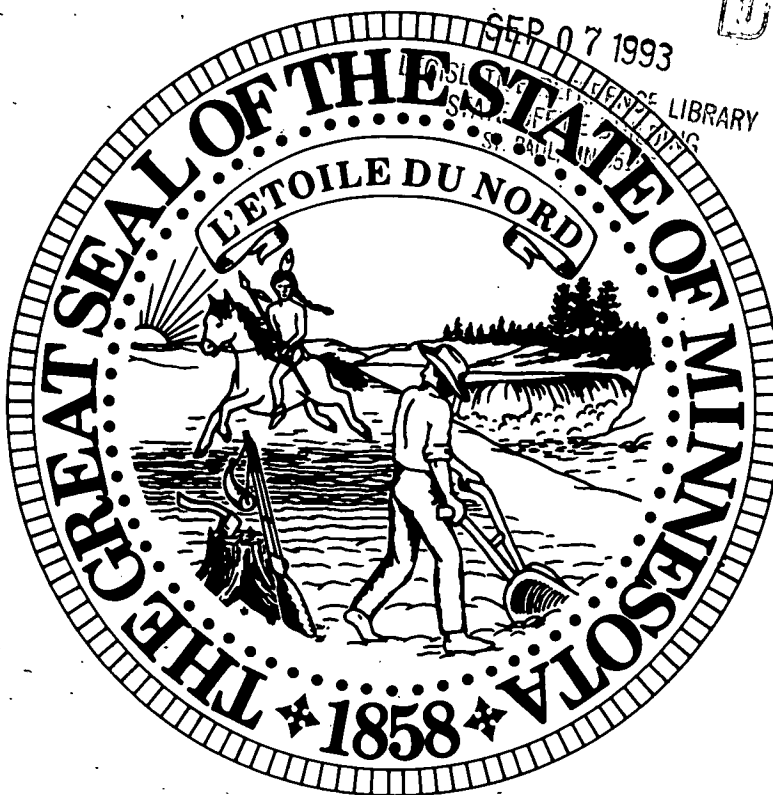
# The Minnesota State Register

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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

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# Minnesota Rules: Amendments and Additions

## 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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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 1-800-657-3757.

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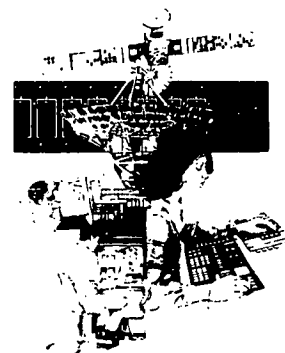
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# Minnesota Manufacturer's Directory 1993



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2-SR. \$95.00.

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



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

# 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.

## Board of Dentistry

### Proposed Permanent Rules Relating to Fees

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Dentistry (hereinafter "Board") intends to adopt the above entitled rules without a public hearing following the procedures set forth in the Administration Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1992). The statutory authority to adopt the rules is *Minnesota Statutes* 150A.04, subd. 5; 150A.06, subds. 1, 2, 2a and 4; 150A.08, subds. 1(6) and 3; 150A.10, subd. 1, 150A.11, subd. 2 and 214.06 (1992). Pursuant to *Minnesota Statutes* 214.06, subd. 3 no public hearing will be held.

All persons have until October 15, 1993, in which to submit comment in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any changes proposed.

Comments must be submitted to:

Richard W. Diercks, Executive Director  
Minnesota Board of Dentistry  
2700 University Avenue West, Suite 70  
St. Paul, Minnesota 55114  
Telephone: (612) 642-0579

Minnesota Relay Service for Hearing and Speech Impaired:

Metro Area: (612) 297-5353  
Outside Metro Area: (800) 627-3529

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

The rules proposed for adoption increase existing application fees, annual license or registration fees, licensure by credentials fees, reinstatement fees and sponsor renewal fees. A free copy of the rules is available upon request from Karen L. Ramsey at the Board office.

A Statement of Need and Reasonableness has been prepared and is available from Karen L. Ramsey upon request. The statement describes the need for and reasonableness of the proposed rules, identifies the data and information relied upon to support the proposed rules, and addresses the Board's position regarding the applicability of the small business rulemaking provisions and the impact of the proposed amendments on small businesses.

*Minnesota Statutes* 14.115 specifies certain actions which an agency must take if an agency engages in rulemaking which may affect small businesses. It is the Board's position that the Board's rules are not subject to section 14.115 pursuant to subdivision 7(b)

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

## Proposed Rules

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or (c). Nevertheless, should the rule amendments covered by the Statement of Need and Reasonableness be considered subject to section 14.115 and that they will impact on small businesses, the Board makes the following description of the probable quantitative and qualitative small business impact of the proposed rules. The impact will be negligible. *Minnesota Rules* part 3100.2000 amendments increases fees but only by a small amount. The increase and new fees are mandated by *Minnesota Statutes* 16A.128, subd. 1a (1992) to assure that the Board's income will match its appropriations and general support costs. The impact on individuals will be minimal.

Pursuant to *Minnesota Statutes* 16A.128, subd. 2a (1992), a copy of this notice and the proposed rules were sent to the chairs of the House Appropriations Committee and Senate Finance Committee prior to their submission to the *State Register*.

Upon adoption of the rules by the Board, the rules, and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules must submit a written request to Karen L. Ramsey at the board office.

Dated: 24 August 1993

Richard W. Diercks  
Executive Director

### Rules as Proposed

#### 3100.2000 FEES.

Subpart 1. **Application fees.** Each applicant for licensure as a dentist or dental hygienist or for registration as a registered dental assistant shall submit with a license or registration application a fee in the following amounts:

A. dentist application, ~~\$125~~ \$140;

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

C. dental assistant application, ~~\$30~~ \$35.

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, ~~\$120~~ \$138;

B. dental hygienist, ~~\$45~~ \$50; and

C. registered dental assistant, ~~\$30~~ \$34.

Subp. 3. **Licensure by credentials.** Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to *Minnesota Statutes*, section 150A.06, subdivision 4, and part 3100.1400 shall submit with the license application a fee in the following amounts:

A. dentist, ~~\$700~~ \$725; and

B. dental hygienist, ~~\$150~~ \$175.

[For text of subs 4 and 5, see M.R.]

Subp. 6. **Reinstatement fee.** No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have the license or registration reinstated or a new license or registration issued until a fee has been submitted to the board in the following ~~amount~~ amounts:

A. dentist, ~~\$125~~ \$140;

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

C. registered dental assistant, ~~\$30~~ \$35.

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

Subp. 8. **Application for initial approval as sponsor of CDE courses.** A person applying for approval as a sponsor of CDE ~~programs~~ courses pursuant to part 3100.4200, subpart 2, shall submit with an application a fee in the amount of \$75.

**Subp. 8a. Application for renewal as sponsor of CDE courses.** A person applying for renewal as a sponsor of CDE programs pursuant to part 3100.4200, subpart 2, shall submit with an application a fee in the amount of \$95.

[For text of subs 9 to 10, see M.R.]



## Higher Education Coordinating Board

### Proposed Permanent Rules Relating to Loan Forgiveness; Rural and Urban Primary Care Physicians

#### Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Higher Education Coordinating Board intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mary Lou Dresbach  
Minnesota Higher Education Coordinating Board  
Capitol Square Building  
550 Cedar Street, Suite 400  
St. Paul, MN 55101  
(612) 296-3974

**Subject of Rule and Statutory Authority.** The proposed rule is about rural and urban primary care physician loan forgiveness. The statutory authority to adopt this rule is *Minnesota Statutes* 136A.04. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., October 8, 1993 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 8, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reasons for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement 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.

**Adoption and Review of Rule.** If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 20 August 1993

David R. Powers  
Executive Director

#### Rules as Proposed

##### 4810.3000 SCOPE.

Parts 4810.3010 to 4810.3070 apply to the rural and urban primary care physician loan forgiveness program.

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

## Proposed Rules

### 4810.3010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in *Minnesota Statutes*, section ~~136A.1351~~ 136A.1355, are applicable to parts 4810.3010 to 4810.3070.

[For text of subps 1a to 3, see M.R.]

**Subp. 4. Underserved urban community.** "Underserved urban community" means a Minnesota urban area included in the List of Designated Primary Medical Care Health Professional Shortage Areas (HSPAS) compiled annually by the United States Department of Health and Human Services.

### 4810.3020 CRITERIA FOR SELECTION.

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

- A. fourth year medical students;
- B. pediatric residents;
- C. family practice residents; or
- D. internal medicine residents.

**Subp. 1a. Ranking.** Applicants within each classification itemized in subpart 1 must be ranked further in the following order:

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

**Subp. 1b. Underserved urban community applicants.** Applicants seeking to practice in underserved urban communities must be fourth year medical students, family practice residents, pediatric residents, or internal medicine residents.

Subp. 2. **Insufficient award availability.** If more than eight 12 applicants start agree to serve as physicians in a designated rural area, the executive director shall choose participants in the order specified in subpart 1a for participation. If more than four applicants agree to serve as physicians in an underserved urban community, the executive director shall choose participants in the order specified in subpart 1a for participation. Applicants not chosen to participate initially must be placed on an alternate list from which additional participants will be chosen if a chosen participant declines to participate.

### 4810.3030 APPLICATION PROCESS.

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

Subp. 3. **Application form and contract.** Prospective physicians accepted into this program must complete and return the application form and contract provided by the executive director. The prospective physician agrees to serve at least three of the first five years following residency in a designated rural area or underserved urban community. Failure to complete and return the application form and contract by the specified deadline date results in the elimination of the applicant from the rural or urban primary care classification list.

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

Subp. 5. **Agreement or promissory note.** Before any payments are made by the executive director on qualified loans designated by the participant, the participant must sign the agreement or promissory note provided by the executive director. The participant must work as a physician at least 30 hours per week in a designated rural area or underserved urban community.

### 4810.3040 LOAN PAYMENT.

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

Subp. 4. **Additional payment amount.** If the amounts paid by the executive director on the designated loans for a participant is less than \$10,000 for a 12-month period, during the 12th month the executive director will pay an additional amount on the designated loans to equal \$10,000 for the 12-month period. Rural physician participants who meet the requirements in part 4810.3040, subpart 6, may designate an additional \$2,000 above the \$10,000 maximum specified in subpart 1 for each applicable year of residency. The total amount paid during the 12-month period cannot exceed the principal and accrued interest of the designated loans.

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

[For text of subp 6, see M.R.]

**4810.3050 PENALTY FOR NONFULFILLMENT.**

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

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

## **Board of Peace Officer Standards and Training**

### **Proposed Permanent Rules Relating to Licensing Rules**

#### **Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received**

**Introduction.** The Minnesota Board of Peace Officer Standards and Training intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on Thursday, October 7, 1993, a public hearing will be held on Tuesday, October 19, 1993. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 7, 1993, and before October 19, 1993.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: George Wetzel, Minnesota Peace Officer Standards and Training Board, Suite 200, 1600 University Avenue, St. Paul, Minnesota 55104, telephone 612-643-3060.

**Subject of Rules and Statutory Authority.** The proposed rules govern the licensing, education, and standards for peace officers and part-time peace officers. The statutory authority to adopt the rules is *Minnesota Statutes*, section 626.843, subdivision 1, paragraph (m). A copy of the proposed rules is published in the *State Register*. The current amendments arise from 1992 legislation which requires the Board to adopt rules with respect of part-time peace officers and requirements for documentation of hours worked by part-time peace officers. The rules related to supervision require the part-time peace officer to have the ability to directly contact a supervising officer, and the supervisor to have the ability to respond within a reasonable time. The rules related to documentation of hours worked require a part-time peace officer to give a monthly report of the number of hours worked for all agencies. The officer must give the report to each agency for which the officer works. At this time, the Board is also making some amendments to existing rules based on the Board's accumulated experience in administering these rules and to make the rules consistent with contemporary methods of practice. A free copy of the rules is available upon request from George Wetzel.

**Comments.** You have until 4:30 p.m., Thursday, October 7, 1993, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 7, 1993. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as printed in the *State Register* and must be supported by data and views submitted to the Board or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for October 19, 1993, will be canceled if the Board does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Board will notify you before the

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## Proposed Rules

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scheduled hearing whether or not the hearing will be held. You may also call George Wetzel at 612-643-3060 after October 7, 1993, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Tuesday, October 19, 1993, in Room 5 of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155. (The State Office Building is west of the State Capitol, across Constitution Avenue from the State Capitol. The State Office Building has a red roof and is just north of the Transportation Building.) The hearing will begin at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Bruce Campbell. Judge Campbell can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7602.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Board may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Board anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from George Wetzel at the address and telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** *Minnesota Statutes*, section 14.115, requires that the Board consider the impact of the rules on small businesses. The proposed rules will have no direct impact on small businesses.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, requires that if the adoption of rules by an agency will require an expenditure of public money by local public bodies, the appropriate notice of the agency's intent to adopt rules shall be accompanied by a written statement giving the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rules for the two years immediately following adoption of the rules if the estimated total cost exceeds \$100,000 for either of the two years. Calculating the cost of implementation of these rules is difficult, given the diversity of the areas covered. However, the area certain to have some fiscal impact is the implementation of the rules regarding part-time peace officer supervision. Agencies are presently under an obligation to supervise their part-time peace officers. Because this obligation existed prior to the proposed rules, no increase in cost to local agencies will arise from a rule which requires them to provide the supervision they were already providing prior to the proposed rules. However, in requiring that part-time peace officers maintain the ability to directly contact the designated supervising officers, some agencies may have to incur the expense of purchasing a portable radio for use by the designated supervising officer. Since it is not known how many agencies will need to make such a purchase to augment their radio communication capabilities, an estimate of cost will be based on the assumption that all agencies who utilize part-time peace officers will need to purchase a portable radio. Therefore, the fiscal impact analysis was calculated by multiplying the estimated cost of a new portable radio, including accessories, by the number of agencies which utilize part time peace officers. Since the cost of portable radios and accessories varies widely, depending on the quality and features, the highest cost estimate, \$950.00, was used. The total estimated cost, when multiplied by 247, which is the number of agencies using part-time peace officers, is \$234,650.00. It is important to note that this estimate may be substantially less than \$234,650.00. We believe many of the 247 agencies either already have a portable radio or would purchase one in the near future regardless of the rules. We also believe that many of the agencies that do purchase radios will buy ones that cost less than the most expensive models.

**Impact on Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

**Notice to Department of Finance.** In accordance with *Minnesota Statutes*, section 16A.1285, subdivision 5, pertaining to departmental charges, the Board has notified the Commissioner of Finance of the Board's intent to adopt rules in the above-entitled matter. A copy of the Board's notice and the Commissioner of Finance's comments and recommendations are included in the Statement of Need and Reasonableness.

**Notice to Chairs of Certain Legislative Committees.** In accordance with *Minnesota Statutes*, section 16A. 1285, subdivision 4, the Board has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Ways and Means Committee and the Senate Finance Committee prior to submitting this notice to the *State Register*.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period the Board may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request to George Wetzel at the address listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Board's Notice of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

Dated: 23 August 1993

William R. Carter III, Executive Director  
Board of Peace Officer Standards and Training

## Rules as Proposed

### 6700.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of ~~parts 6700.0100 to 6700.1900~~ this chapter, the words and phrases terms in this part have the meanings given them, unless another intention clearly appears.

Subp. 2. **Agency.** "Agency" ~~means a local or state law enforcement agency employing peace officers, part-time peace officers, or constables~~ has the meaning given it in *Minnesota Statutes*, section 626.84, subdivision 1, paragraph (h).

Subp. 3. **Appointing authority.** "Appointing authority" means the public official, board, commission, or other person or group of persons responsible for the initial appointment and continued tenure of persons employed by the agency as ~~peace officers, and part-time peace officers, and constables.~~

Subp. 4. **Appointment.** "Appointment" means ~~an~~ the official declaration by an agency that it provided by the agency to the POST board which indicates that the agency has engaged the services of a peace officer, ~~or part-time peace officer, or constable,~~ beginning on a specified date.

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

Subp. 6. **Board or POST board.** "Board" ~~or "POST board"~~ means the Board of Peace Officer Standards and Training.

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

Subp. 8. **Chief law enforcement officer.** "Chief law enforcement officer" means the designated head and the highest ranking board-licensed peace officer within an agency, ~~or in the absence of one, the appointing authority.~~

Subp. 9a. **Conviction.** "Conviction" means that a person has been charged with a crime and the person was found guilty of that crime, regardless of length of or imposition or execution of any sentence received, any deferred finding of guilt or imposition of sentence by the court, any continuance for dismissal granted by the court, or any expungement of the offense records or conviction.

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage the day-to-day activities of the professional peace officer education program ~~or the academic component or clinical skills component of the professional peace officer education program.~~

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## Proposed Rules

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Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity examination, but who has not yet secured employment as a ~~law enforcement~~ peace officer.

[For text of subp 12, see M.R.]

Subp. 12a. **Felony.** "Felony" means a crime punishable by more than one year in prison.

Subp. 13. [See repealer.]

[For text of subps 14 to 20, see M.R.]

Subp. 21. [See repealer.]

[For text of subps 22 to 24, see M.R.]

Subp. 25. **Classroom discrimination.** ~~Effective July 1, 1989,~~ "Classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or ~~characteristics identified as~~ sexual orientation, and that offends another.

### 6700.0200 STATUTORY AUTHORITY.

The Board of Peace Officer Standards and Training, which operates pursuant to *Minnesota Statutes*, sections 626.84 to 626.855, is authorized to ~~promulgate~~ adopt rules and standards relating to the selection, training, and licensing of peace officers, ~~and part-time peace officers, and constables in the state of Minnesota.~~ The following rules are adopted pursuant to *Minnesota Statutes*, sections 214.12, 626.843, and ~~626.845~~ 626.863.

