

178 June 12

2

# State Register

STATE OF  
MINNESOTA

RECEIVED

Pages 2175-2242

JUN 12 1978



LEGISLATIVE REFERENCE  
STATE CAPITOL  
ST. PAUL, MINN.

## HIGHLIGHTS:

### EXECUTIVE ORDERS

No. 172 — Assistance to Ramsey County

### RULES

General Operation of Zoological Garden

### PROPOSED RULES

General and Divisional/Sectional Rules for  
Department of Administration

Electronic Funds Transfer Terminals

Selection, Training and Licensing of Peace Officers and Constables

### STATE CONTRACTS

Notices of Availability of Contracts  
and Requests for Proposals

Notices of Position Openings

### OFFICIAL NOTICES

Outside Opinion Sought on Rulemaking

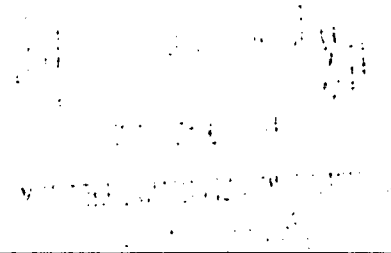
Human Rights Settlement and Predetermination Agreements

Meeting Notices

A detailed table of contents appears inside.

## VOLUME 2, NUMBER 49

JUNE 12, 1978



---

---

## Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
50	June 5	June 12	June 19
51	June 12	June 19	June 26
52	June 19	June 26	July 3

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

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

---

---

The *State Register* is published weekly, on Monday, by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

The State of Minnesota has reserved a copyright to cross-reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

Copyright © 1978 State of Minnesota

Rudy Perpich  
Governor

Carol Anderson Porter  
Editor

Richard L. Brubacher  
Commissioner  
Department of Administration

James Clancy, Paul Hoffman, Robin PanLener, Jack Richter  
Editorial Staff

Cindy Peterson  
Secretarial Staff

# CONTENTS

## MCAR AMENDMENTS AND ADDITIONS

### EXECUTIVE ORDERS LIST EXECUTIVE ORDERS

#### Executive Order No. 172

Providing for Assistance to Officials of Ramsey County, Minnesota . . . . . 2182

## RULES

### Minnesota Zoological Garden

Adopted Rules Governing General Operation . . . . . 2183

## PROPOSED RULES

### Department of Administration

Proposed Rules and Amendments to the Existing  
Rules Pertaining to Several Units of the  
Department of Administration . . . . . 2187  
**General Rules** . . . . . 2188  
**Intergovernmental Information**  
Systems Advisory Council . . . . . 2188  
Materials Management — Documents . . . . . 2190  
Federal Surplus Property . . . . . 2191  
Office of the State Register . . . . . 2195  
State Surplus Property Sales . . . . . 2200  
Central Motor Pool . . . . . 2201  
Plant Management . . . . . 2202  
Publications and General Services . . . . . 2206  
Real Estate Management . . . . . 2207  
Records Management . . . . . 2210  
Telecommunications . . . . . 2215  
State Building Code . . . . . 2216  
Procurement . . . . . 2221

### Department of Commerce

#### Banking Division

Proposed Rules Relating to Electronic Funds  
Transfer Terminals . . . . . 2228

### Peace Officer Standards and Training Board

Temporary Rules Governing the Selection,  
Training and Licensing of Peace Officers and  
Constables . . . . . 2233

## STATE CONTRACTS

### Department of Corrections

#### Minnesota Correctional Facility — Lino Lakes

Notice of Availability of Contract for  
Psychological Evaluation Services . . . . . 2234

### Department of Economic Development

#### Publicity and Publications Division

Notice of Request for Proposals for Technical and  
Creative Communications Assistance . . . . . 2234

#### Area and Community Development Division

Notice of Request for Proposals for Study of U.S.  
Hockey Hall of Fame at Eveleth, Minnesota . . . . . 2234  
Notice of Request for Proposals for Study of  
Amtrak Passenger Service . . . . . 2235

### Department of Education

#### Vocational-Technical Education Division

Notice of Request for Proposals for Operation of  
the Minnesota Vocational Follow-up System  
(Post-secondary) . . . . . 2235

### Board of Electricity

Notice of Request for Proposals for Electrical  
Inspectors . . . . . 2235

### Department of Health

#### Personal Health Services — Section of Chronic Diseases

Notice of Request for Proposals for Training of  
Medical Personnel . . . . . 2236

### Department of Natural Resources

#### Bureau of Land

Notice of Openings for an Appraiser and a  
Negotiator . . . . . 2236

#### Bureau of Planning and Research

Notice of Availability for a Negotiated Contract to  
Update County Land Ownership Records . . . . . 2236

#### Parks and Recreation Division

Notice of Availability for a Negotiated Contract for  
an Interpretive Center Display at St. Croix Wild  
River State Park . . . . . 2237

### State University Board

Revised Notice of Availability of Labor Relations  
Consultant Contract (Original Notice Published  
May 30, 1978) . . . . . 2237  
Revised Notice of Intent to Contract for Staffing  
Study at Metropolitan State University (Initial  
Notice Published May 30, 1978) . . . . . 2237

## OFFICIAL NOTICES

### Housing Finance Agency

Notice of Intent to Solicit Outside Opinion for  
Rules Governing Housing Programs for Urban  
American Indians . . . . . 2238

### Pollution Control Agency

Notice of Intent to Solicit Outside Opinion  
Regarding Proposed Changes to the Existing  
State Air Quality Implementation Plan . . . . . 2238

### Department of Human Rights

Settlement Agreements and Predetermination  
Agreements for the Period Beginning May 1, 1978  
and Ending June 2, 1978 . . . . . 2238

### Energy Agency

#### Policy Analysis Division

Notice of Technical Conference on Electrical  
Forecasting . . . . . 2239

### Department of Commerce

#### Insurance Division

Notice of Annual Meeting . . . . . 2239

**ERRATA** . . . . . 2239

# MCAR AMENDMENTS AND ADDITIONS

The following is a cumulative listing of all proposed and adopted rules published in the *State Register* from Volume 2, Number 1, to the present issue. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set.

## TITLE 1 CONSTITUTIONAL OFFICES

### Part 1 Attorney General

Exhibit J (adopted) ..... 1895

### Part 2 Secretary of State

SecStat 301, 502-513, 601, 604-607, 902-903, 1102, 1101  
2100-2106, 2108-2111, 2113, 2115 (proposed) ..... 784  
SecStat 4001 (proposed temporary) ..... 2098

### Part 3 State Treasurer

TRE 1-14 (proposed temporary) ..... 662  
TRE 1-15 (adopted temporary) ..... 1443  
*Id.* (proposed) ..... 1500

## TITLE 2 ADMINISTRATION

### Part 1 Administration Department

2 MCAR §§ 1.0001, 1.10001-1.10010 (proposed) ..... 2187  
SBC 101-111, 304, 314, 326, 330, 335, 8601 (proposed) ..... 837  
SBC 111 (proposed) ..... 872  
SBC 320, 326, 335 (proposed) ..... 2220  
SBC 6001-6006 (adopted) ..... 173  
SBC 6101-6107 (adopted) ..... 806  
SBC 6201-6205 (proposed) ..... 1095  
SBC 8601 (proposed) ..... 2087  
SBC 8806 (proposed) ..... 871  
ASHRAE Standard 90-75 (proposed) ..... 1095  
2 MCAR §§ 1.2501-1.2508, 1.3001-1.3006, 1.3101-1.3109,  
1.3201-1.3205, 1.3301-1.3306, 1.3501-1.3502, 1.4001,  
1.4101, 1.4201, 1.4501-1.4505, 1.4601, 1.5001, 1.5101,  
1.5201-5205, 1.5301, 1.5501-1.5504, 1.5601, 1.5701,  
1.5801, 1.5901, 1.6001-1.6005, 1.6501-1.6510, 1.6601,  
1.6701-1.6704, 1.6801-1.6804 (proposed) ..... 2187