### 6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include instruction in the learning objectives approved by the board and based on the following subject areas:

~~A. The academic education component includes instruction in administration of justice, *Minnesota Statutes*, criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid.~~

~~B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.~~

A. history and overview of the criminal justice system;

B. Minnesota statute law;

C. constitutional law and criminal procedure;

D. juvenile justice system and procedure;

E. patrol procedures;

F. criminal investigation and testifying;

G. human behavior and crisis intervention;

H. defensive tactics and use of force; and

I. cultural awareness and response to crime victims.

By December 31, 1993, all programs certified by the board to deliver professional peace officer education shall submit to the board an amended application describing the manner in which the certified program will deliver the integrated curriculum described in this subpart as part of a postsecondary degree or certificate program. The certification of any program is void if an amended application is not submitted by this date.

The organization of the curriculum and the location of delivery of curriculum components is the responsibility of the certified school's governing body.

[For text of subp 2, see M.R.]

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, ~~item A or B or both~~ and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may ~~issue specific~~ revise the learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1. These revisions must be incorporated into the professional peace officer education of the certified program.

Subp. 5. **Participation requirement in clinical skills requirements.**

A. ~~All students shall be capable of safely participating in the clinical skills component of the professional peace officer education program. Any student unable to safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school. All certified schools shall develop standards for admission to the professional peace officer education courses. These standards must measure the student's likelihood of successful completion of the program.~~

B. No student may be admitted to the professional peace officer program who:

(1) poses a serious threat to the health or safety of themselves or others;

(2) has been convicted of a felony;

(3) has been convicted under Minnesota Statutes, sections 609.221 to 609.224 or 609.52;

(4) has been convicted of a crime for which the penalty was enhanced under Minnesota Statutes, section 626.5531;

(5) has been convicted of a crime listed under Minnesota Statutes, section 214.10, subdivision 2a;

(6) has been convicted of misconduct by an officer under Minnesota Statutes, section 609.43; or

(7) has been convicted of any of the crimes in this item in another state or federal jurisdiction, or under a local ordinance, that would be a conviction if committed in Minnesota.

The school shall submit to the POST board the names of applicants for the purpose of verifying the conviction data. The POST board shall report to the school the names of applicants who do not qualify for admission under this section.

C. ~~If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in subpart 5, item A or B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component program because of any of the requirements in subpart 5, item A or B.~~

D. Prior to admission to the professional peace officer education program, all students must be advised in writing of the minimum selection standards under part 6700.0700, using an advisory form developed by the board. In addition, students shall be advised in writing of the credit transfer agreements which the certified program has established with upper division institutions in Minnesota.

Subp. 6. ~~Coordinator's duties~~ Certified school's responsibilities. ~~The coordinator's duties~~ certified school's responsibilities include the following:

A. ~~The coordinator~~ certified school shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. ~~Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.~~

B. The certified school shall implement a records retention schedule requiring that curriculum materials used in the delivery of professional peace officer education be retained for five years. The materials must include course outlines, bibliographies, and other materials which would document the contents of the certified school's curriculum. This document applies to courses offered both on the certified school's campus and at any contracted extended sites.

C. ~~The coordinator~~ chief executive officer of the certified school shall, by October 1 of each year, file with the board a ~~semiannual~~ an affirmative action plan and such other relevant information as the board may require. The affirmative action plan must ~~describe~~ include specific goals and objectives which describe measurable statements of performance for the recruitment and retention of minority students and women in the ~~law enforcement program~~ certified school's professional peace officer education program. By September 1 of each year, the chief executive officer of the certified school shall submit a written report to the board evaluating the effectiveness of the special goals and objectives included in the affirmative action plan from the previous year. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

~~C. D.~~ D. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The

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## Proposed Rules

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signature facsimile of the new coordinator must accompany this notification. Any person appointed as a coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

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

**Subp. 8. Safety policies required.** Each certified school shall implement a formal written safety policy which incorporates specific rules, procedures, and protocols to ensure student and faculty safety as well as provide a safe, humane, and educationally sound learning environment. These policies must contain at least:

A. a process for students to identify any preexisting injuries or medical restrictions which may affect their ability to safely participate in the training;

B. a prohibition against unduly harsh training activities, or training activities which are designed to humiliate or inappropriately accentuate student shortcomings;

C. a process for written documentation of details associated with any student injury which occurs during any training course. Specific injury trends and any particularly high risk training practices or techniques shall be evaluated, amended, or eliminated if safe environments cannot be ensured;

D. guidelines to direct instructors to reduce instructional pace and intensity during heat waves, cold waves, or other adverse climatic or environmental conditions; and

E. a prohibition against depriving students of necessary food, water, or protective equipment when engaged in physical or psychomotor skills training.

**Subp. 9. Policies provided.** Students and faculty shall be provided with a copy of the written safety policy required in subpart 8. Instructors shall review this policy prior to any psychomotor skills training.

**Subp. 10. Documentation of completion.** The registrar's office of each certified school shall retain documentation on an official school transcript which indicates the manner in which the student completed the professional peace officer education courses.

### 6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. All applications for certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the higher education coordinating board.

[For text of subp 2, see M.R.]

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus site not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days from July 11, 1989, to seek approval from the board.

C. By May 1, 1990, and every five years after that, the board must send a renewal application form to all certified schools. This application form must request information regarding the criteria contained in subpart 1. The coordinator must file the completed application with the board by November 1 of the year the application form was received. All applications for renewal of certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the higher education coordinating board. Upon review of the properly filed application form, the board shall renew the school's certification for another five years, if the board finds that the requirements of subpart 1 have been met. If a certified school does not comply with the requirements of this subpart, the school's certification will be deemed to have expired and the school will be required to reapply for certification under the procedures in subparts 1 and 2.

[For text of subps 4 to 6, see M.R.]

### 6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, **items A and B** are eligible to take the peace officer licensing examination. An application must include an official certified transcript showing the completion of a postsecondary degree and the coordinator's signature attesting to the student's successful completion of professional peace officer education.



Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate peace officer licensing examination again. ~~The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace officer licensing examination.~~ Upon successful completion of the examination the person is eligible to be licensed for three years.

#### **6700.0600 LICENSING EXAMINATIONS.**

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board to be received by the board no later than two weeks before the scheduled date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2. Applications and all supporting documents for the peace officer licensing examination must be received by the board no later than two weeks before the day of the examination. In no cases shall applications and supporting documentation be accepted after the two-week deadline. The application and supporting documents are valid for one year from the date the application is received by the board.

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

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the application to take the examination was received by the board. The fee and any supporting documents are invalid at the same time the application becomes invalid. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

#### **6700.0601 EXAMINATION STANDARDS.**

Subpart 1. **Grounds for denial.** Violations of the following standards shall be grounds to deny an applicant to take an examination or to deny eligibility for a license.

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

G. having been convicted of a felony in any state or federal jurisdiction; ~~or~~

H. having been convicted of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota; or

I. having been convicted of a crime listed in part 6700.0300, subpart 5, item B, subitems (3) to (7).

[For text of subs 2 and 3, see M.R.]

#### **6700.0700 MINIMUM SELECTION STANDARDS.**

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify affirm that the applicant has already completed certain of these standards, but ~~certification~~ the affirmation must be documented pursuant to subpart 2.

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

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 3. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. [See repealer.]

[For text of subp 4, see M.R.]

#### **6700.0701 NOTIFICATION OF CONVICTION.**

If any background search required by ~~parts 6700.0100 to 6700.1900~~ this chapter reveals a conviction of a felony, ~~the conviction of a crime listed in Minnesota Statutes, section 214.10, subdivision 2a, or the conviction of a any crime which listed in this chapter, or conviction of a crime which~~ was charged under an ordinance or law of another state but would be a conviction under *Minnesota Statutes*, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.

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## Proposed Rules

### 6700.0800 LICENSING OF PEACE OFFICERS.

Subpart 1. **Board appointees; notification.** The chief law enforcement officer shall notify the board of the appointment of ~~and~~ any person to the position of peace officer before the first day of the appointee's employment. Notification shall be made on a form provided by the board, and it shall include the appointee's full name, sex, date of birth, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed in part 6700.0700. The appointee may not exercise peace officer powers until the notification form is received and approved by the board.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Licensing fee.** ~~The appropriate licensing fee is \$15 if the licensee is to be licensed for 30 to 36 months; \$10 if the licensee is to be licensed for at least 18 months but less than 30 months; and \$5 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months. If the board receives an application and fee on or after March 1 of the year in which the applicant would otherwise be due to renew the license, the license will be valid through June 30 of the third year following receipt.~~

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

### 6700.0900 CONTINUING EDUCATION.

Subpart 1. **Purpose.** Pursuant to the authority vested in it by *Minnesota Statutes*, section 214.12, the board has determined that a program of continuing education for peace officers ~~and constables~~ is necessary to promote and ensure their professional competence.

Subp. 2. **Continuing education and license renewal.** No peace officer ~~or constable~~ license may be renewed unless the licensee or the licensee's appointing authority furnishes the board proof that the licensee has successfully completed board-approved continuing education as provided in part 6700.1000, subpart 3.

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

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

G. Approval of continuing education courses shall be based upon relevance to the knowledge, skills, and abilities needed to be a peace officer ~~or constable~~.

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

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Instructor credit.** Peace officers ~~or constables~~ may earn up to one-half of their required continuing education credits for instructing in approved continuing education courses. The peace officer ~~or constable~~ may earn two hours of continuing education credit for each hour of instruction.

Subp. 10. **Credit for courses not directly approved by the board.** Peace officers ~~or constables~~ may request continuing education credit for a course which was not directly approved by the board provided the course was not denied approval, the licensee can show proof that the course was law enforcement related, and can prove successful completion of the course. Application for credit must be submitted on forms provided by the board. Continuing education credit will be granted according to subpart 3, items G and H.

Continuing education credit may be granted for courses completed at accredited colleges and universities according to subpart 3, item G, and credit shall be granted with one semester credit equalling 15 continuing education credits and one quarter credit equalling ten continuing education credits.

[For text of subps 12 to 17, see M.R.]

### 6700.1000 LICENSE RENEWAL.

Subpart 1. **Validity of licenses and renewal dates.** Peace officer licenses issued by the board ~~pursuant to~~ under part 6700.0800 are valid until they expire ~~according to the provisions of that part~~, are revoked, or are surrendered by the licensee. ~~Constable licenses issued by the board pursuant to part 6700.1200 are valid until they expire according to the provisions of that part, are revoked, or are surrendered by the licensee.~~ Part-time peace officer licenses issued by the board pursuant to part 6700.1100 are valid until they expire, are revoked, or are surrendered by the licensee.

The licenses of licensees whose surnames begin with the letters A through G are due for renewal on July 1, 1983, and on July 1 every third year thereafter.

The licenses of licensees whose surnames begin with the letters H through M are due for renewal on July 1, 1984, and on July 1 every third year thereafter.

The licenses of licensees whose surnames begin with the letters N through Z are due for renewal on July 1, 1982, and on July 1 every third year thereafter.

[For text of subp 2, see M.R.]

Subp. 3. **Certificate of renewal.** The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education. The appropriate fees are \$15 for renewal of a peace officer license, and \$7.50 for renewal of a part-time peace officer license, ~~and \$15 for renewal of a constable license~~. The required hours of continuing education are:

- A. no hours for any part-time peace officer or for a peace officer ~~or constable~~ who has been licensed for less than six months;
- B. 16 hours for a peace officer ~~or constable~~ who has been licensed for at least six months but less than 18 months, ~~no more than two of which consist of on-line shooting~~;
- C. 32 hours for a peace officer ~~or constable~~ who has been licensed for at least 18 months but less than 30 months, ~~no more than four of which consist of on-line shooting~~; and
- D. 48 hours for a peace officer ~~or constable~~ who has been licensed for at least 30 months, ~~no more than six of which consist of on-line shooting~~.

[For text of subp 4, see M.R.]

Subp. 5. **Lapse Expiration of license.** A license shall ~~lapse~~ expire when the requirements of subpart 3 are not met.

Subp. 6. **License ~~lapsed~~ expired less than three years.** The executive director shall restore a license and issue a certificate of renewal for a license which has been ~~lapsed~~ expired for less than three years when the licensee submits:

- A. the appropriate license renewal fee for a ~~lapsed~~ an expired license; and

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

Subp. 7. **License renewal fee.** For the purposes of subparts 6 and 9, the appropriate license renewal fee for a ~~lapsed~~ an expired license is as follows:

- A. ~~lapsed~~ expired peace officer license is \$45; or
- B. ~~lapsed~~ expired part-time peace officer license is \$37.50; ~~or~~
- C. ~~lapsed~~ constable license is \$45.

Subp. 8. **License ~~lapsed~~ expired more than three years.** When a license has been ~~lapsed~~ expired for more than three years, the executive director shall restore the license when:

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

- B. the licensee submits the appropriate license renewal fee for a ~~lapsed~~ an expired license.

[For text of subp 9, see M.R.]

Subp. 10. **Continuing education after license is restored.** Notwithstanding any rule to the contrary, after a peace officer ~~or constable~~ license has been restored, the licensee shall complete 48 hours of board-approved continuing education, ~~no more than six of which consist of on-line shooting~~, on or before June 30 of the year when the license becomes due for renewal.

[For text of subp 11, see M.R.]

#### **6700.1101 PART-TIME PEACE OFFICERS.**

Subpart 1. **Scope and purpose.** In view of the legislature's stated policy on part-time peace officers in *Minnesota Statutes*, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers ~~and constables~~, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to part-time peace officers appointed on or after August 1, 1985.

Subp. 2. **Minimum selection and training standards.** An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in *Minnesota Statutes*, section 626.8463, prior to being appointed. The chief law enforcement officer must ~~certify~~ affirm that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

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## Proposed Rules

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

[For text of subp 3, see M.R.]

Subp. 4. **Notification of appointment of part-time peace officer.** The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5. The appointee shall not exercise part-time peace officer powers until the notification form is received and approved by the board.

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

Subp. 6. **Issuance of part-time peace officer license.** The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of part 6700.1000, subpart 1. The appropriate licensing fee is \$7.50 if the license is valid for at least 30 months but less than 36 months; \$5 if the license is valid for at least 18 months but less than 30 months; and \$2.50 if the license is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months. If the board receives an application and fee on or after March 1 of the year in which the applicant would otherwise be due to renew the license, the license will be valid through June 30 of the third year following receipt.

Subp. 7. **Inactive status of part-time peace officer license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination. An individual who possesses an inactive part-time peace officer license has no part-time peace officer power or authority.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than three years after the date the individual's license was placed on an inactive status is required to complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the documentation necessary to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

[For text of subp 8, see M.R.]

### **6700.1105 DEFINITIONS.**

Subpart 1. Scope. For the purpose of parts 6700.1105 to 6700.1130, the terms in this part have the meanings given them.

Subp. 2. Active duty status. "Active duty status" means the part-time peace officer is authorized by agency policy to act as an agent of the appointing authority with power of arrest and authority to carry a firearm.

Subp. 3. Designated peace officer. "Designated peace officer" means the peace officer appointed by the chief law enforcement officer or designee and responsible for the supervision of the part-time peace officer.

Subp. 4. Hours worked. "Hours worked" means the actual numbers of hours served while the part-time peace officer is on active duty status.

Subp. 5. Supervision of part-time peace officer. "Supervision of part-time peace officer" means the part-time peace officer and the designated peace officer are aware of their respective identities, the part-time peace officer can directly contact the designated peace officer, and the part-time or designated peace officer can achieve direct personal contact within a reasonable time.

### **6700.1110 SUPERVISION OF PART-TIME PEACE OFFICER.**

Subpart 1. Scope. This part applies to all agencies which appoint, employ, or otherwise use the services of a part-time peace officer.

Subp. 2. Agency using part-time peace officer. An agency which appoints, employs, or otherwise uses the services of a part-time peace officer shall establish a written policy including at least:

A. the terms and conditions under which a part-time peace officer is considered to be on active duty status;

B. the means by which a part-time peace officer is made aware of the identity and location of the designated peace officer, and the means by which a part-time peace officer must notify the designated peace officer of the part-time peace officer's active duty status;

C. the means by which supervision of the part-time peace officer must be provided; and

D. the means by which a part-time peace officer shall notify the designated peace officer when the part-time peace officer is no longer on active duty status.

**Subp. 3. Agency providing supervision for part-time peace officer.** An agency which designates a peace officer to supervise a part-time peace officer shall establish a written policy including at least:

A. how the designated peace officer is to be notified of the designated peace officer's responsibility for assuming supervision of a part-time peace officer;

B. the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer;

C. the means by which the part-time peace officer is to notify the designated peace officer that the part-time peace officer is on active duty status; and

D. the means by which the designated peace officer is to be notified when the part-time peace officer is no longer on active duty status.

**Subp. 4. Supervision of part-time peace officer by designated peace officer in different agency.** An agency which agrees to designate a peace officer for the supervision of a part-time peace officer who is not employed by the same agency as the designated peace officer shall establish at a minimum:

A. all policies required under part 6700.1105, subpart 2;

B. all policies required under part 6700.1110;

C. a written agreement, signed by the chief law enforcement officers of both agencies which are party to the agreement, which addresses the following:

(1) effective date of agreement;

(2) liability and indemnification terms; and

(3) terms by which the agreement may be altered or severed; and

D. a written joint powers agreement which confers upon the designated peace officer full power and authority within the jurisdiction of the part-time peace officer to be supervised.

#### **6700.1115 HOURS WORKED BY PART-TIME PEACE OFFICER.**

**Subpart 1. Limitation.** A part-time peace officer must not work more than 1,040 hours on active duty status during the calendar year.

**Subp. 2. Documentation.** A part-time peace officer shall record all active duty hours worked, on a form provided by the board, for each agency by whom the part-time peace officer is appointed. The part-time peace officer shall record the date, time, and total hours of active duty. The part-time peace officer shall also record the name of the agency for whom the hours were worked, and the name of the designated peace officer assigned for each shift or time entry on the log.

**Subp. 3. Reporting.** On the last day of every month, the part-time peace officer shall provide the chief law enforcement officer of each agency by whom the part-time peace officer is employed written notice of the total number of hours worked for all agencies. The notice shall be provided on a form provided by the board.

**Subp. 4. Record retention.** The part-time peace officer shall keep and maintain copies of active duty reporting forms for five years and shall make the forms available to the board upon request.

#### **6700.1120 AGENCIES.**

An agency using part-time peace officers shall notify the board and provide the names and license numbers of individuals employed or appointed by the agency as part-time peace officers. Agencies must comply with this part within 60 days of the effective date of this part.

#### **6700.1125 POLICY DISTRIBUTION.**

Copies of policies required under parts 6700.1105 to 6700.1130 must be provided to all part-time peace officers before they are

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## Proposed Rules

authorized to exercise part-time peace officer authority on behalf of a unit of government. Copies of these policies shall also be distributed to all designated peace officers.

### **6700.1130 TERMINATION OF PART-TIME PEACE OFFICERS.**

An agency which terminates a part-time peace officer for any reason shall notify the part-time peace officer in writing of the termination and provide a copy of this notice to the board within ten days of the termination.

### **6700.1300 TRANSITION FROM PART-TIME PEACE OFFICER TO PEACE OFFICER.**

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

Subp. 2. **Eligibility.** An appointing authority may, by formal declaration to the board, state its intention to have any part-time peace officer in its employ be eligible for peace officer licensing, subject to the following restrictions:

A. the individual named in this declaration must be a part-time peace officer who has worked 1,040 hours as a part-time peace officer since the date the individual was licensed, pursuant to part 6700.1100, subpart 9; ~~and~~

B. the individual shall complete all selection standards as outlined in part 6700.0700 before the declaration is submitted to the board; ~~and~~

C. the individual named in the declaration must provide documentation which establishes that the individual is currently enrolled in a professional peace officer education program.

Subp. 3. **Declaration of intent.** The declaration of intent shall demonstrate a compelling need for having an agency's part-time peace officer or officers become peace officers. To demonstrate compelling need, the appointing authority must establish that no other peace officer or part-time peace officer is employed by the appointing authority due to circumstances beyond the control of the appointing authority. The declaration must be in the form of a formal resolution made by the appointing authority. The board shall be provided with a copy of the resolution and the minutes of the meeting at which it was made. These documents shall be submitted to the board within ten days of the effective date of the resolution.

Subp. 4. **Removal of hour restriction.** The 20-hour per week limit prescribed by *Minnesota Statutes*, section 626.84, subdivision 1, clause (f) for a part-time peace officer will be waived in accordance with *Minnesota Statutes*, section 626.84, subdivision 1, clause (f) only after the board has formally approved the declaration submitted by the appointing authority. The 20-hour per week restriction may thereafter be waived at the discretion of the appointing authority for a period not to exceed ~~one year~~ six months. This ~~one-year~~ six-month limit may be extended only for compelling reasons, subject to board review and approval. No individual may have the hour restriction removed a second time if the individual fails to obtain a peace officer license within ~~one year~~ six months from the date the board approved the agency's declaration of intent to have the individual become a peace officer. Waiver of the hour restriction may only be effected in a single agency in cases where the officer works for more than one department. An individual working for more than one agency whose hourly restriction has been waived in one of these agencies shall still be bound to the 20-hour a week limit in all other agencies for which the individual works. Upon acceptance by the board, the officer is exempted from the limitation on the number of hours that may be worked. The officer is subject to all other part-time peace officer requirements as outlined in *Minnesota Statutes*, sections 626.8464 and 626.8465.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. Eligibility for licensing. A part-time peace officer who completes the requirements of parts 6700.0300, subpart 1, and 6700.0500, subpart 3, is eligible to be licensed as a peace officer.

### **6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.**

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

Subp. 4. Inactive license. An individual who possesses an inactive peace officer license has no peace officer power or authority.

### **6700.1600 VIOLATION OF STANDARDS OF CONDUCT.**

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

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

E. any violation of a board rule set forth in ~~parts 6700.0100 to 6700.1900~~ this chapter;

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700; ~~or~~

G. the conviction of a crime which was charged under an ordinance ~~or ordinance~~ or statute of another state but which would be a conviction under *Minnesota Statutes*, section 609.52 if it was charged under ~~state~~ Minnesota law; ~~or~~

H. any conviction of a violation of Minnesota Statutes, section 609.23, 609.231, 609.43, 609.465, 609.466, 609.52, or 626.557, or a conviction in another state or federal jurisdiction which would be a violation of the cited statutes if it had been committed in Minnesota.

#### **6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.**

Subpart 1. **Annual reimbursement.** Pursuant to *Laws of Minnesota 1981*, chapter 341, section 1, the board shall provide annual reimbursement to help defray the costs that have been incurred by local units of government in making continuing education available to the peace officers ~~or constables, or both~~, employed by them; provided, however, that the board's program of reimbursement is contingent upon the continued availability of funds designated for that purpose.

Subp. 2. **Equal shares of funds.** Equal shares of the available funds shall be disbursed to the local units for each peace officer ~~or constable~~ who:

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

B. has had at least 16 hours of board-approved continuing education made available to the ~~constable or~~ peace officer by the local unit during those 12 months.

[For text of subp 3, see M.R.]

Subp. 4. **Application forms.** The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. When applying for reimbursement, a local unit shall provide a list of the peace officers ~~or constables~~ together with their license numbers for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's rules.

Subp. 5. **Signing of application forms.** Application forms shall be signed by both the chief law enforcement officer ~~and the official designated by resolution of the appointing authority~~. The forms shall be submitted to the executive director within ~~60~~ 30 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

Subp. 6. **Further information.** The executive director may require such further information or documentation as may be necessary to substantiate a correction in the number of shares to be credited to an applicant for reimbursement. If the same peace officer ~~or constable~~ is claimed by more than one applicant, the executive director shall determine which applicant is eligible for the share. This determination shall be made by documented statements of hours worked. Reimbursement funds shall be disbursed to the county, municipal, or township treasurer as soon as possible after approval of the applications and computation of the amount per share to be awarded to each applicant.

**REPEALER.** *Minnesota Rules, parts 6700.0100, subparts 13 and 21; 6700.0700, subpart 3; and 6700.1300, subparts 5, 6, and 7, are repealed.*

## **Board of Assessors**

### **Proposed Permanent Rules Relating to Licensing Requirements for Certified and Accredited Minnesota Assessors**

#### **Notice of Intent to Adopt a Rule Without a Public Hearing**

**NOTICE IS HEREBY GIVEN** that the State Board of Assessors intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, 270.47.

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

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

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## Proposed Rules

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

Gerald D. Garski  
Board of Assessors  
Mail Station 3340

St. Paul, MN 55146-3340  
Phone: 612-296-0205  
Fax: 612-297-2166

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.

**The rule proposed for adoption relates to the following matters:**

1. More fully explains the definition of "Board Education Units" and "Continuing Education Units."
2. Defines the term "Specific Assessing Jurisdiction."
3. Changes the current requirements for the designation of Accredited Minnesota Assessor by:
  - a) Providing for an alternative educational course to be used in lieu of IAAO Course 4.
  - b) Granting the equivalent of one year of practical experience for a master's degree in a field related to assessing.
4. Changes the requirements—effective January 1, 1995—for the designation of Accredited Minnesota Assessor by:
  - a) Adding the educational requirement of successfully completing one course dealing with the appraisal of income producing property.
  - b) Adding the educational requirement of successfully completing a seminar dealing with standards of professional practice and ethics.
5. Changes the current requirements for the designation of Senior Accredited Minnesota Assessor by:
  - a) Providing for two alternatives to writing a demonstrative narrative appraisal; either successful completion of the IAAO computer assisted mass appraisal track for the CAE designation or successful completion of both IAAO Course 302 and the case studies examination.
  - b) Granting the equivalent of one year of practical experience for a master's degree in a field related to assessing.
6. Changes the requirements—effective January 1, 1995—for the designation of Senior Accredited Minnesota Assessor by:
  - a) Repealing the contract points method of obtaining the SAMA designation.
  - b) Adding the educational requirement of successfully completing two courses dealing with the appraisal of income producing property.
  - c) Providing a new alternative method of achieving the designation of SAMA consisting of:
    - i. Meeting all of the normal educational and experience requirements for the designation.
    - ii. Holding a bachelor's, master's or doctor's degree from an accredited college or university.
    - iii. Achieving a passing grade on a demonstrative narrative appraisal of an income producing property or holding the designation of MAI, CAE, SREA or SRPA.
7. Imposes a \$20 fee for all retests of appraisal educational courses.
8. Provides the Board with the authority to increase license fees in an amount sufficient to cover the costs of investigation of complaints against assessors and subsequent appeals.
9. Conforms to current state law by prohibiting and prescribing penalties for assessors who perform fee appraisals within their specific taxing jurisdictions.

A free copy of the rule is available upon request from Gerald D. Garski at the address shown above.

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

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

Dated: 16 August 1993

Gerald D. Garski  
Secretary—Treasurer  
Board of Assessors



**Rules as Proposed****1950.1000 DEFINITIONS.**

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

Subp. 4. **Board education units.** "Board education units" means alternative educational units approved by the board. Normally one instructional hour equals one-tenth educational unit.

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

Subp. 6. **Continuing education units.** "Continuing education units" means educational units approved by the University of Minnesota or other certified postsecondary educational institution and the board. Normally one instructional hour equals one-tenth educational unit.

[For text of subs 7 to 12, see M.R.]

Subp. 13. **Short course.** "Short course" means the annual Property Valuation Short Course for Minnesota Assessors sponsored by the University of Minnesota, ~~Institute of Agriculture, Office of Special Projects~~ extension special programs.

Subp. 13a. Specific assessing jurisdiction. "Specific assessing jurisdiction" means the entire political entity; county, city, or town, by whom an assessor is employed or for whom the person is performing the duties of an assessor under contract.

[For text of subs 14 to 16, see M.R.]

**1950.1050 ACCREDITED MINNESOTA ASSESSOR (AMA).**

An assessor employed by a township or city shown on the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" under the heading "Accredited" must obtain the accredited Minnesota assessor designation. A jurisdiction requiring this level of assessor may hire a certified Minnesota assessor specialist if the assessor obtains the required designation within one year of hire. An assessor who fails to obtain the required designation must be dismissed. Requirements for accredited Minnesota assessor are given in items A to F H.

A. A passing grade on the following courses:

[For text of subitems (1) to (3), see M.R.]

(4) IAAO 4, assessment administration or approved alternative; and

[For text of subitem (5), see M.R.]

B. Satisfactory attendance at five days of approved seminars. A list of approved seminars is available from the board at no cost. ~~An Alternate seminar~~ seminars may be substituted if they receive prior approval of the board. ~~The seminar~~ seminars will only be approved if the content is appropriate to the enhancement of the assessor's professional skills.

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

E. Three years of assessment experience, or two years of experience and a master's degree in a related field.

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

G. Effective January 1, 1995, the following additional requirements are needed to obtain the designation of accredited Minnesota assessor:

(1) a passing grade on course J, basic income approach to valuation, or IAAO 2, income approach to valuation, or IAAO 302, mass appraisal of income producing properties, or approved alternative; and

(2) completion of the IAAO seminar, standards of professional practice and professional ethics, or approved alternative.

H. Effective January 1, 1995, the requirement shown in items A, subitem (5), and B will be combined to require a passing grade on one elective course from the list of approved elective courses shown in the educational bulletin available from the board or satisfactory attendance at five days of approved seminars. A list of approved seminars is available from the board at no cost. Alternate seminars may be substituted if they receive prior approval of the board. The seminars will only be approved if the content is appropriate to the enhancement of the assessor's professional skills.

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## Proposed Rules

### 1950.1060 SENIOR ACCREDITED MINNESOTA ASSESSOR (SAMA).

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

Subp. 2. **Specific requirements for SAMA.** Requirements for senior accredited Minnesota assessor are given in items A to ~~D~~ E.

[For text of items A and B, see M.R.]

C. As an alternative to obtaining a passing grade on a narrative appraisal the applicant may substitute one of the following:

(1) successful completion of the IAAO computer assisted mass appraisal track for the certified assessment evaluation designation; or

(2) successful completion of both IAAO 302, mass appraisal of income producing property, and the IAAO case studies examination.

D. Five years of assessment experience or four years of experience and a master's degree in a related field.

~~D~~ E. Application to the board, and the appropriate fee.

F. Effective January 1, 1995, a passing grade on one educational course dealing with the appraisal of income producing property is needed to obtain the designation of senior accredited Minnesota assessor. This course must be in addition to the income appraisal course needed to meet the requirements of the accredited Minnesota assessor designation. Approved educational courses for this requirement are: course J, basic income approach to valuation; IAAO 2, appraisal of income producing property; and IAAO 302 mass appraisal of income producing property or approved alternative.

Subp. 3. **Contract method for filling SAMA requirements.** In addition to the requirements in subpart 2, ~~item A~~ for obtaining the designation of senior accredited Minnesota assessor, the board has also approved an alternate or contract method. The contract consists of obtaining at least 34.6 points. Points are earned according to the schedule shown in subpart 4. Earning 34.6 points is used in lieu of the requirements in subpart 2, item B. All other requirements, including holding or meeting the requirements of the designation of accredited Minnesota assessor, having five years of assessor experience, and making application to the board, apply.

[For text of subps 4 and 5, see M.R.]

Subp. 6. Change in alternate method for meeting SAMA designation requirements. Effective January 1, 1995, subparts 3, 4, and 5, are repealed. As an alternative to the requirements shown in subpart 2, items A to E, an assessor may meet the requirement for the senior accredited Minnesota assessor designation by:

A. completing the requirements shown in subpart 2, items A, D, E, and F;

B. showing proof of having been awarded a bachelor's, master's, or doctor's degree from an accredited university or college; and

C. achieving a passing grade on a demonstrative narrative appraisal of an income producing property. An appraisal of a nonincome producing property is not sufficient to meet the requirement of this part. In lieu of this narrative appraisal of an income producing property the applicant may substitute obtaining one of the designations shown in subpart 2, item B.

### 1950.1070 FEES.

The board shall charge the following fees:

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

K. \$15 for a record retention fee; and

L. \$10 for an educational transcript;

M. \$20 for all retests of board sponsored educational courses; and

N. in addition to the fees listed in items A to M, the board may impose an investigatory surcharge on all license holders. This surcharge will be imposed in an amount sufficient to cover the cost of all investigations and subsequent appeals incurred by the board pursuant to its responsibilities under Minnesota Statutes, chapters 14 and 214.

Fees are reviewed annually by the board and set in accordance with Minnesota Statutes, sections 16A.128 and 214.06, which require boards to be self-sufficient.

### 1950.1080 CONTINUING EDUCATION.

Subpart 1. **Requirement.** To maintain a specific level of licensure, an assessor must take continuing education. A certified Minnesota assessor or certified Minnesota assessor specialist license holder must obtain at least four continuing education units or board education units during a four-year period. An accredited Minnesota assessor or senior accredited Minnesota assessor license holder must obtain at least five continuing education units or board education units. The four-year educational period begins July 1 of every presidential election year and ends June 30 of the succeeding presidential election year. An assessor who upgrades his or her a license, for example,

by moving from a certified Minnesota assessor to an accredited Minnesota assessor, during this four-year period must only obtain the continuing education units or board education units needed for the license held at the beginning of the educational period.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Licensing at a lower level.** An accredited Minnesota assessor or senior accredited Minnesota assessor who does not obtain the necessary five continuing education units or board education units within an educational period may be licensed at the level of certified Minnesota assessor specialist if ~~he or she~~ the assessor has obtained at least four continuing education units or board education units. If the assessor has not obtained at least four continued education units or board education units, no license will be issued. The issuance of a certified Minnesota assessor specialist license to an assessor does not entitle the assessor to work in a taxing jurisdiction that requires an accredited Minnesota assessor or senior accredited Minnesota assessor designation.

[For text of subps 4a and 5, see M.R.]

#### **1950.1090 CONDUCT AND DISCIPLINE.**

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

Subp. 2. **Refusal to grant license.** The board may refuse to grant or issue an assessor's license for the following causes:

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

E. failure to pay the required license or application fee; ~~and~~

F. conviction of a felony; and

G. performing fee appraisals within the assessor's specific assessing jurisdiction.

[For text of subp 3, see M.R.]