### Part 2 Personnel Department

Persl 4, 9, 10-12, 18-19, 21-22, 24, 28-29, 31, 39-40,  
46-47, 61, 65-66, 68, 82, 97, 106, 109, 129, 131, 133,  
135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182,  
203, 224-254 (proposed) ..... 254  
*Id.* (adopted) ..... 1236  
Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141,  
144, 181, 203 (proposed temporary) ..... 50  
*Id.* (adopted temporary) ..... 308  
*Id.* (adopted temporary extended) ..... 949  
Persl 275-285 (proposed) ..... 92  
*Id.* (adopted) ..... 1494  
2 MCAR §§ 2.044, 2.048, 2.064, 2.084, 2.087 (proposed  
temporary) ..... 1954

## TITLE 3 AGRICULTURE

### Part 1 Agriculture Department

Emergency Rules 1, 2 (adopted emergency rules) ..... 128  
3 MCAR §§ 1.0109-1.0113 (proposed) ..... 1394  
3 MCAR § 1.0338 (proposed) ..... 1246  
3 MCAR §§ 1.0563-1.0568 (proposed) ..... 248  
*Id.* (adopted) ..... 948  
3 MCAR §§ 1.0564-1.0565, 1.0568 (errata) ..... 1342  
3 MCAR §§ 1.0583-1.0585 (proposed) ..... 694  
*Id.* (adopted) ..... 1615  
3 MCAR §§ 1.0600-1.603 (proposed) ..... 1459

### Part 2 Livestock Sanitary Board

3 MCAR §§ 2.002, 2.005, 2.042 (proposed) ..... 193  
3 MCAR §§ 2.002, 2.040 (proposed) ..... 930  
3 MCAR § 2.002 (adopted) ..... 1804  
3 MCAR §§ 2.005, 2.042 (adopted) ..... 1393  
3 MCAR § 2.041 (adopted) ..... 915

## TITLE 4 COMMERCE

### Part 1 Commerce Department

BD 226, 227 (proposed) ..... 177  
4 MCAR §§ 1.0226-1.0231 (proposed) ..... 2228  
SDiv 1501, 1503, 1505-1506, 1508-1509, 1511-1513,  
2011, 2027, 2138 (proposed) ..... 1518  
Uniform Conveyancing Blanks (proposed) ..... 1463  
INS 90, 92 (proposed) ..... 182  
*Id.* (adopted) ..... 1164  
INS 150 (proposed temporary) ..... 1051  
*Id.* (adopted temporary) ..... 1494  
*Id.* (proposed) ..... 1782  
INS 180-188 (proposed) ..... 177  
INS 200-207, 225-235 (proposed temporary) ..... 1672  
INS 200, 203 (errata) ..... 1787

### Part 3 Public Service Department

PSC 2, 5 (adopted) ..... 977  
PSC 106, 120, 122-124, 128 (adopted) ..... 1050  
PSC 120 (errata) ..... 1225  
PSC 179-183, 212 (adopted) ..... 1874  
PSC 280-282, 284, 286-287, 295-296, 298-303, 311,  
313-315, 325-328, 335 (adopted) ..... 2155  
PSC 390-395 (adopted) ..... 834  
PSC 390, 392, 395 (errata) ..... 1384

### Part 4 Cable Communications Board

MCCB 2, 20, 46-56, 61-62, 64-77, 80, 91, 99, 103,  
111-113, 121, 134, 136, 166-168, 170-171, 201,  
225 (adopted) ..... 1028

### Part 5 Abstractors Board

Abs 2-10 (adopted) ..... 1377

### Part 6 Accountancy Board

Accy 5, 8, 12, 18-19, 30, 40, 43-46, 50, 60, 63, 70-74,  
80-84, 110-112, 120-121, 140-141, 150-151, 200-205,  
210, 220-429 (adopted) ..... 145  
Accy 150, 160 (adopted) ..... 1028  
Accy 150 (proposed) ..... 1878

### Part 7 Architecture Board

AE&LS 9 (proposed) ..... 677

### Part 8 Barber Board

BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (proposed) ..... 410  
BE 79 (adopted) ..... 1164

### Part 9 Boxing Board

4 MCAR §§ 9.101-9.124, 9.201-9.215, 9.301-9.306,  
9.401-9.411, 9.501-9.518, 9.601-9.611 (proposed) ..... 916

### Part 10 Cosmetology Board

MSBC 1-8, 20-30, 40-42, 60-66 (proposed) ..... 35  
*Id.* (adopted) ..... 1029  
MSBC 64 (errata) ..... 164