Subp. 4. **Revocation of license.** The board may revoke an assessor's license for the following offenses:

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

B. giving preferential treatment to a taxpayer by knowingly and intentionally listing property on the tax list at substantially less than its market value, or misclassifying property to gain favor or benefit from the taxpayer; ~~and~~

C. unprofessional conduct caused by knowingly and willingly failing to comply with the duties of assessors in *Minnesota Statutes*, chapters 272, 273, and 274, the result of which is an adverse or injurious impact on the taxpayer of the assessor's jurisdiction; and

D. performing fee appraisals within the assessor's specific taxing jurisdiction.

The board may specify that the revocation is permanent, or it may specify a period of time after which the assessor may reapply for a license. If an assessor's license has been revoked, all assessor education credits and designations authorized by the board are also revoked and the assessor must meet all educational requirements of the level of license being applied for anew. The board shall consider the same factors in license revocation proceedings as are considered in matters of license suspension.

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

Subp. 6. **Outside activities.** Certain activities outside the scope of the assessor's office may give the appearance of a conflict of interest to the taxpayers of the assessor's jurisdiction. These activities include the performance of fee appraisals, tax representation or consultation, real estate sales, insurance sales, and property management. In order to avoid situations which could compromise the integrity of the assessor's office, each assessor applying for a license is required to list on the license application any for-profit outside activities such as those stated above. All employers of assessors engaged in outside activities will be notified of this fact by the board by December 31 of each year. Whether or not the assessor may continue the outside activities shall be a condition of the employer-employee agreement. The board will not specifically prohibit an assessor from engaging in these outside activities, except that no assessor will be allowed to perform fee appraisals within the assessor's specific assessment jurisdiction. An assessor who performs fee appraisals within the assessor's specific assessment jurisdiction will be subject to the disciplinary measures shown in subparts 2 and 4. An assessor who falsifies a license application by not listing outside activities is subject to the penalties shown in subpart 2.

**REPEALER.** Minnesota Rules, part 1950.1060, subparts 3, 4, and 5, are repealed effective January 1, 1995.

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# Proposed Rules

## Board of Social Work

### Proposed Permanent Rules Relating to Licensing and Continuing Education Fees

#### Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Social Work intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 148B.20.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The 30 day comment period ends at 4:30 p.m. on October 7, 1993. Comments must be submitted to:

Thomas McSteen  
Minnesota Board of Social Work  
2700 University Avenue West  
Suite 225  
St. Paul, MN 55114  
(612 643-2580)

Pursuant to *Minnesota Statutes*, section 214.06 (*1993 Laws of Minnesota*, 1st Special Session, Chapter 1, Article 9, section 69), a public hearing is not required to be held because the proposed fee adjustment is needed to raise fees to cover the anticipated expenditures in the current biennium.

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

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

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

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 Thomas McSteen.

Dated: 23 August 1993

Thomas McSteen  
Executive Director

#### Rules as Proposed

##### 8740.0185 DUPLICATE LICENSE.

A duplicate license may be issued for the fee set in part 8740.0290, item H E, when the licensee notifies the board by certified statement that the original license was lost, stolen, or destroyed. The duplicate license shall be marked "duplicate" and the date of its issuance indicated. If the licensee has a name change, the board shall issue a new license when the licensee provides verification of the name change, surrenders the original license, and pays a duplicate license fee.

##### 8740.0205 REINSTATEMENT OF EXPIRED LICENSE.

Subpart 1. **Guidelines for reinstatement.** An expired license shall be reinstated if no fact, circumstance, or condition exists to justify revocation or suspension under part 8740.0250; if the individual meets the education and supervision requirements of *Minnesota Statutes*, section 148B.21; if the individual passes the examination required in part 8740.0140; and if the individual pays the fees required in part 8740.0290, item J B.

[For text of subp 2, see M.R.]

##### 8740.0220 INACTIVE LICENSE STATUS.

Subpart 1. **Application.** An application for an inactive license must be submitted before the expiration of the license period. Upon receiving notice of the board's approval of the application, the licensee must discontinue practicing social work, cease displaying the license, and pay the inactive status fee in part 8740.0290, item I F.

[For text of subps 2 to 5, see M.R.]

**8740.0290 FEES.**

The fees in items A to ~~K~~ G shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Social Work. All fees are nonrefundable.

- A. Application fee, ~~\$25~~ \$30.
- B. Initial license fee, payable in addition to application fee:
  - (1) licensed social worker, ~~\$60~~ \$90;
  - (2) licensed graduate social worker, ~~\$100~~ \$150;
  - (3) licensed independent social worker, ~~\$150~~ \$225;
  - (4) licensed independent clinical social worker, ~~\$150~~ \$250.
- C. ~~Examination and reexamination fees, payable in addition to application fee, not to exceed \$200.~~
- ~~D. License by reciprocity fee, payable in addition to application fee:~~
  - ~~(1) licensed social worker, \$60;~~
  - ~~(2) licensed graduate social worker, \$100;~~
  - ~~(3) licensed independent social worker, \$150;~~
  - ~~(4) licensed independent clinical social worker, \$150.~~
- E. ~~Transition or grandparenting, one-year group, renewal fee:~~
  - ~~(1) licensed social worker, \$30;~~
  - ~~(2) licensed graduate social worker, \$50;~~
  - ~~(3) licensed independent social worker, \$75;~~
  - ~~(4) licensed independent clinical social worker, \$75.~~
- F. Biennial renewal fee:
  - (1) licensed social worker, ~~\$60~~ \$90;
  - (2) licensed graduate social worker, ~~\$100~~ \$150;
  - (3) licensed independent social worker, ~~\$150~~ \$225;
  - (4) licensed independent clinical social worker, ~~\$150~~ 250.
- ~~G. D. Emeritus fee, \$30.~~
- ~~H. E. Duplicate license, \$15.~~
- I. F. Inactive status fee:
  - (1) licensed social worker, ~~\$30~~ \$90;
  - (2) licensed graduate social worker, ~~\$50~~ \$150;
  - (3) licensed independent social worker, ~~\$75~~ \$225;
  - (4) licensed independent clinical social worker, ~~\$75~~ \$250.
- J. Fee for restoration of license after suspension, revocation, or expiration:
  - ~~(1) licensed social worker, \$60;~~
  - ~~(2) licensed graduate social worker, \$100;~~
  - ~~(3) licensed independent social worker, \$150;~~
  - ~~(4) licensed independent clinical social worker, \$150.~~

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

## Proposed Rules

~~K. G.~~ Application fee for continuing education program sponsor:

- (1) ~~single program, \$25 for one to four continuing education hours applied for, \$30;~~
- (2) ~~three to five programs, \$65 to eight continuing education hours applied for, \$45;~~
- (3) ~~six to ten programs, \$135 for nine to 16 continuing education hours applied for, \$60;~~
- (4) ~~more than ten programs, \$250 for 17 to 24 continuing education hours applied for, \$75;~~
- (5) ~~for more than 24 hours applied for, \$100.~~

**EFFECTIVE DATE.** Part 8740.0290, items C and F, are effective January 1, 1994.

## 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 Rules Relating to Ethanol Production Facility Loan Program

#### Notice of Adoption of Rules Exempt from Rulemaking Provisions of *Minnesota Statutes*, Chapter 14

**NOTICE IS HEREBY GIVEN** that the Rural Finance Authority Board has adopted a rule governing the Ethanol Production Facility Loan Program. The authority to adopt this rule is *Minnesota Statutes*, section 41B.07 which allows the Rural Finance Authority of the department to adopt rules without following the procedures of *Minnesota Statutes*, Chapter 14.

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

Dated: 16 August 1993

Rural Finance Authority Board  
Elton Redalen, Chairman

#### Rules as Adopted (all new material)

##### 1654.0010 ESTABLISHMENT OF PROGRAM; PROGRAM RULES.

Subpart 1. **Establishment of program.** The authority, by its Resolution No. 93-07 has established an ethanol production facility loan program to provide financial assistance for ethanol production facilities.

Subp. 2. **Authority and purpose.** These rules are adopted by the authority pursuant to *Minnesota Statutes*, section 41B.07, to define and provide for the administration of the program.

Subp. 3. **Application.** These rules apply to all applications for and loans made and bonds issued pursuant to the program, the use of loan and bond proceeds, and all eligible borrowers and lenders participating in the program.

##### 1654.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1654.0010 to 1654.0070.

Subp. 2. **Applicant.** "Applicant" means an individual, corporation, limited liability company, cooperative, partnership, or joint venture who submits a completed application for assistance under the program to the authority.

Subp. 3. **Application.** "Application" means an application for financial assistance under the program in the form prescribed by the authority or its executive director.

Subp. 4. **Authority.** "Authority" means the Rural Finance Authority established by *Minnesota Statutes*, section 41B.025, acting through its board or its duly authorized officers.

Subp. 5. **Board.** "Board" means the Rural Finance Authority Board as established in *Minnesota Statutes*, section 41B.025.

Subp. 6. **Ethanol production facility.** "Ethanol production facility" means a facility as defined in *Minnesota Statutes*, section 41A.09, subdivision 2, paragraph (a).

Subp. 7. **Executive director.** "Executive director" means the executive director of the authority, or any other officer authorized to act on behalf of the authority's board or its executive director.

Subp. 8. **Program.** "Program" means the authority's ethanol production facility loan program.

#### **1654.0030 ASSISTANCE APPLICATIONS.**

Subpart 1. **In general.** To apply for assistance from the authority under the program, an applicant must submit a completed application which is dated and signed by an owner, general partner, or an authorized officer of the applicant.

Subp. 2. **Contents.** An application must contain at a minimum the following information:

A. a funding request indicating the desired financial assistance from the program, collateral offered for the financial assistance requested, capitalization of the project, use of funds, and future financing needs;

B. project cost summary;

C. financial statements of the applicant, including a balance sheet, an operating statement, a statement of the sources and uses of funds, and footnotes to the statements, if available, for the following time periods:

(1) financial statements for the previous three financial years, or such shorter period of time during which the applicant has conducted business. If unaudited, the statements must be verified by an authorized financial officer of the applicant;

(2) a balance sheet dated as of not more than 90 days before the date the application was submitted and if unaudited, compiled by a certified public accountant;

(3) federal tax returns filed by the applicant for the previous three financial years, or such shorter period of time during which the applicant has conducted business; and

(4) a proforma balance sheet and income statement for the 60 months following the financial assistance closing that shows the financial position of the applicant and includes the proposed financing;

D. a complete business plan for the applicant, complying with subpart 3;

E. signed personal financial statements dated as of the date of the application for any person who owns 20 percent or more interest in the applicant;

F. a resolution of support or other comparable preliminary approval from the local government unit with respect to the project to be financed;

G. an authorization which will allow the authority to disseminate all or any part of the loan application package supplied by the applicant to any outside sources which the authority deems necessary in order to process, review, and analyze the application;

H. certification that the applicant will not discriminate in employment in a manner contrary to applicable federal, state, or local laws, regulations, rulings and decisions; and

I. a statement of all permits, licenses, and other similar authorizations which must be obtained in order to construct and operate the proposed facility and evidence that the applicant will be able to obtain such items.

Subp. 3. **Business plan.** As part of the application, the applicant shall also submit to the authority a comprehensive business plan. The business plan must include, but is not limited to, the following:

A. a management summary of the plan including:

(1) name of the business;

(2) business location and plan description;

(3) the management team and its expertise and experience;

(4) summary of financial projections;

(5) amount of financial assistance requested;

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## Adopted Rules

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- (6) sources and amounts of funds to capitalize the proposed project; and
- (7) business goals;

B. a description of the applicant including the following:

(1) date and state of incorporation, date and state of formation of partnership or joint venture, or date and state of formation of sole proprietorship;

(2) history of the applicant; and

(3) principals and the roles they played in the evolution of the company;

C. a market analysis including:

(1) description of the current industry status and industry trends;

(2) effects of major social, economic, technological, or regulatory trends on the industry;

(3) description of the total market, principal market participants, and their performance; and

(4) discussion of the target market and competition;

D. a description of the marketing strategy including:

(1) overall strategy;

(2) pricing policy;

(3) sales and channels and terms;

(4) method of selling and distributing product;

(5) estimated sales and market share; and

(6) advertising, public relations, and promotion;

E. the management plan including:

(1) form of business organization;

(2) board of directors composition, if applicable;

(3) officers organization chart and responsibilities; and

(4) resumes of key personnel;

F. an operating plan including:

(1) schedule of upcoming work for the next two years;

(2) facilities plan or planned capital improvements for the next three years;

(3) manufacturing processes; and

(4) staffing plan (number of employees);

G. a schedule indicating the completion dates for realizing the significant aspects of the business plan; and

H. a discussion of the risks and problems inherent to the business plan, including the negative factors and plans to minimize the impact of those factors.

### 1654.0040 COLLATERAL REQUIREMENTS AND ADDITIONAL INFORMATION OR CERTIFICATIONS.

Subpart 1. **Collateral requirements.** When providing financial assistance, the authority may require collateral as it considers necessary in accordance with generally accepted commercial lending practices to protect the interests of the authority. The collateral may take one or more of the following forms:

A. mortgage on real property;

B. security interest in personal property;

C. guarantees or other assurances of repayment of applicant, affiliates of the applicant, shareholders or partners who have 20 percent or more ownership in the applicant, or other interested parties with respect thereto;

D. bond insurance or other credit enhancements;

E. assignments of leases or rents on property of equipment, or of contracts and other assets of the applicant;

F. letters of credit;



G. escrow account; and

H. any other form of collateral that the authority deems necessary and appropriate.

Subp. 2. **Additional information or certifications.** The following additional information, as applicable, is required by the authority before providing financial assistance, as well as any other information or item that the authority in its sole discretion considers advisable for prudent financial management of the authority's financial assistance:

A. a lease agreement on property or equipment;

B. a listing of property, including serial numbers for machinery and equipment, that will serve as collateral for the financial assistance;

C. certification of insurance for workers' compensation and employer's liability;

D. a statement provided by the Internal Revenue Service of tax clearance;

E. an appraisal of collateral offered to the authority for the financial assistance; and

F. a certificate of the insurers of collateral that insurance is in force and effect. Prior to expiration of any insurance policy, the applicant shall furnish the authority with evidence that the policy has been renewed, replaced, or is no longer required.

#### **1654.0050 APPLICATION PROCESSING.**

##### **Subpart 1. Fees.**

A. The applicant shall submit to the authority with the application a check payable to the Department of Agriculture in the amount of \$2,000 as an application fee. The fee is not refundable.

B. A loan origination fee equal to 1-1/2 percent of the amount of appropriated funds utilized to assist the applicant must be submitted by the applicant at time of closing on the assistance.

C. The applicant must also agree to pay all other out-of-pocket costs which are required to process, review, and analyze the application and complete the closing on the financial assistance.

D. When bonds are sold as part of the assistance, all costs of issuance of the bonds shall be paid from bond proceeds or funds of the applicant at the time of closing on the financial assistance.

Subp. 2. **Completed applications.** An application is complete when the authority receives the application fee and all required documentation and exhibits. If a completed application is received by the authority after an application period has expired, the application and application fee must be returned.

Subp. 3. **Incomplete applications.** If an incomplete application is received, the authority shall notify the applicant of specific deficiencies in the application. If the additional information necessary to complete the application is not received within an application period, the application is deemed to be rejected.

Subp. 4. **Review of eligibility of project and applicant.** The authority shall review all completed applications to determine if the project and the applicant are eligible and meet the requirements of *Minnesota Statutes*, section 41B.044, and these rules. If the project and applicant are eligible, the authority shall review the application for economic feasibility as provided in subpart 6.

Subp. 5. **Ineligible project or applicant.** The authority shall notify the applicant in writing if the applicant or the project is ineligible. If the application is not amended within the application period, the application must be rejected and will not receive any further consideration.

Upon receipt of an amended application, the authority shall review the amended application under subpart 4.

##### **Subp. 6. Economic feasibility review.**

A. The authority shall review the application in accordance with generally accepted commercial lending practices and may check personal references. The authority may utilize outside consultants and others knowledgeable in commercial lending and ethanol production in the review of applications submitted.

B. The review must include such factors as:

(1) management expertise and experience;

(2) viability of financial plan;

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## Adopted Rules

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- (3) potential for repayment of financial assistance in a timely manner;
- (4) marketing plan and contracts for sale of product;
- (5) job creation and economic impact;
- (6) environmental consideration;
- (7) special circumstances impacting application;
- (8) sufficiency of collateral offered to authority for financial assistance; and
- (9) degree to which proposed project meets legislative intent to expand ethanol production within the state.

**Subp. 7. Rejection of application based on economic feasibility.** The authority shall notify the applicant in writing if the project is judged not to be economically feasible and the application is rejected.

If the application is rejected due to economic feasibility, the applicant may, within 30 days after written notification by the authority, request that the authority submit the rejected application to the board for review at the next regularly scheduled meeting of the board for which the agenda has not been established.

If so submitted, the board must evaluate the application at its board meeting, in accordance with subpart 8.

**Subp. 8. Board evaluation.** The board shall review and consider approval of an application on the basis of effectuating the purposes of *Minnesota Statutes*, section 41B.044 and economic feasibility of the project. If the board disapproves the application, the authority shall so notify the applicant within five days of the board meeting. If the board approves the application, it shall pass a resolution giving approval to the project and stating the name of the project owner, a brief description of the project, the assistance to be provided and other provisions as the board in its discretion deems advisable. The amount of financial assistance approved by the board may be less than the amount requested by the applicant.

Throughout the application review and evaluation process, if neither the authority nor the board commits in writing to provide financial assistance to the applicant for the project described in the application, they shall have no liability to the applicant.

### **1654.0060 FUNDING OF FINANCIAL ASSISTANCE BY BONDS.**

If the authority intends to fund the financial assistance by issuing bonds, the board shall first pass a preliminary resolution. The preliminary resolution must not obligate the authority to issue bonds or to fund the financial assistance, but must only constitute an expression of current intention of the authority to issue bonds or to fund the financial assistance. If the authority subsequently determines that there are no adverse changes in the financial conditions or key personnel of the applicant, market conditions, availability of bond issuance authority, and other conditions that the authority deems necessary and the authority decides in accordance with generally accepted commercial lending practices to make financial assistance available, the board shall pass a final resolution that authorizes the issuance and sale of bonds to extend financial assistance. The final resolution must specify the conditions under which bonds will be issued. The preliminary resolution may contain a time limit with respect to the issuance of the bonds, may be revoked or amended by the board at any time prior to the final resolution of the board without liability to the authority, and may impose any conditions or requirements that the board deems desirable. The executive director shall notify the applicant of the board's approval and provide the applicant with a copy of the resolution passed.

### **1654.0070 AUTHORITY PARTICIPATION.**

**Subpart 1. Procedure.** If the financial assistance is in the form of participation with a lender, the procedures in this section must be followed.

#### **Subp. 2. Lender eligibility.**

A. Any bank, credit union, or savings and loan association chartered by the state or federal government, a subdivision of the farm credit system (Agri Bank), the Federal Deposit Insurance Corporation, or any insurance company, fund, or other financial institution doing business as an agricultural lender within the state may apply to the authority for certification as an approved lender.

B. Upon a lender's demonstration of its ability to originate and service commercial real estate and equipment loans, the authority shall designate them as an approved lender for purposes of the ethanol production facility loan program.

C. Before offering loans to the authority for participation, each approved lender must enter into a master participation agreement. The agreement shall specify the contractual relationship between the parties and terms and conditions of loans to be made by the lender under the ethanol production facility loan program and offered to the authority for participation.

#### **Subp. 3. Loan closing, purchase of participation, and loan management.**

A. Upon receiving notification of approval by the authority of a loan participation, the lender shall proceed to close the loan. The lender must record and cross-reference all documents relating to the loan including the authority note and loan agreement. The lender must notify the authority that the loan is closed and recorded and submit copies of the recorded documents to the authority.

B. Within ten business days of receipt of written notice under item A, that the loan is closed and recorded, the authority shall pay the lender the authority's participation interest in the loan.

C. Within five working days after the receipt of finally collected funds, the lender shall complete and return a participation certificate as prescribed by the authority evidencing the authority's undivided pro rata interest in the ethanol production facility loan.

D. The lender shall manage the loan, including the authority participation interest, with the degree of care and diligence usually maintained by commercial real estate lenders. The lender shall have custody and control of all loan documents, except the original application, which shall be retained by the authority. The lender shall manage, administer, and enforce the loan documents in its own name and also on behalf of itself and the authority, including, without limitation, the right to foreclose or otherwise enforce remedies against the borrower.

E. The lender shall promptly notify the authority of occurrences that substantially affect the security, collection, or enforcement of any loan.

F. The lender shall obtain the prior written consent of the borrower and the authority before:

- (1) making or consenting to a release, substitution, or exchange of collateral that reduces the aggregate value of the collateral;
- (2) waiving a claim against the borrower or a guarantor, surety, or obligor in connection with the indebtedness; or
- (3) modifying or waiving a term of the note or related instruments evidencing or securing the loan.

**Subp. 4. Participation repurchase.** An originating lender is under no obligation to repurchase any authority participation interest in an ethanol production facility loan except as provided in this section.

A. A lender may, at its option and upon written approval by the authority, repurchase the authority's participation interest at any time.

B. A lender must repurchase the authority's participation interest whenever the loan is refinanced.

C. A lender must repurchase the authority's participation interest if the lender has made misrepresentations or fails to perform its obligations under the participation agreement, has received written notice from the authority, and has not corrected the representation of performance under the notice.

D. Any repurchase shall be for the principal balance of the authority's participation plus accrued interest and any penalties or costs incurred by the authority to secure repurchase.

**Subp. 5. Review of loan and collateral.**

A. At any time during the term of an ethanol production facilities loan, the authority or the state legislative auditor may inspect the books, records, documents, and accounting practices of the lender relative to the loan to determine compliance with the terms and conditions of the loan and participation agreement. Any inspections shall be during the lenders normal business hours. The lender must allow the authority to copy any documents relating to the loan and the authority's participation.

B. The lender and the authority may physically inspect the collateral securing the loan upon notice to the borrower. Any inspections must be conducted at a reasonable time.

## Department of Agriculture

### Adopted Permanent Rules Relating to Agricultural Improvement Loan Program

#### Notice of Adoption of a Rule Exempt From Rulemaking Provisions of *Minnesota Statutes*, Chapter 14

**NOTICE IS HEREBY GIVEN** that the Rural Finance Authority Board has adopted amendments to the rule governing the Agricultural Improvement Loan Program. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 41B.07.

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

Dated: 9 August 1993

Rural Finance Authority Board  
Elton Redalen, Chairman

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# Adopted Rules

## Rules as Adopted

### 1650.0600 PURPOSE.

Parts 1650.0600 to 1650.0650 establish the criteria and procedures to be used by the rural finance authority in the administration of the agricultural improvement loan program authorized by *Minnesota Statutes*, section 41B.043. The purpose of the agricultural improvement loan program is to issue bonds to finance agricultural improvements loans from the authority to eligible applicants. Loans under this program will be made to applicants who meet the eligibility requirements in part 1650.0620. Repayment of the loans must be secured by mortgage liens on ~~all of a part of the farm on which the agricultural improvements are located~~ real property and other security the authority considers necessary.

### 1650.0610 DEFINITIONS.

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

Subp. 2. **Agricultural improvements.** "Agricultural improvements" means improvements to a farm, including the purchase and construction or installation of improvements to land, buildings, and other permanent structures, including equipment incorporated in or permanently affixed to the land, buildings, or structures, that are useful for and intended to be used for the purpose of farming. ~~"Agricultural improvements" do not include equipment not affixed to real estate or improvements or additions to that equipment~~ has the meaning given in *Minnesota Statutes*, section 41B.02, subdivision 19.

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

Subp. 5. **Applicant.** "Applicant" means a potential borrower who submits an application directly to the authority for a direct loan or through an eligible lender for a loan participation.

[For text of subps 6 to 10, see M.R.]

Subp. 10a. **Direct loan.** "Direct loan" means a loan originated and serviced by the authority without involvement of an eligible lender.

[For text of subp 11, see M.R.]

Subp. 11a. **Farming.** "Farming" means the cultivation or use of land or land improvements, and personal property for the production of agricultural crops, vegetables, fruit or other horticultural crops, forest products, bees and apiary products, livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, aquaculture, hydroponics, exotic species of plants or animals, or other products related to agriculture. Farming also includes the use of wetlands, pasture, forest land, wildlife, and homestead and other real property associated with the agricultural use of land. Farming also includes the practices and facilities needed to conserve soil and water, protect human and animal health, have a safe and efficient operation, and meet local, state, and federal laws and regulations relating to the operation of the farm.

[For text of subp 12, see M.R.]

Subp. 13. [See repealer.]

[For text of subp 14, see M.R.]

Subp. 15. **Mortgage loan or loan.** "Mortgage loan" or "loan" means a direct loan from the authority or loan participation under the program that is secured by a first mortgage on ~~all of a portion of the farm on which the agricultural improvements will be located~~ real property.

[For text of subps 16 and 17, see M.R.]

### 1650.0620 BORROWER ELIGIBILITY-DIRECT LOANS.

To receive a direct loan under the agricultural improvement loan program, applicants must meet the following criteria: in items A to F.

- A. The applicants must be residents of Minnesota or a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24, subdivision 2;
- B. At least one of the applicants must be the principal operator of the farm upon which the agricultural improvements will be located;
- C. At least one of the applicants must be actively engaged in farming;
- D. The applicants must show the ability to repay the loan; and
- E. The applicants must show that they would not be able to make the proposed improvements without the availability of this financing.
- F. The applicants' total net worth must not exceed \$400,000.

**1650.0630 APPLICATION AND PROCEDURES-DIRECT LOANS.**

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

Subp. 4. **Terms of loan.** The maximum term of a loan is ~~six~~ ten years. The applicant must agree on the loan terms such as interest rate, length of loan, repayment schedule, and prepayment options. The maximum loan amount is ~~\$20,000~~ \$35,000 and the loan may have a balloon. The collateral securing the loan must have a value of at least 150 percent of the amount of the loan.

[For text of subs 5 and 6, see M.R.]

**1650.0660 LOAN PARTICIPATION.**

**Subpart 1. Borrower eligibility.** To be eligible for assistance through a loan participation under the agricultural improvement loan program, applicants must meet the criteria in this subpart.

A. The applicants must be residents of the state of Minnesota or a domestic family farm corporation as defined in Minnesota Statutes, section 500.24, subdivision 2.

B. At least one of the applicants must be the principal operator of the farm upon which the agricultural improvement will be located.

C. At least one of the applicants must be actively engaged in farming.

D. The applicants must show the ability to repay the loan.

E. The applicants' total net worth must not exceed \$400,000.

**Subp. 2. Lender eligibility.**

A. Any bank, credit union, or savings and loan association chartered by the state or federal government, a subdivision of the farm credit system (Agri Bank), the Federal Deposit Insurance Corporation, or any insurance company, fund, or other financial institution doing business as an agricultural lender in Minnesota may apply to the authority for certification as an approved lender.

B. Upon a lender's demonstration of its ability to originate and service agricultural real estate loans, the authority shall designate the lender as an approved lender for purposes of authority programs.

C. Before offering mortgage loans to the authority for participation, each approved lender must enter into an authority master participation agreement. The agreement shall specify the relationship between the parties and the terms and conditions of mortgage loans to be made by the lender under the agricultural improvement loan program and offered to the authority for participation.

**Subp. 3. Application process and offer of participation.**

A. All applications under the program must be in forms designated by the authority. A lender and an applicant must jointly complete and sign an application and prepare all supporting documents identified in the application. Financial statements must be dated within 90 days of the application.

B. The lender shall complete the initial review of the proposal and determine the creditworthiness of the applicant and the value of the collateral to be used to secure the loan. If the lender agrees to make a mortgage loan to the applicant, the lender and the applicant shall jointly prepare the application and the required loan documents.

C. The lender, as the originator of the mortgage loan, shall present the application and loan documents to the authority. Presentation of the documents constitutes an offer to sell a participation interest in the loan.

D. A nonrefundable \$50 application fee must be submitted with the application.

E. The loan must be for a maximum term of ten years. The maximum participation is 45 percent of the loan principle or \$50,000, whichever is less. The loan may have a balloon.

F. If a change occurs in the information provided by the lender to the authority, the lender shall immediately update and correct that information. Misrepresentation in the application or failure to update any required information is grounds to reject an application, revoke a notice of approval, or refuse to close the loan.

**Subp. 4. Authority review, notice, appeal.**

A. Within a reasonable time after receipt of a lender's offer, the authority shall accept or reject the lender's offer to participate in the loan. If the documentation is not sufficient to make a determination, the authority may request additional information as needed.

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## Adopted Rules

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B. The authority shall accept applications based upon whether:

(1) the applicant meets all eligibility criteria;

(2) the applicant demonstrates an ability to repay the mortgage loan and other obligations based on the financial information submitted with the application;

(3) the proposed agricultural improvements meet specifications set by statute and rule; and

(4) the authority has sufficient funds available to purchase a participation in the loan.

C. The authority shall promptly notify the lender in writing whether or not the offer is accepted. If the offer is not accepted, the notice must state the reasons.

D. If an offer is rejected, either the lender or the applicant may petition for administration reconsideration. The petition must be in writing and must be sent within 30 days of the date of the authority notice. The petition must state the grounds for the appeal, and may include additional relevant information. Within 15 working days of receiving the petition, the executive director shall send a written response to the petitioner upholding or reversing the original decision and giving the reasons for the decision.

E. After administrative appeal, a petitioner may appeal the executive director decision directly to the authority board by written notice to the director within 15 days of receiving the director's reconsideration decision. The decision of the board is final.

### Subp. 5. Loan closing, purchase of participation, and loan management.

A. Upon receiving notification of authority acceptance, the lender shall close the mortgage loan. The lender must record and cross-reference all documents relating to the loan, including the authority note and loan agreement. The lender must notify the authority that the loan is closed and recorded and submit the original authority application and copies of the recorded documents to the authority.

B. Within ten business days of receipt of written notice under item A that the mortgage loan is closed and recorded, the authority shall pay the lender for the authority's participation interest in the loan.

C. Within five working days after the receipt of finally collected funds, the lender shall complete and return a participation certificate as prescribed by the authority witnessing the authority's undivided pro rata interest in the agricultural improvement mortgage loan.

D. The lender shall manage the loan, including the authority participation interest, with the degree of care and diligence usually maintained by agricultural real estate lenders. The lender shall have custody and control of all loan documents, except the original application which shall be retained by the authority. The lender shall manage, administer, and enforce the loan documents in the lender's own name and also on behalf of itself and the authority, including, without limitation, the right to accelerate a mortgage loan on default and to foreclose or otherwise enforce remedies against the borrower.

E. The lender shall promptly notify the authority of occurrences that substantially affect the security, collection, or enforcement of any mortgage loan.

F. The lender shall obtain the prior written consent of the borrower and the authority before:

(1) making or consenting to a release, substitution, or exchange of collateral that reduces the aggregate value of the collateral;

(2) waiving a claim against the borrower or a guarantor, surety, or obligor in connection with the indebtedness; or

(3) modifying or waiving a term of the notes or related instruments evidencing or securing the first mortgage loan.

### Subp. 6. Participation repurchase.

A. An originating lender is under no obligation to repurchase authority participation interest in an agricultural improvement mortgage loan except as provided in this subpart.

B. A lender may, at its option and upon written approval by the authority, repurchase authority participation interest at any time.

C. A lender shall repurchase the authority participation interest when the first mortgage loan is paid in full or refinanced.

D. A lender shall repurchase the authority participation interest if the lender has made misrepresentations or fails to perform its obligations under the participation agreement, has received written notice from the authority, and has not corrected the representation or performance under the notice.

E. Any repurchase must be for the principal balance of the authority participation plus accrued interest and any penalties or costs incurred by the authority to secure repurchase.

Subp. 7. Review of loan and collateral.

A. At any time during the term of an agricultural improvement mortgage loan, the authority or the state legislative auditor may inspect the books, records, documents, and accounting practices of the lender relative to the loan to determine compliance with the terms and conditions of the loan and the participation agreement. Any inspections must be made during the lender's normal business hours. The lender shall allow the authority to copy any documents relating to the mortgage loan and the authority participation.

B. The lender and the authority may physically inspect the collateral securing the mortgage loan upon notice to the borrower. Any inspections must be conducted at a reasonable time.

REPEALER. Minnesota Rules, part 1650.0610, subpart 13, is repealed.

## Department of Agriculture

### Rural Financing

#### Adopted Permanent Rules Relating to Beginning Farmer and Seller-Sponsored Loan Programs

##### Notice of Adoption of Rules Exempt from Rulemaking Provisions of *Minnesota Statutes*, Chapter 14

NOTICE IS HEREBY GIVEN that the Rural Finance Authority Board has adopted a rule governing the Beginning Farmer and Seller-Sponsored Loan Programs. The authority to adopt these rules is *Minnesota Statutes*, section 41B.07 which allows the Rural Finance Authority of the department to adopt rules without following the procedures of *Minnesota Statutes*, Chapter 14.

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

Dated: 13 August 1993

Rural Finance Authority Board  
Elton Redalen, Chairman

#### Rules as Adopted

##### 1650.0020 DEFINITIONS.

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

Subp. 2. Agricultural purposes; farming. "Agricultural purposes" or "farming" means the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. Agricultural purposes also includes the use of the following types of real property: wetlands, pasture, forest land, wildlife, and homestead and other real property adjacent to or associated with the agricultural use of land-cultivation or use of land or land improvements and personal property for the production of agricultural crops, vegetables, fruit, or other horticultural crops, forest products, bees and apiary products, livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, aquaculture, hydroponics, exotic species of plants or animals, or other agriculturally related products. "Agricultural purposes" and "farming" include:

A. the use of wetlands, pasture, forest land, wildlife, and homestead and other real property associated with the agricultural use of land; and

B. the practices and facilities needed to conserve soil and water, protect human and animal health, have a safe and efficient operation, and meet local, state, and federal laws and regulations relating to the operation of a farm.

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

##### 1650.0030 BORROWER ELIGIBILITY.

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

Subp. 2a. **General eligibility criteria.** Each applicant must:

[For text of items A and B, see M.R.]

C. ~~not be a current or previous participant in an RFA program; and~~

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## Adopted Rules

~~D.~~ certify that the applicant is eligible for the program; and

D. submit the correct fees as determined by the RFA.

[For text of subp 3a, see M.R.]

### 1651.0020 DEFINITIONS.

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

Subp. 2. **Agricultural purposes; farming.** "Agricultural purposes" or "farming" means the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. Agricultural purposes also includes the use of the following types of real property: wetlands, pasture, forest land, wildlife, and homestead and other real property adjacent to or associated with the agricultural use of land. cultivation or use of land or land improvements and personal property for the production of agricultural crops, vegetables, fruit, or other horticultural crops, forest products, bees and apiary products, livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, aquaculture, hydroponics, exotic species of plants or animals, or other agriculturally related products. "Agricultural purposes" and "farming" include:

A. the use of wetlands, pasture, forest land, wildlife, and homestead and other real property associated with the agricultural use of land; and

B. the practices and facilities needed to conserve soil and water, protect human and animal health, have a safe and efficient operation, and meet local, state, and federal laws and regulations relating to the operation of a farm.