### Part 13 Peace Officers Board

4 MCAR §§ 13.001-13.010, 13.020 (proposed temporary) ..... 2026  
4 MCAR § 13.006 (proposed temporary) ..... 2233

## TITLE 5 EDUCATION

### Part 1 Education Department

EDU 8, 330 (proposed) ..... 1539

# MCAR AMENDMENTS AND ADDITIONS

EDU 44 (adopted) .....	915
EDU 741, 743 (proposed temporary) .....	693
5 MCAR §§ 1.0010, 1.0720-1.0725 (proposed) .....	1051
5 MCAR §§ 1.0070-1.00791, 1.00801, 1.00811, 1.00821, 1.00831, 1.0084-1.0086, 1.0100-1.0109, 1.01101, 1.0111-1.0116 (proposed) .....	1056
<i>Id.</i> (adopted) .....	1999
5 MCAR §§ 1.0552-1.0559, 1.05599, 1.0762, 1.0765 (proposed) .....	1539
5 MCAR §§ 1.0720-1.0725 (proposed temporary) .....	251
<i>Id.</i> (adopted temporary) .....	753
<i>Id.</i> (adopted temporary extended) .....	1236
5 MCAR §§ 1.0741-1.0745 (proposed temporary) .....	1402
<i>Id.</i> (adopted temporary) .....	1974
5 MCAR §§ 1.0764, 1.0767-1.0769 (adopted temporary) .....	305
<i>Id.</i> (adopted) .....	915
<b>Part 2 Higher Education Coordinating Board</b>	
5 MCAR §§ 2.0101-2.0108, 2.0301-2.0310, 2.0401-2.0407, 2.0501-2.0507, 2.0601-2.0607, 2.0801-2.0806 (proposed) .....	696
<i>Id.</i> (adopted) .....	1873
5 MCAR §§ 2.1001-2.1008 (proposed) .....	1096
<i>Id.</i> (adopted) .....	2119
<b>Part 3 Teaching Board</b>	
5 MCAR §§ 3.001, 3.003-3.015, 3.020-3.031, 3.041, 3.052-3.054, 3.065, 3.068, 3.072-3.074, 3.085-3.086, 3.102-3.103, 3.130 (proposed) .....	311
5 MCAR §§ 3.003, 3.109 (adopted) .....	915
5 MCAR §§ 3.073, 3.106, 3.108, 3.130, 3.131 (proposed) ..	1897
<b>Part 4 State University Board</b>	
SCB 101-110, 201-211, 251-255, 301-309, 321-328, 401-404, 421-423, 431-433, 501-506, 601-604, 701-714, 751-753, 801-805, 901-904, 1001-1014 (proposed) .....	1201
<b>Part 5 Arts Board</b>	
MSAB 1-8 (adopted) .....	31
5 MCAR §§ 5.001-5.010 (proposed) .....	2088
<b>Part 6 Zoological Gardens</b>	
Zoo 101-105, 201-206, 301-307, 401-409, 501-505, 601-615, 701-702 (proposed) .....	1266
<i>Id.</i> (adopted) .....	2183
<b>TITLE 6 ENVIRONMENT</b>	
<b>Part 1 Natural Resources Department</b>	
NR (unnumbered) (proposed) .....	1732
NR 1, 10 (proposed) .....	777
NR 51, 56 (proposed) .....	440
<i>Id.</i> (adopted) .....	1593
NR 57 (adopted) .....	2050
NR 2220 (proposed) .....	2163
NR 2600, 2610, 2620, 2630, 2640 (adopted) .....	174
NR 2700, 2710, 2720 (adopted) .....	1664
NR 2710, 2720 (errata) .....	1771
NR 5020-5026 (proposed) .....	200
<i>Id.</i> (adopted) .....	2050
NR 5300 (proposed) .....	287
<i>Id.</i> (adopted) .....	1926
<b>Part 2 Energy Agency</b>	
EA 300-316 (adopted) .....	1038
EA 601-605, 611, 631-639, 641 (adopted) .....	1444
<i>Id.</i> (adopted) .....	1618
EA 701-705, 711, 721, 731-737, 741-743, 781, 791 (proposed) .....	1548
EA 701, 703-704, 731, 735 (errata) .....	1715
EA 1001-1005, 1011, 1021, 1031-1034, 1040-1045, 1050-1055, 1060-1065, 1081, 1091 (proposed) .....	1560
6 MCAR §§ 2.1101-2.1105, 2.1111, 2.1121, 2.1131-2.1135, 2.1141-2.1144, 2.1146-2.1149, 2.1151-2.1154, 2.1156-2.1159, 2.1181, 2.1186, 2.1191 (proposed) .....	1805
6 MCAR §§ 2.1103, 2.1143 (errata) .....	1881
<b>Part 3 Environmental Quality Board</b>	
MEQB 71-82 (proposed) .....	508
<i>Id.</i> (adopted) .....	2145
MEQB 72-73, 76-80, 82 (adopted emergency rules) .....	501
MEQB 72, 79, 82 (errata) .....	745
MEQB 74, 76, 78-80 (errata) .....	745
<b>Part 4 Pollution Control Agency</b>	
APC 4, 11 (errata) .....	135
HW 1-10 (proposed) .....	521
SW 1-4, 6-7 (proposed) .....	616
WPC 34 (proposed) .....	1736
<i>Id.</i> (errata) .....	1787
WPC 38 (adopted) .....	833
WPC 40 (proposed) .....	708
WPC 43 (proposed) .....	94
<b>Part 5 Water and Wastewater Operator Council</b>	
WWOB 1 (proposed) .....	674
<i>Id.</i> (adopted) .....	1730
<b>Part 6 Metropolitan Waste Control Commission</b>	
MWCC 2 (proposed) .....	518
<i>Id.</i> (adopted) .....	1287
<b>Part 7 Soil and Water Conservation Board</b>	
SWC 1-5 (proposed temporary) .....	970
<i>Id.</i> (proposed) .....	1421
<i>Id.</i> (adopted temporary) .....	1457
<i>Id.</i> (adopted temporary extended) .....	2086
<b>TITLE 7 HEALTH</b>	
<b>Part 1 Health Department</b>	
MHD 123-124, 127, 131-133, Tables 123, 127, 131 (proposed) .....	869
MHD 139 (proposed) .....	674
<i>Id.</i> (adopted) .....	1200
MHD 145-149 (emergency rules) .....	381
MHD 145-150, 195, 198, 246-254 (adopted) .....	1046
MHD 181-186 (adopted) .....	1284
MHD 220, 224 (proposed) .....	926
<i>Id.</i> (adopted) .....	1726
MHD 224 (errata) .....	1787
MHD 268, 279, 294, 304-306, 314-315 (proposed) .....	420
<i>Id.</i> (adopted) .....	1165
MHD 536-538 (adopted) .....	1659
MHD 538 (errata) .....	1771
7 MCAR §§ 1.174-1.178 (proposed) .....	1252
7 MCAR §§ 1.370, 1.521-1.527, (adopted) .....	829
7 MCAR § 1.524 (errata) .....	954
7 MCAR §§ 1.541-1.543 (proposed) .....	2159
<b>Part 4 Medical Board</b>	
7 MCAR § 4.012 (proposed) .....	309
<i>Id.</i> (adopted) .....	1613
<b>Part 5 Nursing Board</b>	
7 MCAR §§ 5.1002-5.1004, 5.1012, 5.1030, 5.1032-5.1036, 5.1060-5.1061, 5.1063, 5.1080,	

# MCAR AMENDMENTS AND ADDITIONS

5.1091, 5.2002-5.2003, 5.2005, 5.2030-5.2036, 5.2040, 5.2050-5.2051, 5.2053, 5.2070, 5.2082 (proposed) .....	227
<i>Id.</i> (adopted) .....	1874
7 MCAR §§ 5.1010-5.1011, 5.1030-5.1033 (proposed) .....	755

<b>Part 6 Nursing Home Administration Board</b> NHA 10, 22-23 (proposed) .....	1479
---	------

<b>Part 7 Optometry Board</b> OPT 1-8 (proposed) .....	44
<i>Id.</i> (adopted) .....	1669
OPT 3, 6, 8 (errata) .....	1771
OPT 3 (errata) .....	1832

<b>Part 8 Pharmacy Board</b> PHARM 1-4, 6-12, 21, 23, 25-28, 31, 33, 36-37, 40-41, 43-46, 51, 61, 101-106, 111-118 (adopted) .....	1136
PHARM 51 (proposed) .....	1594

<b>Part 9 Podiatry Board</b> 7 MCAR § 9.002 (proposed) .....	442
---	-----

<b>Part 11 Veterinary Board</b> 7 MCAR §§ 11.001-11.003, 11.007-11.008 (adopted) .....	1243
---	------

## TITLE 8 LABOR

<b>Part 1 Labor and Industry Department</b> LS 1-9, 12, 14-18 (proposed) .....	188
<i>Id.</i> (adopted) .....	1139
FEA 1, 3, 7-8, 13, 16, 22, 27, 29, 44, 57 (proposed) .....	187
<i>Id.</i> (adopted) .....	1593
FEA 8 (errata) .....	1601
SRLI 8300-8312 (proposed) .....	1976
MOSHC (emergency temporary standard) .....	1664
MOSHC 1 (emergency rule) .....	145
<i>Id.</i> (emergency-rule) .....	673
<i>Id.</i> (emergency rule) .....	753
<i>Id.</i> (adopted) .....	969
<i>Id.</i> (withdrawn) .....	1378
<i>Id.</i> (proposed) .....	1380
<i>Id.</i> (adopted) .....	1729
MOSHC 270-271, 274-283, 290-306, 310-313, 315-317, 320-336 (proposed) .....	149
<i>Id.</i> (adopted) .....	2122

<b>Part 3 Public Employment Relations Board</b> PERB 1, 3, 10, 35, 40-41, 50, 55 (proposed) .....	931
--	-----

<b>Part 4 Economic Security Department</b> 8 MCAR § 4.0010 (proposed) .....	1147
<i>Id.</i> (adopted) .....	1951

## TITLE 9 LAW

<b>Part 1 Ethical Practices Board</b> 9 MCAR §§ 1.0100-1.0111 (proposed temporary) .....	2124
9 MCAR §§ 1.0001-1.0046 (proposed) .....	2005

<b>Part 2 Hearing Examiners</b> HE 102-112, 202-206, 209-214, 216-218, 222 (proposed) .....	382
HE 401-418 (adopted temporary) .....	85
<i>Id.</i> (proposed) .....	382
<i>Id.</i> (adopted) .....	1798
HE 404, 408, 414 (errata) .....	1881

## TITLE 10 PLANNING

<b>Part 1 State Planning Agency</b> 10 MCAR §§ 1.305-1.306 (proposed temporary) .....	146
<i>Id.</i> (adopted temporary) .....	673
10 MCAR §§ 1.305-1.310 (proposed) .....	1639

<b>Part 3 Municipal Board</b> MMC 20 (proposed) .....	1731
--	------

<b>Part 4 Metropolitan Council</b> MC 1-11 (proposed) .....	1355
--	------

## TITLE 11

<b>Part 1 Public Safety Department</b> DES 94, 129-130, 140-141 (proposed) .....	443
<i>Id.</i> (adopted) .....	1167
MoVeh 58 (adopted) .....	33
MoVeh 70-82 (adopted) .....	145
Liq 1-3, 24-25, 27-35, 38-39, 56, 67, 71-78, 83-84, 92, 95, 98-100, 123 (proposed) .....	96
11 MCAR §§ 1.5067-1.5070 (proposed) .....	891
<i>Id.</i> (adopted) .....	1933

<b>Part 2 Corrections Department</b> CORR 1-12 (adopted) .....	84
CORR 4 (errata) .....	135
CORR 100-112 (adopted) .....	1842
CORR 200-203 (emergency rules) .....	407
<i>Id.</i> (adopted temporary) .....	969

<b>Part 3 Crime Control Planning Board</b> CCPB 101-109, 201-204 (proposed) .....	1631
--	------

## TITLE 12 SOCIAL SERVICE

<b>Part 2 Public Welfare Department</b> DPW 1 (adopted) .....	1168
DPW 3 (adopted) .....	1182
DPW 17 (proposed) .....	1404
DPW 30 (proposed temporary) .....	132
DPW 30, 33 (adopted temporary) .....	754
<i>Id.</i> (adopted temporary extended) .....	1168
DPW 30 (proposed) .....	1634
DPW 33 (proposed temporary) .....	133
DPW 43 (proposed) .....	1755
DPW 44 (errata) .....	998
DPW 47 (adopted) .....	353
<i>Id.</i> (proposed) .....	677
<i>Id.</i> (adopted) .....	1617
<i>Id.</i> (proposed) .....	1955
DPW 49 (proposed temporary) .....	234
<i>Id.</i> (adopted) .....	245
<i>Id.</i> (adopted temporary) .....	507
<i>Id.</i> (proposed) .....	617
<i>Id.</i> (proposed temporary) .....	1596
<i>Id.</i> (proposed temporary) .....	1825
<i>Id.</i> (proposed) .....	1935
<i>Id.</i> (errata) .....	1939
DPW 52 (adopted) .....	34
DPW 56 (proposed) .....	1100
DPW 60 (proposed) .....	1102
<i>Id.</i> (adopted) .....	1974
<i>Id.</i> (adopted temporary) .....	1239
DPW 61 (proposed) .....	1112
<i>Id.</i> (adopted) .....	2122
DPW 62 (proposed) .....	1118
DPW 63 (proposed temporary) .....	2011
<i>Id.</i> (proposed) .....	2012
DPW 94, 104, 116, 125, 128, 131-132, 140, 141 (proposed) ..	455
<i>Id.</i> (adopted) .....	1189
DPW 125-126, 128, 130-132, 135, 140 (proposed) .....	633
<i>Id.</i> (adopted) .....	1496

# MCAR AMENDMENTS AND ADDITIONS

DPW 160 (proposed).....	60
<i>Id.</i> (proposed) .....	160
<i>Id.</i> (errata) .....	164
DPW 162 (proposed).....	1751
DPW 171, 200, 210-218 (adopted) .....	1093
<i>Id.</i> (errata) .....	1225

## Part 3 Housing Finance Agency

MHFA 1-17, 31-36, 51, 61-69, 111-115 (adopted) .....	306
MHFA 120-121 (proposed).....	675
<i>Id.</i> (adopted) .....	1873
MHFA 131-135 (proposed temporary).....	1359
<i>Id.</i> (proposed) .....	1575

## TITLE 13 TAXATION

### Part 1 Revenue Department

Tax S&U 101, 104, 107-109, 112, 115-117, 202, 204, 207-208, 211-212, 302, 401, 404, 407-408, 411, 415, 421-422, 508, 510-511, 601, 604, 607-610 (proposed) .....	1288
--	------

Tax S&U 104 (errata) .....	1601
----------------------------	------

## Part 2 Tax Court

13 MCAR §§ 2.001-2.017 (proposed) .....	1260
<i>Id.</i> (adopted) .....	1877

## TITLE 14 TRANSPORTATION

### Part 1 Transportation Department

14 MCAR §§ 1.4025-1.4028 (proposed temporary) .....	892
<i>Id.</i> (adopted temporary) .....	1200
<i>Id.</i> (adopted temporary) .....	1515
<i>Id.</i> (adopted temporary extended).....	2086
<i>Id.</i> (proposed) .....	1761
14 MCAR § 1.5041 (proposed temporary) .....	1360
<i>Id.</i> (adopted temporary) .....	1894
<i>Id.</i> (adopted temporary extended).....	2086

# EXECUTIVE ORDERS

---

---

## Emergency Executive Order No. 172

### Providing for Assistance to Officials of Ramsey County, Minnesota

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order.

Whereas, the St. Paul Police Department has requested assistance in the search for a lost child; and

Whereas, conditions of the area in which the child was lost precluded an effective search within available resources of the St. Paul Police Department;

Now, therefore, I order:

1. The Adjutant General of Minnesota to order to active duty on or after 17 May 1978, in the service of the state, such elements of the military forces of the state as required, and for such a period of time necessary to successfully complete a search for the lost child.

2. Cost of subsistence, transportation and fuel, and pay and allowances of said individuals will be defrayed from the general fund of the state as provided for by Minn. Stat. § 192.49, subd. 1, and § 192.51 (1976), and Minn. Stat. § 192.52 (1977 Supp.).

This order is effective retroactive to 17 May 1978, and shall be in force until 19 May 1978.

In testimony whereof, I hereunto set my hand on this 24th day of May, 1978.





# RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *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 as proposed 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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

---

---

## Minnesota Zoological Garden

### Adopted Rules Governing General Operation

The proposed rules published at *State Register*, Volume 2, Number 25, p. 1266, December 26, 1977 (2 S.R. 1266), are adopted and are identical to their proposed form, with the following amendments:

#### Chapter One General

**Zoo 101 Purpose and Authority Violation.** These regulations are promulgated pursuant to authority granted the Minnesota Zoological Board by Minn. Stat. 85A.02, subd. 7 (1976) and are intended to govern the efficient protection of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein. A violation of any regulation rule herein set forth is a misdemeanor.

#### Zoo 102 Definitions.

A. "Director" means the chief executive officer of the Minnesota Zoological Garden.

B. "Admission area" means those parts of the Minnesota Zoological Garden except the roadway entrance to the parking areas and the parking areas.

C. "Parking areas" means those parts of the Minnesota Zoological Garden premises which are designated for public parking.

D. "Zoo premises" means the entire real estate, personal property and air space owned or controlled by the Minnesota Zoological Garden.

E. "Zoo visitor" means any person or legal entity of any kind entering or occupying any part of the zoo premises.

F. "Vehicle" means any motorized, self propelled, animal-drawn or human-powered conveyance, including motorized recreation vehicles, and any trailer used in connection with any vehicle with the exception of wheelchairs, baby strollers, or other conveyances necessary for the pedestrian movement of the handicapped, children, or infants.

G. "Motorized recreational vehicle" means any self-propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.

H. "Weapon" means any instrument the possession of which is unlawful under Minnesota law and any device from which shot or projectile of any type can be discharged by means of an explosive, gas, or compressed air, or otherwise propelled, including but not limited to firearms, bows and arrows, slings, and spring guns.