[For text of subs 3 to 17, see M.R.]

### 1651.0040 BORROWER ELIGIBILITY.

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

Subp. 2. **General eligibility criteria.** Each applicant must:

[For text of items A and B, see M.R.]

C. not be a current or previous participant in an RFA program;

~~D.~~ not be a current or previous participant in the family farm security program under *Minnesota Statutes*, chapter 41; ~~and~~

~~E.~~ D. certify that the applicant is eligible for the program; and

E. submit the correct fees as determined by the RFA.

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

## Department of Revenue

### Adopted Permanent Rules Relating to Data Processing

The rules proposed and published at *State Register*, Volume 17, Number 22, pages 1353-1356, November 30, 1992 (17 SR 1353), and Volume 17, Number 33, pages 2006-2007, February 16, 1993 (17 SR 2006), are adopted as proposed.

## Department of Revenue

### Adopted Permanent Rules Relating to Computer Software

The rules proposed and published at *State Register*, Volume 17, Number 22, pages 1351-1352, November 30, 1992 (17 SR 1351), and Volume 17, Number 33, pages 2006-2007, February 16, 1993 (17 SR 2006), are adopted with the following modifications:

#### Rules as Adopted

#### 8130.9910 COMPUTER SOFTWARE.

Subpart 1. **Definitions.** For purposes of this part, the following words and phrases have the meanings given them in items A to H I.

F. "Maintenance ~~agreements~~ agreement support services" means ~~providing~~ error corrections, ~~improvements, updates received by any means, consultation services,~~ or technical support for computer programs.

G. "Upgrades or enhancements" means information and directions which provide new or significantly improved functionality to a computer program. It includes information and directions that dictate the function performed by data processing equipment.



Computer software, in any form which is provided under a maintenance agreement, and which does not provide new or significantly improved functionality is deemed to be a maintenance agreement support service.

H. "Computer program" means computer software.

~~H. I.~~ "Storage media" has the meaning given it in *Minnesota Statutes*, section 297A.01, subdivision 18, clause (1).

Subp. 2. **Tax applications.**

C. Charges for computer program maintenance furnished for a canned computer program are taxable if the customer is entitled to receive or receives canned computer software upgrades or enhancements. However, charges for computer program maintenance furnished for custom software are not taxable.

Maintenance contracts sold in connection with the sale or lease of canned software ~~generally may~~ provide that the purchaser will be entitled to receive ~~storage media on which prewritten program improvements have been recorded~~ upgrades or enhancements. The maintenance contract may also provide that the purchaser will be entitled to receive ~~certain services, including error corrections and telephone or on-site consultation~~ maintenance agreement support services.

(1) If the maintenance contract is required by the vendor as a condition of the sale or rental of canned software, it will be considered as part of the sale, or rental of the canned software, and the gross sales price is subject to tax whether or not the charge for the maintenance contract is separately stated from the charge for the software.

(2) If the maintenance contract is optional to the purchaser of canned software,;

(a) then only the portion of the contract fee representing ~~improvements~~ upgrades or enhancements delivered on storage media or by any other means is subject to sales tax if the fee for ~~other services, including consultation services and error corrections,~~ any maintenance agreement support services is separately stated,;

(b) if the fee for ~~other services, including consultation services and error corrections,~~ any maintenance agreement support services is not separately stated from the fee for ~~improvements~~ upgrades or enhancements delivered on storage media or by any other means, then 20 percent of the entire charge for the maintenance contract is subject to sales tax,;

(c) if the maintenance contract only provides canned computer software upgrades or enhancements, and no maintenance agreement support services, then the entire contract is taxable;

(d) if the maintenance contract only provides maintenance agreement support services, and the customer is not entitled to or does not receive any canned computer software upgrades or enhancements, then the entire contract is exempt.

D. Separately stated charges for instructions written training materials on the use of a canned computer program are taxable. Charges for instructions written training materials on the use of a custom computer program are not taxable, whether or not separately stated. Charges for training services and similarly related services are nontaxable.

H. Modification to existing prewritten software to meet the customer's needs is custom computer programming only to the extent of the modification and only to the extent that the actual amount charged for the modification is separately stated. Examples of services that do not result in custom software include loading parameters to initialize program settings and arranging preprogrammed modules to form a complete program.

When the charges for modification of a prewritten program are not separately stated, tax applies to the entire charge made to the customer for the modified program unless the modification is so significant that the new program qualifies as a custom program. If the prewritten program before modification was previously marketed, the new program will qualify as a custom program if the price of the prewritten program was 50 percent or less of the price of the new program. If the prewritten program was not previously marketed, the new program will qualify as a custom program if the charge made to the customer for custom programming services, as evidenced by the records of the seller, was more than 50 percent of the contract price to the customer.

No tax results when the modifications to existing prewritten software are required to meet the customers' specific needs. These modifications are considered to be custom programming.

When the charges for modification are not separately stated, the records of the transaction may be used to demonstrate to what extent the program has been modified.

The department will use the following records to determine the extent of modification to prewritten software when there is not a separate charge for the modification: logbooks, timesheets, dated documents, source codes, specifications of work to be done, design

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## Adopted Rules

of the system, performance requirements, diagrams of programs, flow diagrams, coding sheets, error printouts, translation printouts, correction notes, and invoices or billing notices to the client.

If the charges for modification are not separately stated and the records of the transaction do not adequately document the extent of the modifications, the entire charge for the program is taxable.

### Emergency Rules

#### Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

#### Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

#### Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

## Department of Natural Resources

### Adopted Emergency Game and Fish Rules; Fish Toxicants, Controlled Hunting Zones, Big Game, Small Game, Pelting Fees, Turkey Hunting, Migratory Birds, Game Farms, Rough Fish, Lake Superior Fishing Guides, Minnows, Amphibians and Turtles, Crayfish, and Fishing Regulations and Requirements

The rules proposed and published at *State Register*, Volume 18, Number 2, pages 107-126, July 12, 1993 (18 SR 107), are adopted with the following modifications:

#### Rules as Adopted

**REVISOR'S NOTE.** Minnesota Rules, parts 6232.3700, subparts 1 to 7; 6232.3800, subpart 1, items A, C, subitems (1) and (2), and the second paragraph of (3), D to G, and subpart 2; 6232.4000, items A to D; 6234.0100, subparts 1 and 2; 6234.0200, subpart 1; 6234.0300, subparts 1 and 2; 6234.0400, subpart 1; 6236.0100, subparts 1 to 4; 6240.0200, subparts 1 and 2; 6252.0100, items A and B; and 6262.0100, subparts 1 to 3, are previously adopted permanent rules and are being reprinted solely as an aid to the reader.

## Department of Natural Resources

### Adopted Expedited Emergency Rules Relating to Game and Fish

The rules proposed and published at *State Register*, Volume 18, Number 2, pages 98-107, July 12, 1993 (18 SR 98), are adopted with the following modifications:

#### Rules as Adopted

**6232.1000 [Emergency] APPLICATION PROCESS FOR CAMP RIPLEY ARCHERY HUNT.**

Subp. 3. **Application requirements.** Applicants for permits must:

- A. personally sign the application;
- B. apply for only one drawing;
- C. apply for only one of the hunting periods;
- D. submit no more than one application per year;
- E. mail or deliver the application with the nonrefundable application fee of \$6 per hunter to be received on or before the Friday nearest August 17; and
- F. pay application fees by cashier's check, money order, or personal check.

6236.0700 [Emergency] FALL TURKEY SEASON.

Subp. 4. **Open areas.** Turkey Zones 1 through 4 are open for the fall turkey season.

6262.0100 [Emergency] GENERAL RESTRICTIONS ON TAKING FISH.

Subp. 4. **Importing live fish.** A person may not import into the state live fish eggs, fish spawn, or immature or adult fish without a permit issued by the commissioner, except as provided by *Minnesota Statutes*, sections 17.4985, subdivision 3, and 97C.515, subdivision 3, and part 6250.0400, subpart 3.

**REVISOR'S NOTE.** *Minnesota Rules*, parts 6232.3900, subpart 1; 6236.0600, subparts 1 to 4; 6236.0700, subparts 1 to 3; 6236.0900, subparts 1 to 3; 6262.0100, subparts 1 to 3; and 6262.0300, subparts 1 to 5, are previously adopted permanent rules and are being reprinted solely as an aid to the reader.

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## Executive Orders

### Executive Department

#### Emergency Executive Order 93-19 Declaring a State of Emergency in the State of Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, heavy and continuous rains, flooding, and storms have occurred from late April through August, 1993; and

WHEREAS, the heavy rainfall has resulted in widespread road and bridge closings and damage, crop destruction, building damage, potential dam and levee failures, and other threats to public safety; and

WHEREAS, the resources of local government and private relief agencies are being fully utilized to respond to the crisis; and

WHEREAS, local government and private relief agency resources are being exhausted; and

WHEREAS, in addition to the counties already declared in Emergency Executive Orders 93-7, 93-12, 93-15, 93-16, and 93-18, there is a threat to public safety in Wright County; and

WHEREAS, severe storms continue to cause damage, and additional counties may be requesting assistance as flood waters recede;

NOW, THEREFORE, I hereby order that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to

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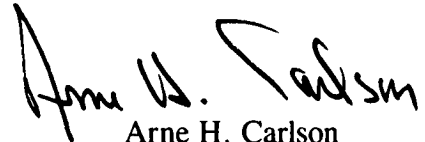
## Executive Orders

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determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-sixth day of August, 1993.



Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

## Executive Department

### Executive Order 93-20 Providing for the Re-establishment of the Governor's Council on the Martin Luther King, Jr. Holiday

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Martin Luther King, Jr. helped create an atmosphere for major changes in American race relations through his dedication to nonviolent methods of protest; and

WHEREAS, Americans and Minnesotans of every race, creed or color are forever indebted to Dr. King for his tenacity and sacrifice; and

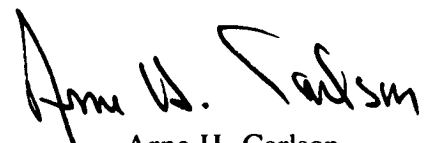
WHEREAS, the Governor's Council on the Martin Luther King, Jr. Holiday will ensure that Dr. King's memory and his mission are kept alive in the minds and hearts of Minnesotans;

NOW, THEREFORE, I hereby order that:

The Governor's Council on the Martin Luther King, Jr. Holiday, created under Executive Order No. 86-11 and which expired in 1991, be re-established. This council shall consist of fifteen members. The chair shall be appointed by the Governor.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-sixth day of August, 1993.



Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

## Executive Department

### Executive Order 93-21 Providing for the Establishment of a Governor's Task Force on Fire Protection Systems

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the legislature has enacted into law *Minnesota Statutes* 1992, Chapter 299M, licensing fire protection contractors and journeymen; and

WHEREAS, this law will help to protect life and property from fire; and

WHEREAS, rules and regulations must be developed to allow for the enforcement of this law;

NOW, THEREFORE, I hereby order that:

1. A Governor's Task Force on Fire Protection Systems shall be established. The task force shall have eight members, appointed by the Governor. Members shall comprise a broad cross section of people interested in strengthening new fire protection systems in Minnesota. The State Fire Marshall or his/her designee shall serve as chair.

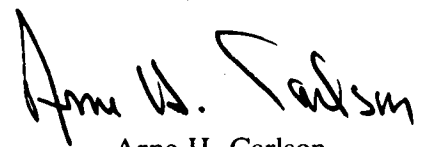
2. The task force shall recommend policies and rules to regulate the fire protection industry of Minnesota. The goal of the task force shall be to recommend and monitor the effectiveness of rules that will help protect life and property from fire. Among the topics the task force shall address are: qualifications to be licensed as a fire protection contractor and journeyman sprinkler fitter, insurance and bond requirements, license fees, examinations and regulations.

3. The task force shall present its recommendations to the Commissioner of Public Safety.

4. The State Fire Marshal shall provide any necessary administrative support to the task force.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-sixth day of August, 1993.



Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

# Revenue Notices

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The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604.

## Department of Revenue

### Revenue Notice #93-16: Sales and Use Tax - Leased Seasonal Sites in Recreational Areas

*Minnesota Statutes*, section 297A.01, subd. 3(d) defines taxable "sale" in part to include the granting of the privilege of admission to recreational areas.

The receipts from a seasonal leased recreational site, such as a campsite, occupied by a camper, a motor home, or a manufactured home which is not assessed pursuant to personal property tax law are subject to sales tax.

*Minnesota Statutes*, section 274.19, subd. 8(f) provides that for property tax purposes a storage shed, deck, or similar improvement constructed on property leased or rented as a site for a manufactured home, sectional structure, park trailer, or travel trailer is taxable as personal property to the lessee of the site if the improvement is not owned by the owner of the site, and, as real estate if the improvement is owned by the owner of the site.

For purposes of administering the sales and use tax law, seasonal leases of recreational areas are not subject to sales tax when the site is occupied by a trailer which is subject to the motor vehicle excise tax and the lessee has made an improvement which is assessed pursuant to personal property tax law.

Dated: 7 September 1993

# Official Notices

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

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

## Department of Commerce

### Bulletin of Pending Applications Reciprocal Interstate Banking Act *Minnesota Statutes*, Section 48.98, Subdivision 2, (2)

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes* § 48.93 and shall be disapproved if:

(1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(2) The competence, experience, integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;

(3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this state; or

(4) The application fails to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota;

(5) A subsidiary of the acquiring bank holding company has failed to meet the requirements set forth in the federal Community Reinvestment Act; or

(6) The acquisition will result in over 30 percent of Minnesota's total deposits in financial institutions as defined in Section 13A.01, Subdivision 2, being held by banks located in this state owned by reciprocating state bank holding companies. This limitation does not apply to consideration for approval pursuant to Section 48.99, Special Acquisitions.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or developmental investments in the community affected.

Current List of Pending Applications:

Fortress Bancshares, Inc.  
P.O. Box 511  
Hartland, Wisconsin 53029-0511

proposes to acquire:

Houston Security Bank  
108 East Cedar Street  
Houston, Minnesota 55943-0518

BANKFIRST Corporation  
526 Main Avenue  
Brookings, South Dakota 57006

proposes to organize and control a new Minnesota state bank:

BANKFIRST  
800 Marquette Avenue, Suite 200  
Minneapolis, Minnesota 55402

NOTICE

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the Bulletin of Pending Applications which includes the listing of the acquisition.

Public Information

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner are available without charge to any person upon request by writing to:

Department of Commerce  
Bulletin of Pending Applications  
Reciprocal Interstate Banking Act  
Fourth Floor  
133 East Seventh Street  
St. Paul, Minnesota 55101

Dated: 26 August 1993

James G. Miller  
Deputy Commissioner of Commerce

## **Executive Council, State Board of Investment, Land Exchange Board, Investment Advisory Council**

### **Meeting Notices**

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Thursday, September 16, 1993 at 8:30 a.m. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Wednesday, September 15, 1993 at 2:00 p.m. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

## **Department of Health**

### **Notice of Completed Application and Notice of and Order for Hearing: In the Matter of the License Application of North Branch Area Rescue Service, North Branch, Minnesota**

**PLEASE TAKE NOTICE** that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from North Branch Area Rescue Service, North Branch, Minnesota for a change in type of license from Basic Ambulance to Advanced Ambulance and change in primary service area to include portions of North Branch and Oxford townships in Chisago County.

## Official Notices

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**IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* §§ 14.57–14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on October 13, 1993 at North Branch City Hall, 1356 Main Street, North Branch, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

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

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

3. Howard L. Kaibel, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7608, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rule* 1400.6200 on or before September 28, 1993. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before October 7, 1993.

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

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

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

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

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

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

## Department of Health

### Notice of Completed Application and Notice of and Order for Hearing: In the Matter of the License Application of Life Link III, St. Paul, Minnesota

**PLEASE TAKE NOTICE** that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Life Link III, St. Paul, Minnesota, EMS License Number 359, to change their current schedule of operations to include a substitution for ground services in Willmar, Minnesota to their current Advanced Ambulance - Specialized license.

**IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* §§ 14.57–14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on October 14, 1993 at Willmar Municipal Utilities Building, 700 Litchfield Ave. S.W. (entrance on West Side), Willmar, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based



upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g).

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

3. Phyllis A. Reha, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7611, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rule* 1400.6200 on or before September 28, 1993. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before October 7, 1993.

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

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

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

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

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

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

## Department of Health

### Notice of Completed Application and Notice of and Order for Hearing: In the Matter of the License Application of Scandia Valley Ambulance Service, Cushing, Minnesota

**PLEASE TAKE NOTICE** that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Scandia Valley Ambulance Service, Cushing, Minnesota for provision of Basic Ambulance Service in Scandia Valley and Rail Prairie Townships in Morrison County, Minnesota.

**IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* §§ 14.57–14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on October 11, 1993 at Scandia Valley Town Hall, Route 1, Cushing, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

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

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

## Official Notices

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3. Peter C. Erickson, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7606, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rule* 1400.6200 on or before September 28, 1993. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before October 7, 1993.