I. "Wildlife" means all living creatures, not human, who are by nature endowed with sensation and power of voluntary motion.

J. "Intoxicating liquor" means any liquor which is intoxicating pursuant to Minnesota law and includes ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.

K. "Beer" means any alcoholic malt beverage containing not more than 3.2% alcohol by weight.

L. "Controlled substances" means any drug, the use, possession, or sale of which is a violation of federal ~~or~~ Minnesota law.

**Zoo 103 Applicability.** These ~~regulations~~ rules shall apply

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# RULES

## ZOO 103

to all persons on the zoo premises or causing any effect upon or within the zoo premises.

~~Zoo 104 Penalties.~~ A person guilty of violating any provision of these regulations shall be punished by a fine of not more than \$300.00 together with taxable costs, or by imprisonment for a period not to exceed 90 days, or both.

~~Zoo 105 Zoo 104 Enforcement.~~ These regulations rules may, and in accordance with Minnesota Statutes, be enforced by any person, peace officer, or law enforcement agency designated, appointed or ratified by the Director to act in a law enforcement capacity on the zoo premises; peace officer, or law enforcement agency or person designated, appointed or ratified by the Director to act in a security capacity on the zoo premises.

## Chapter Two Admission

**Zoo 201 Tickets or passes required.** It is unlawful for any person or vehicle to be present upon to enter the zoo premises without a valid ticket or pass.

**Zoo 202 Entry to zoo premises.** It shall be unlawful for any person or vehicle to enter the zoo premises except at designated entrances.

**Zoo 203 Hours.** The hours during which zoo visitors may be on zoo premises shall be designated by the Director. It shall be unlawful for any person or vehicle to enter or be on zoo premises except during such hours.

**Zoo 204 Whole or partial closure of zoo premises.** The zoo premises or any portion thereof may be declared closed to the public by the Director at any time and for any interval of time as the Director shall find reasonably necessary and the presence of any person or vehicle in such area is prohibited.

**Zoo 205 Restricted areas.** It shall be unlawful for any person or vehicle to pass into any posted restricted area, except that entry into restricted areas shall be permitted in such areas as the Director may specifically designate when such admittance is under the auspices and control of any authorized special tour guided by zoo personnel.

**Zoo 206 Aircraft.** It is unlawful for any person to land an aircraft on the zoo premises ~~or to operate an aircraft above or near the zoo premises in any manner which might tend to, or might disturb the wildlife in the Minnesota Zoological Garden.~~

## Chapter Three Protection of Wildlife and Natural Resources

**Zoo 301 Protection of wildlife and natural resources.** It is unlawful for any person to injure, destroy, or remove any wildlife, vegetation, rock, soil, or mineral on the zoo premises or to kill, trap, hunt, pursue, or in any manner intentionally disturb, alter, or cause to be disturbed or altered any species of wildlife within or on the zoo premises.

**Zoo 302 Shooting.** It is unlawful for any person to shoot any weapon on the zoo premises or into or above the zoo premises from beyond zoo boundaries.

**Zoo 303 Pets.** It is unlawful for any person to bring any dog, cat, or other domesticated animal or pet onto the zoo premises except on a leash and then only into the parking areas with the exception of hearing ear/seeing eye dogs properly identified as such.

~~Zoo 304 Foreign Wildlife or Agents.~~ It is unlawful for any person to bring, possess, introduce or release on the zoo premises any chemical or other agent potentially harmful to the vegetation or wildlife of the zoo.

Zoo 304 Chemical agents. It is unlawful for any person to release on the zoo premises any chemical or other toxic agent harmful or potentially harmful to the wildlife or vegetation of the zoo.

Zoo 305 Release of wildlife. It is unlawful for any person to bring, possess, abandon or release on the zoo premises any wildlife including domestic animals.

~~Zoo 305 Zoo 306 Feeding wildlife.~~ It is unlawful to feed any species of wildlife on the zoo premises except as specifically authorized in designated areas.

~~Zoo 306 Physical or Verbal Contact Prohibited.~~ It is unlawful for any person to attempt to make physical contact with any wildlife on the zoo premises except for authorized contact in the Children's Zoo. It is unlawful for any person to attempt to make or to make any other contact including verbal with any wildlife on the zoo premises in a manner likely to or tending to disturb or disturbing any wildlife.

Zoo 307 Physical contact. It is unlawful for any person to attempt to make or to make physical contact with any wildlife on the zoo premises except as authorized in contact areas of the Children's Zoo.

Zoo 308 Audible harassment. It is unlawful for any person to attempt to use or to use any audible means for the purpose of agitating the wildlife on the zoo premises to the point of harming themselves, other wildlife, zoo visitors or damaging the physical property of the zoo.

~~Zoo 307 Zoo 309 Horses.~~ Horses are prohibited on the zoo premises.

# RULES

## Chapter Four Traffic

**Zoo 401 Roadways.** No vehicle shall be operated on or occupy any part of the zoo premises except parking areas and roadways.

**Zoo 402 Motorized recreational vehicles.** No motorized recreational vehicles shall be allowed on the zoo premises except road licensed vehicles.

**Zoo 403 Right-of-way.** Pedestrians and wildlife have the right-of-way on the zoo premises at all times in all places. Drivers of all vehicles must yield right of way.

~~Zoo 404 Incorporation of State Statutes. Minnesota Statutes, Chapters 169, 170, and 171 and all other applicable Minnesota Statutes relating to traffic, parking, and the operation of vehicles, as amended from time to time, are hereby incorporated into and made a part of this rule, and the same shall be in full force and effect as to all parts of the zoo premises and as to the operation of vehicles therein and thereon, and shall have the same force and effect as though the said provisions were fully set out herein and it shall be unlawful for any person to violate the same.~~

~~Zoo 405 Zoo 404 Speed limit.~~ No person shall drive a vehicle on zoo premises at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or wildlife. The maximum speed limit is 15 miles per hour or 24 kilometers per hour.

~~Zoo 406 Zoo 405 Lawful orders and posted Regulations rules.~~ It shall be unlawful for any person to operate a vehicle on zoo premises in violation of posted regulations rules, orders or directions of traffic officers or zoo employees authorized to direct traffic.

~~Zoo 407 Zoo 406 Parking and standing.~~ It is unlawful to park or leave a vehicle standing on zoo premises except within a designated parking area.

~~Zoo 408 Zoo 407 Overnight parking.~~ Overnight parking of any vehicle is prohibited and all vehicles present on the zoo premises ~~at~~ after closing time are subject to removal at the expense of the owner.

~~Zoo 409 Zoo 408 Obstruction of traffic.~~ It is unlawful to obstruct vehicle traffic.

## ZOO 602

### Chapter Five Food, Beverages, and Controlled Substances

~~Zoo 501 Locations.~~ It is unlawful to consume food or beverages on the zoo premises except at locations authorized by the Director.

~~Zoo 502 Zoo 501 Cookouts and fires.~~ Cookouts and barbecues and other open fires of any kind are prohibited.

~~Zoo 503 Zoo 502 Tailgating and picnicking.~~ Tailgating and picnicking shall be permitted in designated areas only.

~~Zoo 504 Zoo 503 Intoxicating liquors and controlled substances.~~ It is unlawful to use, possess or sell any intoxicating liquor, controlled substances, or beer on the zoo premises or to be under the influence of any intoxicating liquor, to enter the zoo premises under the influence of any intoxicating liquor, controlled substance or beer except as provided in Zoo 505 504.

~~Zoo 505 Zoo 504 Intoxicating liquors and beer at special events.~~ The use of intoxicating liquors and beer shall be allowed within the main zoo building complex at such special zoo events and subject to such conditions as the Board shall designate.

### Chapter Six Speech and Conduct

~~Zoo 601 Incorporation of Misdemeanor Statutes.~~ The misdemeanor statutes of the State of Minnesota and the misdemeanor ordinances of the City of Apple Valley relating to the conduct of persons and the protection of life and property are hereby incorporated into and made a part of these regulations and the same shall be in full force and effect as though said statutes were fully set forth herein, and it shall be unlawful for any person to violate the same. No aspect of or omission in these regulations shall operate to deprive the criminal laws of the State of Minnesota from having full force and effect on the zoo premises.

~~Zoo 601 Misdemeanor statutes and ordinances.~~ No aspect of or omission in these rules shall operate to deprive the criminal laws of the State of Minnesota or the misdemeanor ordinances of the City of Apple Valley from having full force and effect on the zoo premises.

~~Zoo 602 Fires.~~ Fires are prohibited on the zoo premises.

~~Zoo 603 Zoo 602 Weapons.~~ Possession of any concealed or unconcealed weapon on the zoo premises is prohibited.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# RULES

---

## ZOO 603

~~Zoo 604~~ Zoo 603 Wading and swimming. Wading and swimming are prohibited on the zoo premises.

~~Zoo 605~~ Zoo 604 Smoking. Smoking is prohibited in the admission area except in designated areas.

~~Zoo 606~~ Zoo 605 Boating and fishing. Boating and fishing on zoo premises are prohibited.

~~Zoo 607~~ Disturbance. It shall be unlawful for any person to use threatening, abusive, insulting, obscene or indecent language or to act in an indecent or lascivious manner or to disturb, harass, or interfere with any zoo visitor or zoo visitor's property or to do any other act which constitutes a breach of the public peace on the zoo premises.

~~Zoo 608~~ Sound Trucks. Operation of sound trucks or mobile vehicles equipped with public address systems, or vehicles upon which any advertising signs, political or otherwise, have been affixed in any manner, whether such vehicles are in motion or parked on the zoo premises, is prohibited.

~~Zoo 609~~ Radio and Broadcasting Devices. No radio or other broadcasting device is permitted in the admissions area.

Zoo 607 Operation of public address systems. Operation of public address systems, radios, and broadcasting devices is prohibited in the admissions area.

~~Zoo 610~~ Zoo 608 Soliciting. It is unlawful to sell, solicit, or carry on any business or fund-raising on the zoo premises without the written permission of the Director.

~~Zoo 611~~ Zoo 609 Meetings, speeches, demonstrations, parades, picketing, or distribution of written material. It shall be unlawful for anyone to conduct public meetings, assemblies, entertainment, parades, demonstrations, picketing or distribution of written material on the zoo premises without a written permit from the Director and then only in areas designated in the permit. All such events or activities must be conducted in such a manner as not to violate these ~~regulations~~ rules. In no case shall any such event or activity occur in the admissions area or within 100 feet of any ad-

missions booth and the use of any amplifying or audio systems in connection with such events and activities is prohibited.

~~Zoo 612~~ Zoo 610 Sports equipment. It shall be unlawful for any person to bring any sports equipment, including balls, frisbees, games, sleds, snowshoes, skis, or any other equipment used in sports activities into the admissions area without the advance written permission of the Director.

~~Zoo 613~~ Defacing Property. No person shall deface property on the zoo premises by affixing thereto any manner of advertising material having a gummed or adhesive backing such as labels, lapel badges, ear bumper or window stickers or by any other method of defacement.

Zoo 611 Defacing property. No person shall attempt to or alter, deface, injure, knock down or remove any official zoo sign, device or property or affix thereto any manner of material.

~~Zoo 614~~ Zoo 612 Littering. It is unlawful to deposit, scatter, drop or abandon on the zoo premises any bottle, can, broken glass, sewage, waste or other material except in receptacles provided for such purposes or to throw, discharge or place in or upon any of the zoo premises any substance, liquid; solid or gas, or to drop, throw, or otherwise leave unattended burning cigars, cigarettes, tobacco, paper or other combustible material.

~~Zoo 612~~ Zoo 613 Impersonations. No person shall impersonate a zoo officer, ranger, or employee.

## Chapter Seven Miscellaneous

Zoo 701 Effect on zoo employees or agents. Nothing in these ~~regulations~~ rules shall prevent zoo employees or agents from performing their assigned duties or operate to modify rights of third parties contained in contracts with the Minnesota Zoological Garden.

Zoo 702 Severability. If any part or subpart of these ~~regulations~~ rules is held to be invalid, such invalidity shall not affect the validity of any other part or subpart of these ~~regulations~~ rules.

# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Administration

### Proposed Rules and Amendments to the Existing Rules Pertaining to Several Units of the Department of Administration

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room 83, State Office Building, St. Paul, Minnesota 55155, commencing on July 25, 1978, at 9:30 a.m., and continuing on July 26, 1978, or until such time as all interested persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter Erickson, State Hearing Examiners Office, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8118, either before the hearing or within 5 days after the close of the hearing upon order of the hearing examiner.

The following new and/or amended rules and repeal of

existing rules are being proposed and will be discussed in the order given.

1. Intergovernmental Information Systems Advisory Council rules governing the application, solicitation, review, analysis, and final disposition of grant proposals relating to data processing and systems analysis.

2. Documents Section rules informing the general public of the availability and cost of publications, maps, and other services from the Documents Section, Materials Management Division.

3. Federal Surplus Property Section rules relating to eligibility for and distribution of federal surplus property made available by the federal government for transfer to governmental or nonprofit organizations, including establishing certain standards relating to the terms and acceptable financing of such purchases.

4. Office of the State Register rules governing the availability and cost of publications from the Office of the State Register, Materials Management Division, including repeal of existing rules.

5. State Surplus Property Sales Section rules governing the disposition of obsolete, surplus, and recyclable state property, including eligibility for and terms of purchase.

6. Central Motor Pool rules relating to handling insurance claims involving Central Motor Pool vehicles.

7. Plant Management rules governing the parking of motor vehicles in parking facilities owned or operated by the State of Minnesota and controlled by the Commissioner of Administration, relating to the cost and issuance of parking permits for such facilities, relating to the disposition of lost personal property discovered on certain state property, and governing the issuance of permits for public rallies in or on the Capitol Complex buildings and grounds. Included is the repeal of previous Parking rules.

8. Publications and General Services rules providing for the certification of and computation of standard and adjusted line rates, relating to the central mail room of the Department of Administration, and relating to resolution of a controversy between a public official and publisher concerning the proper line rate and charge.

9. Real Estate Management rules governing the state's acquisition of real property, the issuance of permits for easements across state lands, the issuance of permits to

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# PROPOSED RULES

## 2 MCAR § 1.0001

search for lost or abandoned property upon state lands, and the leasing out of state owned property which is temporarily not needed by the state.

10. Records Management rules governing the records management practices of all state agencies established pursuant to Minn. Stat. § 138.17, including retention, storage, and disposition of state records.

11. Telecommunications rules relating to the application by governmental bodies for sub-lease of TELPAK services.

12. State Building Code rules establishing procedures for appeals of municipal building code interpretations, relating to state surcharge fees, establishing requirements for certification and continuing education of municipal building officials and revocation of such certification, and establishing plan review procedures. Amendments to existing rules relating to manufactured building seals, plan approvals and fees are also being proposed.

13. Procurement rules governing the procurement of materials and services for the state under the competitive bidding requirements and establishing procedures relating to the socially or economically disadvantaged business-small business set-aside program administered by the Procurement Division, Department of Administration. Included is the repeal of existing rules relating to the small business procurement act.