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

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. In addition to the general criteria outlined in *Minnesota Statutes* and *Rules* the hearing record should reflect information specific to this application including: whether the applicant intends that basic ambulance service be substituted for advanced ambulance service as the primary dispatch to the scene of emergencies; whether the current ambulance provider will withdraw from the primary service area requested by the applicant; estimated runs per year; estimated response times. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

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

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

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

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

## Department of Labor & Industry

### Labor Standards Division

### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective September 7, 1993, prevailing wage rates are certified for commercial construction projects in: Carlton county: Fond Du Lac Community College Parking Lot Expansion-Cloquet. Hennepin county: U of M Pharmacy Expansion-Minneapolis. Kandiyohi county: MN/DOT Willmar Headquarters Card Access-Willmar. Ramsey county: Keller Golf Course Club House/Pro Shop Reroofing-Maplewood, State Office Building Skylight-St. Paul. St. Louis county: Re-insulation of Munger, Caribou and Bayview Schools-Proctor. Sherburne county: St. Cloud Correctional Facility HVAC-St. Cloud.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.  
Commissioner

## Minnesota Historical Society

### State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of

Historic Places will be held on Thursday, September 23, 1993, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet for a light dinner at 5:30 p.m. and an informational presentation on program activities will be made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 (612) 296-5434.

## **Department of Natural Resources**

### **Bureau of Real Estate Management**

#### **Notice of Proposed Conveyance for the Purpose of Resolving a Boundary Discrepancy Between the State and Adjacent Landowner**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources intends to correct a boundary discrepancy which affects land presently owned by the State and land owned by Joseph Froehl (*Minnesota Statutes* 84.0273, 1993). The State originally acquired this property by quit claim deed recorded in the office of the Stearns County Recorder June 27, 1991, document number 0698657. The State will exchange quit claim deeds with the adjacent landowner in order to resolve the boundary discrepancy. The deed from the State to Joseph Froehl will contain the following legal description:

That part of the Southwest Quarter of the Northeast Quarter and Northeast Quarter of the Southwest Quarter lying northerly of the Sauk River in Section 13, Township 123 North, Range 30 West, Stearns County, Minnesota, lying northerly and westerly of the following described line:

Beginning at  $\frac{3}{4}$ " x 24" rebar with a plastic cap stamped "MN DNR PROPERTY MONUMENT" (MN DNR MONUMENT) at the northeast corner of said Southwest Quarter of the Northeast Quarter from which the northwest corner of said Southwest Quarter of the Northeast Quarter bears South 88°14'17" West, bearing based on the Stearns County Coordinate System of 1983; thence South 80°13'22" West 307.79 feet to a MN DNR MONUMENT; thence North 87°39'30" West 262.26 feet to a MN DNR MONUMENT; thence South 82°01'21" West 324.25 feet to a MN DNR MONUMENT; thence South 88°51'35" West 393.08 feet to a MN DNR MONUMENT on the west line of said Southwest Quarter of the Northeast Quarter; thence South 00°51'36" East along said west line 1265.65 feet to a MN DNR MONUMENT at the southwest corner of said Southwest Quarter of the Northeast Quarter; thence continuing South 00°51'36" East along the east line of said Northeast Quarter of the Southwest Quarter 35.00 feet to a MN DNR MONUMENT; thence South 88°29'47" West 351.89 feet to a MN DNR MONUMENT; thence North 88°18'59" West 293.28 feet to a MN DNR MONUMENT; thence North 89°43'49" West 542.07 feet to a MN DNR MONUMENT on the north line of said Northeast Quarter of the Southwest Quarter; thence South 88°24'14" West along said north line 131.37 feet to the northwest corner of said Northeast Quarter of the Southwest Quarter and there terminating.

For further information, contact the Bureau of Real Estate Management, DNR, 500 Lafayette Road, St. Paul, MN 55155 (612) 297-3501.

## **Minnesota Pollution Control Agency**

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

#### **Notice of Solicitation of Outside Information or Opinions Regarding Draft Amendments, Including Additional Definitions, to the Rules Governing Recycling Facilities, *Minnesota Rules* parts 7035.0300, subp. 88; 7035.2525, subp. 2, item B; and 7035.2845.**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside the Agency in preparing to amend the rules governing recycling facilities. The adoption of the rules is authorized by *Minnesota Statutes*, sections 115.03, subd. 1, and 116.07, subds. 2, 4, and 4g (1992), which authorize the Agency to adopt rules governing solid waste management.

The Agency requests information and opinions concerning the subject matter of the existing rules and the changes currently under consideration following this notice. 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:

Linnea Fredrickson  
Ground Water and Solid Waste Division  
Minnesota Pollution Control Agency

520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

## Official Notices

Oral statements will be received during regular business hours over the telephone at (612) 296-8549 and in person at the above address.

All statements of information and opinion shall be accepted through October 1, 1993. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendment is adopted.

Charles W. Williams  
Commissioner

**Permit-by-rule recycling facilities are authorized by *Minnesota Rules* pt. 7001.3050, subp. 3, item D.** The purpose of the permit-by-rule process is to allow facilities, which would have minimal impact on the environment, to start operations without lengthy permit application and review procedures.

### ***Minnesota Rules* pt. 7035.0300 DEFINITIONS, subp. 88.**

**Recycling facility.** "Recycling facility" means a facility site where a person collects and processes source-separated used to collect, process, and repair recyclable materials for and reuse them in their original form or for use them in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

### ***Minnesota Rules* pt. 7035.0300 DEFINITIONS, subp. 93a.**

**Residual materials.** "Residual materials" are materials received at recycling facilities in source-separated waste that are contaminants of that waste.

### ***Minnesota Rules* pt. 7035.0300 DEFINITIONS, subp. 105a.**

**Source-separated.** "Source-separated" refers to solid waste that the generator of the solid waste has separated into two or more waste streams to avoid contaminating recyclables or to expedite their collection or processing.

### ***Minnesota Rules* pt. 7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED, subp. 2.**

**Exceptions.** Parts 7035.2525 to 7035.2875 do not apply to the following solid waste management facilities, except as indicated:

B. recycling sites handling one waste type only or recycling drop-off sheds, divided roll-off boxes, separate dumpsters, and other containers or structures sites established where a person to collect recyclables materials in volumes of less than 30 cubic yards to and transport them recyclables to a processor in volumes of no more less than 120-30 cubic yards per day, except for parts 7035.0700, 7035.2845, subpart 3, and 7035.2855;

### ***Minnesota Rules* pt. 7035.2845 RECYCLING FACILITIES**

Subpart 1. **Scope.** The owner or operator of a ~~mixed municipal solid waste~~ recycling facility must comply with subparts 2 through 6. A recycling facility accepting or processing source separated wastes in quantities less than ten cubic yards per day must comply with subparts 2 and 3.

Subp. 2. **Notification.** A letter of notification shall be submitted by ~~t~~The owner or operator of a recycling facility shall submit a notification form to the commissioner within 30 days after the effective date of this part, indicating the existence of the recycling facility and describing the materials intended to be handled at the facility. The owner or operator of a new recycling facility shall submit a letter of notification to the commissioner prior to beginning facility operations. The owner or operator shall re-notify the commissioner when the owner or operator relocates the facility or makes a change in the type of materials handled. The owner or operator shall send a letter of notification to the commissioner when ceasing operations.

Subp. 3. **Design requirements.** The owner or operator of a ~~mixed municipal solid waste~~ recycling facility shall must design and construct the facility in a manner that prevents surface water drainage through recyclable or unusable and residual materials, to contains any spills or releases that could harm human health or cause the environmental risks, and to provides for the storage of recyclable materials and residuals so as to protect the recyclability of the materials, and to provide for the storage and removal of residuals. Storage of waste on-site must comply with part 7035.2855.

Subp. 4. **Operation.** The owner or operator of a recycling facility ~~shall must comply with the operation requirements of items A to C.~~

A. ~~The facility must be operated in a manner that minimizes effectively control dust, and other windblown material, vermin populations due to improper storage, and other nuisances conditions at the facility.~~

B. ~~All residual waste The owner or operator shall must be removed all residual materials and garbage at least once a week.~~

C. ~~By February 1 of each year, an annual report shall be submitted to the commissioner indicating the type and volume of materials handled at the facility; and the final markets and locations for the materials, including the prices for the materials.~~

Subp. 5. **Contingency action plan.** The recycling facility owner or operator ~~shall must~~ prepare and maintain a contingency action plan for the ~~mixed municipal solid waste recycling facility~~. The plan must ~~discuss~~ address what actions the owner or operator will be

taken if a fire, spill, or release occurs at the facility and what back-up system exists if the owner or operator closes the facility is closed for any period of time.

Subp. 6. **Closure.** Within 30 days after notifying the agency of closing, The owner or operator of a mixed municipal solid waste recycling facility must properly remove and treat or dispose of all waste and contaminated soil or structures at the time of closure.

## **Public Employees Retirement Association**

### **Board of Trustees, Notice of Meetings**

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, September 9, 1993, at 9:30 a.m. in the PERA offices, 514 St. Peter Street, St. Paul, Minnesota.

An Information Forum of the Public Safety Officers will be held on Wednesday, September 22, 1993, at 1:00 p.m. in the offices of the Association.

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

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

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. These vacancies will remain open for application through September 28, 1993. Appointing Authorities may also chose to review applications received after that date. Applications are kept on file for a one year period.

The 1992 Annual Compilation and Statistical Report is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1992 fiscal year. The cost of the 1992 Annual Compilation is \$5.50 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1992 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

#### **APPRENTICESHIP ADVISORY COUNCIL**

Dept. of Labor and Industry, Division of Apprenticeship, 443 Lafayette Rd., St. Paul, MN 55155-4303. 612-296-2371.  
*Minnesota Statutes* 178.02.

**APPOINTING AUTHORITY:** Commissioner of Labor and Industry. **COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** Two vacancies: Public members.

The council proposes occupational classifications and minimum standards for apprenticeship programs and agreements, and advises the commissioner. The council includes three representatives of employer organizations, three representatives of employee organizations, and two public members. A designee of the State Board of Technical Colleges in charge of trade and industrial education, is an ex-officio member. Quarterly meetings.

#### **EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL**

717 S.E. Delaware St., Mpls., MN 55414. 612-623-5487.  
*Minnesota Laws of 1990*, Chapter 568, Art. 1, Sec. 16.

**APPOINTING AUTHORITY:** Commissioner of Health. **COMPENSATION:** Travel expenses.

**VACANCY:** Three vacancies: One First Responder; one Emergency Medical Technician (EMT); one Hospital Administrator.

The council advises, consults with, and makes recommendations to the commissioner of Health regarding the formulation of policy and plans for the organization, delivery, and evaluation of emergency medical services within the state. Seventeen members include: eight representatives of regional EMS governing boards; seven technical representatives; one community health services agency representative and one representative of the public at large. Terms are for three years. Meetings are in the Twin Cities, four to six times a year, and are four to six hours in length.

#### **HEALTH TECHNOLOGY ADVISORY COMMITTEE**

717 Delaware St. S.E., Mpls., MN 55440.  
*Laws of 1992*, Chp. 549, Art. 1, Sec. 7.

**APPOINTING AUTHORITY:** MN Health Care Commission. **COMPENSATION:** None.

**VACANCY:** Two vacancies: one to serve as a Biomedical Ethics Representative; one as a Non-specific Health Care Representative.

## Official Notices

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The committee will make recommendations regarding the use and distribution of new and existing health care technologies and procedures and major capital expenditures by providers. The advisory committee may include members of the MN Health Care Commission and must include at least one person representing physicians, at least one person representing hospitals, and at least one person representing the health care technology industry. Meeting schedule and location has not been determined at this time.

### **JUVENILE JUSTICE ADVISORY COMMITTEE**

Dept. of Jobs and Training, 690 American Center Bldg., 150 E. Kellogg Blvd., St. Paul, MN 55101. 612-296-8601.  
*Minnesota Statutes 268.29.*

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** Reimbursed for travel expenses, per diem for non-public employees.

**VACANCY:** One vacancy: Public member.

The committee is the supervisory board for the Department of Jobs and Training with respect to preparation and administration of the state plan and award of grants. The committee consists of eighteen members: must have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. At least one-fifth of the membership must be under the age of twenty-four at the time of initial appointment and at least three must have been or will currently be under the jurisdiction of the juvenile justice system. The majority of members including the chair, must not be full time employees of the federal, state or local governments.

### **MARKET DEVELOPMENT COORDINATING COUNCIL**

MN Office of Waste Management, 1350 Energy Lane, St. Paul, MN 55108. 612-649-5750.  
*Minnesota Statutes 115A.12(1).*

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

**VACANCY:** One vacancy: Persons representing private recyclers, recycling markets or purchasers are encouraged to apply. Recyclers with experience recycling construction demolition material or problem materials are preferred. Purchasers should be actively procuring recycled products. Attendance at monthly meetings is mandatory.

The council develops and coordinates statewide strategy for developing markets for recyclable materials and advises the Office of Waste Management on expenditure of Market Development funds. The council consists of not less than nine nor more than eighteen members: one representative each from the Department of Trade and Economic Development, Department of Administration, Pollution Control Agency, Greater Minnesota Corporation, Metropolitan Council, Legislative Commission on Waste Management; also representation from local government, private recycling markets and collectors. Monthly meetings at the Office of Waste Management in St. Paul.

### **MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION (MMJUA)**

Dept. of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.  
*Minnesota Statutes 62F.*

**APPOINTING AUTHORITY:** Commissioner of Commerce/Governor. **COMPENSATION:** \$150 per diem plus expenses.

**VACANCY:** Three vacancies: Public members.

The board provides medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance through ordinary methods. The board consists of eleven members including three public members appointed by the governor, three health care providers appointed by the commissioner of Commerce, and five members elected by members of the association. Every personal injury liability insurer in the state shall be a member as a condition for obtaining and retaining a license to write insurance in Minnesota.

### **MEDICAL SERVICES REVIEW BOARD**

Dept. of Labor and Industry, Rehabilitation & Medical Affairs, 443 Lafayette Rd., St. Paul, MN 55155. 612-296-8213.  
*Minnesota Statutes 176.103.*

**APPOINTING AUTHORITY:** Commissioner of Labor and Industry. **COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One vacancy: Hospital administrator representative.

The board advises on medical matters relating to workers' compensation, makes determinations on inappropriate, unnecessary or excessive treatment under *Minnesota Statutes 176.103, subd. 2*, and may issue penalties for violation of rules following a contested case procedure under chapter 14 under *Minnesota Statutes 176.103, subd. 3*. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer or insurer member, one physical therapist, and one public member plus alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

**MN COMMISSION SERVING DEAF AND HARD OF HEARING PEOPLE**

Deaf Services, Dept. of Human Services, 444 Lafayette Rd., St. Paul, MN 55155-3814. 612-297-7305 TDD & voice.  
*Minnesota Statutes 256C.28.*

**APPOINTING AUTHORITY:** Commissioner of Human Services. **COMPENSATION:** \$55 per diem.

**VACANCY:** One vacancy: Must be a member of the Advisory Committee for the Mankato Regional Service Center for Deaf and Hard of Hearing People.

The commission advises the commissioner, governor, and legislature regarding policies, programs, services affecting deaf and hard of hearing citizens and creates public awareness of the needs and potential of deaf and hard of hearing people. The commission includes fifteen members, seven of whom are appointed at-large, plus one member from each advisory committee under section 256C.24, subd. 3. At least fifty percent of the members must be deaf or hard of hearing. Terms are for three years. Members who are full time state employees or full time employees of political subdivisions of the state will not receive the per diem. Members who are not full time employees of the state will not receive the per diem. Meetings are usually held in St. Paul at 444 Lafayette Rd., with occasional meetings in other cities around the state. There are four to five full commission meetings each year with numerous sub-committee meetings.

**POLLUTION PREVENTION TASK FORCE**

MN Office of Waste Management, 1350 Energy Lane, St. Paul, MN 55108. 612-649-5750.  
*Minnesota Statutes 15.014.*

**APPOINTING AUTHORITY:** Office of Waste Management. **COMPENSATION:** None.

**VACANCY:** Two vacancies: Seeking candidates with industrial experience and knowledge of pollution prevention: one member preferably to represent a business group, trade association, or state or local chamber of commerce; one member preferably to represent economic development issues in Minnesota.

The task force shall act in an advisory capacity on matters related to the Minnesota Toxic Pollution Prevention Act. The Act, passed by the 1990 Legislature, declares that it is the policy of the state to encourage toxic pollution prevention. The task force will be involved in several programs to reduce, or eliminate at the source, the use, generation, or release of toxic pollutants. The task force consists of fifteen members with representation from the following groups: (1) industry; (2) citizens; (3) government representatives involved in pollution prevention activities. Monthly meetings to occur at the Office of Waste Management in St. Paul.

**SEAWAY PORT AUTHORITY OF DULUTH**

P.O. Box 16877, Duluth, MN 55816-0877. 218-727-8525.  
*Minnesota Statutes 469.049.*

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** \$35 per meeting.

**VACANCY:** One vacancy: Member to be appointed by the governor.

The port authority promotes waterborne commerce in port district; may acquire or construct port facilities; responsible for sale of land in Airpark Industrial Park and Oneota Industrial Park. The authority consists of seven members. Two members are appointed by the governor, two by the St. Louis county board, and three by the Duluth city council. Regular meetings once a month, special meetings called as needed.

**SEXUAL ASSAULT ADVISORY COUNCIL**

MN Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate, St. Paul, MN 55104. 612-642-0200.  
*Minnesota Statutes 611A.25, Sec. 7.*

**APPOINTING AUTHORITY:** Commissioner of Corrections. **COMPENSATION:** Reimbursement of expenses.

**VACANCY:** Ten vacancies: Three metro service providers, three metro non-service providers, three non-metro service providers, one non-metro non-service provider.