Copies of the proposed rules are available and one free copy may be obtained by writing to the Commissioner's Office, 200 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155. Additional copies will be available at the door on the dates of the hearing. A "Statement of Need" explaining why the agency feels the rules are necessary and a "Statement of Evidence" outlining the testimony they will be introducing will be filed with the hearing examiners office at least 25 days prior to the hearing and will be available there for public inspection.

The department's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 15.0412, subd. 3; 16.05; 16.28; 16.75, subd. 7; 16.86; 16.96; and 138.17.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Richard L. Brubacher  
Commissioner of Administration

May 30, 1978

## Table of Contents

Chapter 1 General

Chapter 2 Reserved for Future Use

Chapter 3 State Building Code

Chapter 4 Reserved for Future Use

Chapter 5 Intergovernmental Information Systems Advisory Council

Chapter 6-8 Reserved for Future Use

Chapter 9 Materials Management

Chapter 10 Central Motor Pool

Chapter 11 Plant Management

Chapter 12 Publications and General Services

Chapter 13 Real Estate Management

Chapter 14 Records Management

Chapter 15 Telecommunications

Chapter 16 Procurement

**Rules as Proposed** (presented in the order listed in the Notice of Hearing).

## Chapter 1 General

**2 MCAR 1.0001 Severability.** If any provision of these rules is held invalid, such invalidity shall not affect any other provisions of the rules which can be given effect without the invalid provision, and to this end, the provisions of these rules are declared to be severable.

## Chapter 5 Intergovernmental Information Systems Advisory Council

**2 MCAR § 1.2501 Purpose and scope.** Pursuant to Minn. Stat. §§ 16.90 and 16.911, these rules govern the application, solicitation, review, analysis, and final disposition of grant proposals received by the Intergovernmental Information Systems Advisory Council for possible funding of projects or programs under the auspices of the Commissioner and the Department of Administration relating to data processing and systems analysis proposals.

**2 MCAR § 1.2502 Definitions.** For the purposes of 2 MCAR §§ 1.2501-1.2508, the following terms have the meanings given:

## PROPOSED RULES

A. "Commissioner" means Commissioner of Administration.

B. "IISAC" or "Council" means the Intergovernmental Information Systems Advisory Council.

C. "Executive Director" or "Director" means the Executive Director of IISAC.

**2 MCAR § 1.2503 Eligibility.** All Minnesota governmental entities and/or organizations composed of groups of such entities are eligible to submit applications for project grants to IISAC. Information as to the availability of funding and conditions of funding may be obtained from the Executive Director, Intergovernmental Information Systems Advisory Council, 300 Hanover Building, 480 Cedar Street, St. Paul, Minnesota 55101.

### **2 MCAR § 1.2504 Directions for submission of proposals.**

A. Applications shall be submitted in writing to the Executive Director, Intergovernmental Information Systems Advisory Council, 300 Hanover Building, 480 Cedar Street, St. Paul, Minnesota 55101, in accordance with the following procedures.

1. All proposals shall be typed on letter sized paper (8½ × 11).

2. Pages shall be numbered for ease of reference.

3. Twenty-five copies of each proposal shall be submitted with the application.

4. The proposals shall follow the proposal format as described in paragraph B of this rule.

5. All proposals shall identify the name, title, address, and telephone number of the person who will represent the eligible agency on matters regarding the proposal content.

6. No standard forms are required.

7. The Commissioner or Executive Director may require other information relevant to processing an application.

B. Proposal format:

1. a cover sheet stating:

a. title of the proposal;

### **2 MCAR § 1.2057**

b. the agency submitting the proposal;

c. names, address, and telephone number of agency and project director;

2. a narrative section describing the overall background of the organization, its mission, goals, objectives, whom it services, and its relationship to state agencies and political subdivisions;

3. a section containing a clear, concise explanation of the purpose of the proposal;

4. a section containing a narrative which details and expands on the purpose of the proposal;

5. a section itemizing tasks to be performed and deliverable products resulting from the proposal;

6. a budget section itemizing expenses and showing matching contributions if applicable;

7. a section containing a time schedule relating to the tasks to be accomplished and deliverable products;

8. a section containing pertinent enclosures and endorsements relating to support of the application.

**2 MCAR § 1.2505 Acknowledgement of receipt.** All applicants shall be notified of formal receipt of applications. Such notification shall include:

1. date of distribution to Council members;

2. date of Council meeting at which the application will be reviewed;

3. notification of completeness of application or requests for additional information.

**2 MCAR § 1.2506 Oral presentations.** Oral presentations or testimony may be requested by the Council to clarify or further explain portions of the proposal. Such presentations or testimony shall be requested in writing by the Director.

### **2 MCAR § 1.2507 Approval or disapproval of applications.**

A. Council approval or disapproval of recommendations for funding shall be made by a majority vote of those members present at a regular meeting of the Council. The recommendations shall be based on a consideration of the following factors:

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.2057

1. available funding;
2. potential technological advancements;
3. cost-benefit relationship;
4. transferability of anticipated technological advancements to other potential users;
5. applicant's experience and expertise in the field of data processing and systems analysis;
6. applicant's financial need.

B. Recommendations shall be forwarded to the Commissioner for his or her approval. The Commissioner's approval shall be contingent upon his or her consideration of the above factors, availability of funds, and the determination that the proposal is consistent with state information systems priorities. The Commissioner shall notify the Council which shall in turn notify all applicants as to action taken on applications.

**2 MCAR § 1.2508 Disclaimer.** The submission of a proposal or application to the Intergovernmental Information Systems Advisory Council does not commit the Council to fund the proposal or to pay for any cost incurred by the applicant in the development or presentation of the proposal.

### Chapter 9A Materials Management — Documents

**2 MCAR § 1.3001 Authority and scope.** These rules are promulgated pursuant to Minn. Stat. §§ 16.02, subs. 17 and 24; 16.026; 16.80; and 16.811, to inform the general public of the availability of publications, maps and other services from the Documents Section, Materials Management Division, Department of Administration. All references to "Commissioner" refer to the Commissioner of Administration. All references to "Documents Section" refer to the Documents Section, Department of Administration, 140 Centennial Bldg., 658 Cedar St., St. Paul, Minnesota 55155.

### 2 MCAR § 1.3002 Publications and maps availability.

A. Authorization of publications. All publications and maps authorized by the commissioner shall be made available to the general public for fees set pursuant to 2 MCAR § 1.3005.

1. Information about publications or maps currently available may be obtained by writing the Documents Section at the above-noted address or by calling the Documents Section and requesting a catalog or map index.

B. Catalogs of publications and maps. The Documents Section shall publish a catalog of Minnesota State publications and indices of maps at intervals deemed necessary by the Commissioner, to keep the public reasonably informed of all materials currently available from the Documents Section.

1. Catalogs shall list current publications, their prices and code numbers including but not limited to the following publications: statutes, directories, conservation books, miscellaneous reports, teaching guides, and adopted rules of state agencies.

2. Indices for lake and fire plan maps list the name and code number of the lake, township and range for fire plan maps, and the prices for each.

3. Catalogs and indices are available from the Documents Section. There shall be no charge for catalogs and indices.

### 2 MCAR § 1.3003 How to purchase available materials.

A. Over-the-counter sales. Any person may purchase any publication or map offered for sale from the section by paying the prescribed fee, plus sales tax, at the office of the Documents Section at the above-noted address during regular business hours.

B. Mail order instructions. Mail orders shall be sent to Documents Section, Room 140 Centennial Bldg., 658 Cedar St., St. Paul, Minnesota 55155. No forms are required.

1. Mail orders shall include a check or money order for the exact amount of purchase, including sales tax where applicable. If tax exemption is claimed, the tax exempt number shall be given.