The advisory council advises the commissioner of Corrections on all planning, development, data collection, rulemaking, funding and evaluation of programs and services to sexual assault victims other than matters of a purely administrative nature. The council consists of twelve members. No more than six of the members of the council shall be representative of community or governmental organizations (persons not affiliated with grantee or potential grantee) that provide services to sexual assault victims. One-half of the members shall be from the metro area and one-half of the members from the non-metro, including all non-metro areas of the state. Special consideration to comprising the council of diverse populations. Monthly meetings, approximately three hours, at the Dept. of Corrections central office.

**STATE BOARD OF TECHNICAL COLLEGES (TECHNICAL COLLEGE SYSTEM)**

306 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-296-3995.  
*Minnesota Statutes 136C.03.*

## Official Notices

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

**VACANCY:** One vacancy: student position.

The board has the power to manage postsecondary vocational education. The board consists of eleven members; one member from each congressional district; two at-large members and one student member. Except for the student representative, members may not receive compensation or be employed by any public or private postsecondary technical college. Terms are staggered. Members must file with the Ethical Practices Board.

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

444 Lafayette Rd., St. Paul, MN 55155-3828. 612-297-4163.

*Laws of 1988*, Chapter 689.

**APPOINTING AUTHORITY:** Chairman, State Advisory Council on Mental Health. **COMPENSATION:** \$55. per diem plus expenses.

**VACANCY:** One vacancy: Parent of child with emotional disturbance. Prefer person knowledgeable about the needs of children of minority races or cultures.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and services relating to children's mental health. Members include: commissioners or designees of Department of Commerce, Corrections, Education, Health, Human Services, Finance, and State Planning; one member children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children; a consumer of adolescent mental health services; educators currently serving emotionally disturbed children; people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders; social service representatives; county commissioners; advisory council members; one representative of the local corrections system; and one representative from the Minnesota District Judges Association juvenile committee. The subcommittee meets once a month.

### **TELECOMMUNICATIONS ACCESS FOR COMMUNICATION-IMPAIRED PERSONS BOARD**

Dept. of Administration, Centennial Office Bldg. 1st Floor, 658 Cedar St., St. Paul, MN 55155. 612-296-0412 Voice, 612-296-9863 TDD

*Minnesota Statutes 237.50.*

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** \$55. per diem.

**VACANCY:** One vacancy: must be filled by a "deaf" person as defined by *Minnesota Statute 237.49*, subd. 4a (Supp. 1993). The appointee may reside anywhere within the state. This position is for a communication-impaired person-deaf.

The board determines the priority of eligible applicants for initial distribution of communication devices and the circumstances requiring more than one device per household, and is to develop, implement, and maintain a statewide toll-free telephone relay service to enhance communication between persons using TDD and persons without such special devices. The twelve member board includes seven communication-impaired persons, at least three of whom reside outside a metropolitan county at the time of appointment, at least four of whom are deaf, one of whom is speech impaired, one of whom is mobility impaired, and one of whom is hard-of-hearing; one communication disabilities professional, one person representing the state's largest local exchange company, one member of the Minnesota Telephone Association, one person representing companies providing inter-LATA service, if the company with whom the person is employed does not have a contract to operate a telecommunication relay service under *Minnesota Statutes 237.54* and agrees not to enter such a contract for at least one year after the person leaves the board, and the Commissioner of Administration. Members must file with the Ethical Practices Board. Quarterly meetings until June 1993.

## Teachers Retirement Association

### Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, September 29, 1993, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.



# 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.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TDD (612) 297-5353 and ask for 296-2600].

## Environmental Quality Board

### Public Notice of Request for Qualifications (RFQ) for Professional Services for an Analysis of Emissions, Dispersion, Impacts, and Human Health and Ecological Risks of Air Emissions from Fossil Fuel Fired Boilers and Cogeneration Systems

The Environmental Quality Board is anticipating hiring professional services to assist in the analysis of the emissions, dispersion, and impacts of criteria and non-criteria (toxic) air pollutants from steam boilers and electrical cogeneration equipment fired with various combinations of coal, natural gas, fuel oil, or biomass. This analysis is to be completed as part of an Environmental Impact Statement (EIS) planned for the University of Minnesota's proposed renovation of its Twin City campus steam facilities. The proposed study scope includes a human health risk assessment and an ecological risk assessment. These analyses are to be completed for the proposed project and reasonable alternatives. The work will involve preparation of technical reports and summary documents, assistance at public meetings, and coordination with other aspects of the planned EIS.

The Request for Qualifications are available by calling or writing John N. Wachtler, Project Manager, Minnesota Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155. Telephone (612) 296-4095 Fax (612) 296-3698. Details concerning submission requirements are included in the Request for Qualifications.

## Minnesota Education in Agriculture Leadership Council

### Notice of Request for Proposals for Part Time Leadership Facilitator Services for the Minnesota Education in Agriculture Leadership Council

Proposals are being solicited for part time leadership facilitator services to be provided to the Minnesota Education in Agriculture Leadership Council. The anticipated time frame for this activity is October 1, 1993 to June 30, 1995. A maximum of \$34,000 is available for this activity over the life of the contract.

Copies of the RFP may be obtained by contacting Dr. Edgar Persons, MEALC, 1954 Buford Avenue, St. Paul, MN 55108. Telephone (612) 624-3748. Proposals must be received by 4:30 p.m. on September 27, 1993.

## Department of Human Services

### Health Care Administration

### Notice of Requests for Proposals: Study on Uniform Benefit Package

#### I. Introduction.

The Minnesota Department of Human Services, Health Care Administration, (hereinafter, referred to as the Department) is soliciting proposals from qualified parties to:

A. Design and study three packages of acute health care services for uniform coverage of recipients of Medical Assistance, General Assistance Medical Care, and MinnesotaCare who are *not* (1) aged, (2) blind, (3) disabled, or (4) ineligible for Medical Assistance solely by virtue of being a resident of an institution for mental diseases, as follows:

1. Federally mandated minimum Medical Assistance covered services.
2. Current package of Medical Assistance covered services.
3. Package of services similar to those covered under the State of Hawaii's Health Quest Program, as approved in its § 1115(a) waiver.

B. Analyze whether the benefit packages would meet the acute health care needs of each population in a cost effective manner.

C. Estimate the cost per enrollee of providing services under each benefit package, for each program separately, by type of service, accounting for shifts in utilization with changes in the benefit package, for each state fiscal year from 1995 to 2000.

## Professional, Technical & Consulting Contracts

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D. Estimate the enrollment in each program, under each of the benefit packages listed in item A, for each state fiscal year from 1995 to 2000.

E. Estimate aggregate incurred costs for each program, under each of the benefit packages listed in item A, for each state fiscal year from 1995 to 2000.

F. Provide an explanation of the actuarial assumptions and methods of making projections used for items C, D, and E.

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

### II. Objectives.

The project is intended to provide the Department of Human Services with information that may be used in its report to the Legislature required by *Laws of Minnesota 1993*, chapter 345, article 9, sections 2 and 17, and *Laws of 1992*, chapter 549, article 4, section 1, subd. 3. In addition, information from the project may be used to establish a proposal to consolidate the three applicable health care programs.

### III. Qualifications of respondents.

Qualified respondents must be able to demonstrate actuarial experience and expertise in determining the cost of health benefits. Additionally, respondents must be able to demonstrate knowledge of the federal Medicaid program requirements.

### IV. Project tasks.

A. The contractor shall meet with designated representatives of the Department to determine the following:

1. The information, and format of that information, based on the contractor's proposal, that the Department must provide for the contractor to complete the required tasks.

2. The format of the final deliverables.

B. The contractor shall submit a draft report containing the following information:

1. A design for three packages of acute health care services, as described in Item I.A.

2. An analysis of how the acute health care needs of the applicable population would be met with each benefit package, and whether each individual benefit package is more cost effective than the others.

3. An estimate of the cost of covering the services contained in each benefit package, for each program separately, by type of service, accounting for shifts in utilization with changes in the benefit package, for each state fiscal year from 1995 to 2000, with detail on enrollment and per-person costs for the populations in each program, by type of service, accounting for shifts in utilization with changes to the benefit package.

4. Estimate the enrollment in each program, under each of the benefit packages listed in item A, for each state fiscal year from 1995 to 2000.

5. An explanation of the actuarial assumptions and methods of making projections used for items 2, 3, and 4.

C. The contractor shall meet with the Department to discuss the contents of the draft report and make revisions as requested by the Department.

D. The contractor shall submit a final report containing the information required in Item IV.B, amended as required in Item IV.C. Three copies of the report shall be submitted in camera ready copy, and one copy must be submitted on a 3.5 inch computer diskette, formatted in WordPerfect 5.1.

E. The contractor shall be available in January 1994, to assist the Department in presenting information from the contractor's final report to the Legislature, if requested.

Respondents may propose additional tasks or activities if they will substantially improve the results of the project.

### V. Human rights compliance.

Proposals exceeding \$50,000 must include evidence of the responder's compliance with the Human Rights Act attached to the envelope or package submitted under Item VII.

### VI. Bidders' conference.

A conference for potential respondents to this Request for Proposals has been scheduled as follows:

Tuesday, September 14, 1993

3:00 to 4:30 p.m.

Room 100, Centennial Office Building

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## Professional, Technical & Consulting Contracts

658 Cedar Avenue  
St. Paul, Minnesota

The purpose of the conference is to answer potential respondents' questions about the contents of the proposals.

### VII. Submission of proposals.

All proposals must be sent to and received by:

Kathleen Cota, Acting Director  
Health Care Policy Division  
Minnesota Department of Human Services  
444 Lafayette Road, 6th Floor  
St. Paul, Minnesota 55122-3853  
(612) 297-3200

not later than 4:00 p.m., October 1, 1993.

Late proposals will not be accepted. Submit 5 copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

Kathleen Cota is the only individual authorized to answer questions concerning proposal requirements.

### VIII. Project costs.

The Department has estimated that the cost of this project will not exceed \$50,000.

### IX. Project completion date.

The project will be completed by December 1, 1993; or within two months from the date the contract is executed.

### X. Proposal contents.

The following will be considered minimum contents of the proposal:

- A. Restatement of the objective, to demonstrate the responder's understanding of the project.
- B. Description of the deliverables to be provided by the responder.
- C. Outline of the responder's background and experience with particular emphasis on Medicaid experience and actuarial expertise.
- D. Detailed cost and work plan.
- E. Anticipated level of the Department's participation in the project as well as any services or information to be provided by the Department.

### XI. Evaluation.

All proposals received by the deadline specified in section VII will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process. Proposals will be evaluated on the following factors:

- A. Expressed understanding of the project.
- B. Project work plan.
- C. Project cost details.
- D. Qualifications of respondent firm and personnel.

## Office of the State Treasurer

### The Office of the State Treasurer (OST) Has Been Authorized to Initiate a Program for Issuing Medallions to Commemorate Contemporaneous Events

The OST believes it is appropriate to issue medallions to commemorate the selection of Minnesota as host to the 1994 NCAA Women's Final Four Basketball Tournament. The OST is seeking proposals from vendors to manage this program, including the production, marketing and sale of the medallions, over a period of time; i.e., 2-5 years. The State Treasurer and/or his representative(s) will have final approval of all events to be commemorated, the design and production of all medallions and the marketing plan. The proposal may include single event medallions, or one or more series of medallions for various possible events, over a specific time period. Responses to the RFP are due September 27, 1993.

## Professional, Technical & Consulting Contracts

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Interested parties should contact Jerry Engebretson in the Office of the State Treasurer for a copy of the Request for Proposal:

Phone: 612/296-7091

Write: Office of the State Treasurer  
303 Administration Building  
St. Paul, Minnesota 55155

### Department of Public Safety

#### Office of Traffic Safety

#### Request for Proposals for Operation Buckle Down Media Relations

The Minnesota Department of Public Safety is seeking proposals to plan and implement a media relations effort on law enforcement efforts to increase seat belt and child seat use. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Contact: Susan J. Palmer

Telephone: (612) 296-8512

TDD: (612) 297-2100

Address: Department of Public Safety  
Office of Traffic Safety  
Room 207, Transportation Building  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155

Estimated cost of the contract is \$60,000.00. Final date for submitting proposals is Wednesday, September 22, 1993 by 4:00 p.m.

### Minnesota State Board of Technical Colleges

#### Notice of Request for Proposals for Five Information System Initiatives

The State Board of Technical Colleges is requesting proposals for conducting five initiatives related to (1) student unit record reporting and data base development, (2) identification of common student data standards, (3) development of a bulletin board system, (4) development of information system guidelines and policies, and (5) provision of technical training. The State Board of Technical Colleges has estimated that the cost of these initiatives should not exceed \$64,000. A vendor's conference is scheduled for 17-Sep-93, from 10:30 to 12:00 in room 130 of Capitol Square Building. This RFP information may be made available in an alternative format, such as large print or cassette tape, upon request. For TDD, contact the Minnesota Relay Service at 612-297-5353 or 800-627-3529 and ask for Ron Dreyer, 296-9596.

The RFP applications should be requested from:

Ron Dreyer  
Director, Information Systems  
State Board of Technical Colleges  
Room 369, Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55125  
(612) 296-9596

All proposals must be received by 4:30 p.m. on Friday, 22-Oct-93.

## State Grants

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

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

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### Higher Education Coordinating Board

#### Notice of Availability of Request for Proposals for Rural Clinical Sites for Nurse Practitioner Education Grants

The Higher Education Coordinating Board is requesting proposals from providers of continuing education for nurses in rural Minnesota and institutions that have programs of study designed to prepare registered nurses for advanced practice as nurse practitioners. The proposal must address how the availability of rural clinical sites will be expanded.

\$300,000 is available for these grants.

Proposals must be received no later than 4:00 p.m., November 1, 1993.

Those interested in receiving requests for proposals should contact:

Administrative Services  
Higher Education Coordinating Board  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101-2292  
(612) 296-9696

## Non-State Public Bids and Contracts

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

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

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### City of Saint Paul/Ramsey County Joint Purchasing Office

#### Feasibility Study for Water Treatment Plant

The Saint Paul Water Utility is seeking proposals from qualified vendors to perform a feasibility study to upgrade and expand the general treatment areas of the McCarron's Treatment Plant, 1900 North Rice Street, Saint Paul, MN 55113.

Preproposal conference will be held on September 15, 1993 at 9:30 a.m. on site. Proposals are due October 13, 1993. Specifications and proposal forms for RFP-15122-3 are available at no charge; Joint Purchasing Office, Room 515 City Hall/Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102, 612-266-8900.

Project Manager: Roger Mohror, 612-298-4166; Buyer: Susan E. Feuerherm, 612-266-8908.

### Minnesota Historical Society

#### Notice of Request for Bids for Building Modifications

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide building modifications related to the Americans with Disabilities Act at the Minnesota History Center, 345 Kellogg Blvd. West, St. Paul, MN.

The work will generally consist of toilet modifications to meet current ADA requirements, six each, including repair of all disrupted surfaces. Construction of one ramp and walkway.

## Non-State Public Bids and Contracts

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The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 p.m. Central Time, September 22, 1993.

There will be a mandatory pre-bid walk through on September 14, 1993 at 10:00 a.m. Bidders are to meet at the information desk on level one of the Minnesota History Center.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.



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### Order Form on Back—For Information, Call 297-3000

**1991 Minnesota Rules.** Eleven volume set includes 1992 Supplement as a subscription service. Stock #18-100, \$200 + tax (Minnesota residents only). Individual volumes can be purchased at \$20.00 + tax.

**1992 Minnesota Session Laws.** Two volume set includes laws passed during the 1992 session. Stock #18-12. \$30.00 + tax.

**101 Ways to Promote Academic Excellence.** A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting the public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

**1989 Pollution Control Laws.** Laws dealing with water pollution, disposal facilities, solid waste management, the Minnesota Environmental Rights Act, recycling, and more. Code #2-21, \$24.95.

**1992 Hazardous Waste Rules.** Governs the production, storage, transportation and disposal of hazardous waste. *Minnesota Rules* Chapter 7001, 7045 and 7046. Code #3-71, \$16.95.

**Real Estate Rules 1991.** Chapters 2800, 2805 and 2810 from the *Minnesota Rules. Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code #3-99, \$6.00.

**Police Report Writing Style Manual 1989.** A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms and introduces the Data Practices Law. Code #14-13, \$15.00.

### OTHER PUBLICATIONS

**Secrets of the Congdon Mansion.** A complex, intriguing murder case set in one of Minnesota's most spectacular mansions. Now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball. Code #19-56, \$5.95.

**A Paddler's Guide to the Boundary Waters Canoe Area.** Advice on what to bring along on canoe trips, regulations, canoe tips and detailed information for self-guided tours. Includes detailed maps and descriptions of 31 wilderness canoe routes in the Superior National Forest of Northern Minnesota. Stock #19-17, \$4.95.

**Minnesota Geographic Names.** Names of places by the thousand plus interesting historical tidbits included in this 800+ page book. Minnesota history buffs—this is for you! Stock #17-13, \$12.95.

**Room at the Inn Minnesota.** The only guide to more than 60 historic Bed & Breakfast homes, hotels and country inns. Stock #19-72, \$9.95.

**Minnesota Manufacturer's Directory, 1993.** More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$90.00.

**1993 Lake Map Index.** Listing over 4,000 lake maps. Free.

### SUBSCRIPTIONS:

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$150.00; Monday and three State Register Contracts Supplements \$195; 13-week trial (includes all four editions) \$60.00.

**State Register Binder.** Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$10.00 + tax.

**Workers Compensation Decisions.** Volume 48. Selected landmark decisions of the Worker's Compensation Court of Appeals during the period Jan. '93 through June '93. The subscription rate for this volume is \$195.00.

### SERVICES:

**Mailing Lists.** Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

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