2. Mail orders shall include the full title of the publication and code number, if possible.

3. Mail orders for lake maps shall include name of the lake and, where known, the code number. If the code number is unknown, township and range or other specific information that will aid in locating the exact area shall be provided. All orders for fire plan maps shall be placed by listing township and range numbers of the area. A free index containing information including township and range numbers may be obtained from the Documents Section at the address contained in paragraph B above.

4. Mail orders shall include the full name and address, including the zip code, of the person to whom the order is to be sent.

C. Customer deposit. Payment received for publications



## PROPOSED RULES

or maps that are temporarily out of stock or in short supply shall be held in "Customer Deposit." The customer shall be notified of the customer deposit number, and the item(s) will be shipped when available. The customer may request a refund of the amount held for each customer in the customer deposit on receipt of the notification. Requests for refund or inquiries regarding customer deposits shall be made to the Documents Section at the address contained in paragraph B above.

1. Unused money in customer deposit shall be refunded at the end of each quarter of the fiscal year unless the customer requests it to be held for future use.

**2 MCAR § 1.3004 Other services offered.** Subscription services, photocopying, white printer reproductions, and other related services shall be offered to the general public upon authorization by the commissioner.

**2 MCAR § 1.3005 Fees.** Fees for services shall be prescribed by the commissioner unless otherwise authorized by law or rule and shall take into consideration the following factors: cost of publication, storage, handling, postage, and the operating expenses of the Documents Section. Fee schedules shown in catalogs and indices are subject to change without notice.

**2 MCAR § 1.3006 Disclaimer of liability.** The Documents Section of the Department of Administration shall assume no responsibility for or liability arising from contents of publications or maps distributed, produced, or otherwise made available under its auspices. Any concern or conflict arising from contents shall be referred to the state agency from which the copy for the publication or map emanated.

### Chapter 9B Federal Surplus Property

#### 2 MCAR § 1.3101 Authority and scope.

A. The Federal Surplus Property Section of the Materials Management Division, Department of Administration, was created and operates pursuant to Minn. Stat. §§ 16.061-16.066 (1976). The Federal Surplus Property Section maintains a distribution center for federal surplus property made available by the federal government, or any department or agency thereof, for transfer to governmental or nonprofit organizations for any purpose authorized by federal and state law and in accordance with any rules and regulations promulgated thereunder.

**2 MCAR § 1.3102 Definitions.** As used in 2 MCAR

#### 2 MCAR § 1.3103

§§ 1.3101-1.3109, the following terms shall have the meaning given them.

A. "Acquisition Cost" means original purchase price of property paid by the Federal Government.

B. "Donee" means public agency or nongovernmental organization qualified or authorized to acquire federal surplus property as provided in 2 MCAR § 1.3103.

C. "FPMR" means Federal Property Management Regulations.

D. "FSP Activity" means the Minnesota Federal Surplus Property Section, 5420 Highway 8, Arden Hills, Minnesota 55112.

E. "Utilization Restriction" means restrictions on the use and disposition of federal surplus property, including required use for one or more public purposes and non-disposal restrictions for stated period of time, as required pursuant to federal and state law, and rules and regulations promulgated pursuant thereto.

F. "Federal Surplus Property Utilization and Sale Coordinator" means FSP Activity person designated to audit the utilization of federal surplus property acquired by donees and to coordinate sales of property that has no further utility value.

G. "General Services Administration" means the federal agency responsible for the transfer of Federal Surplus Personal Property.

#### 2 MCAR § 1.3103 Eligibility.

A. Standards and guidelines for the determination of eligibility are established pursuant to the requirements of FPMR 101-44.207. Eligibility to acquire federal surplus property may include public agencies involved in carrying out or promoting for the residents of a given political area one or more public purposes, including, but not limited to, conservation, economic development, education, parks and recreation, public health, and public safety; or to nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, museums attended by the

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.3104

public, and libraries serving free all residents of a community, district, state, or region, which are exempt from taxation under section 501 of the Internal Revenue Code of 1954, as amended, for purposes of education or health, including research for any such purpose. Interested participants shall request, on forms obtainable from the FSP Activity, a determination of eligibility from the FSP Activity at the address listed in 2 MCAR § 1.3102 D.

B. The FSP Activity within a reasonable period of time of receipt of request shall make a written determination of eligibility pursuant to federal and state laws and rules, and such determination shall be sent to the applicant.

### 2 MCAR § 1.3104 Financing and service charge.

A. A revolving fund, established pursuant to Minn. Stat. § 16.064, shall finance the acquisition, storage and distribution of surplus federal property. The fund shall be maintained by the collection of service and handling charges.

B. Service charges shall be assessed at a rate taking into consideration costs involved in acquiring, storing, and distributing surplus property as required by Minn. Stat. § 16.064. Factors considered in determining service charges shall be original acquisition costs, present value, screening cost, quantity, condition, desirability of property, transportation cost, loading and unloading cost, packing and crating, administrative cost, repair and rehabilitation, utilization and compliance, and delivery to donees when required.

C. When special or extraordinary costs occur, such costs will be added to the service charge. Costs which shall be added are as follows.

1. Rehabilitated property. Direct costs for rehabilitating property shall be added to the service charge.

2. Overseas property. Additional direct costs for returning the property may be added to the service charge.

3. Long-haul property. Charges for major items with unusual costs may be added to the service charge.

4. Special handling. An additional charge may be made for dismantling, packing, crating, shipping, delivery, and other extraordinary handling charges.

5. Screening. Extraordinary costs incurred in screening property may be added.

D. Where direct transfer of property to eligible donee is made, the service charge may be reduced taking into consideration savings made because of direct shipment to donee or other savings in the above-listed cost categories.

E. In the event the program is terminated, assets shall be converted to cash in accordance with these rules and all funds not used to pay outstanding obligations of the FSP Activity shall revert to the general fund of the State of Minnesota.

### 2 MCAR § 1.3105 Terms and conditions on donable property.

A. The following general conditions, in conjunction with conditions imposed by the terms of an individual sale of items, are imposed by the State of Minnesota and are applicable to items with a unit acquisition cost of \$2,000 or more:

1. There shall be a period of utilization restriction which shall expire after the property has been used for the purpose for which acquired for a period of 4 years, except that all State of Minnesota agencies shall be required to manage federal surplus property in accordance with statewide inventory management programs.

2. From the date it receives the property, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber or otherwise dispose of such property or remove it permanently for use outside the state, without prior written approval of the FSP Activity, until expiration of all utilization restrictions.

3. If at any time from the date it receives the property until expiration of utilization restrictions, any of the property is no longer suitable, useable, or further needed by the donee, the donee shall promptly notify, in writing, the FSP Activity and shall be directed, in writing, by the FSP Activity to return the property to the FSP Activity, release the property to another donee or another state agency, sell or otherwise dispose of the property.

4. In the event that any property acquired through the FSP Activity is sold, traded, leased, loaned, bailed, cannibalized, encumbered or otherwise disposed of contrary to state or federal law or regulation, relating but not limited to the General Services Administration special handling or use regulations, the donee shall pay the FSP Activity the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal as determined by the FSP Activity. "Fair Market Value" and "Fair Rental Value" as used herein shall mean the value of obtaining a like item in the local industrial, retail, or other market.

5. The proceeds from any authorized sale or transfer shall be reimbursed pursuant to 2 MCAR § 1.3104.

B. The following conditions are imposed by the State of Minnesota, applicable to items with a unit acquisition cost of less than \$2,000:

## PROPOSED RULES

1. Appropriate inventory controls shall be established by each donee to ensure optimum property utilization and control in conformance with federal and state law and rule.

2. Except as listed in 2.a., property with acquisition cost of less than \$2,000 which is no longer needed or suitable for use in the federal surplus program may be sold or junked by the donee possessing such property, consistent with any laws and internal policies and procedures governing such disposition. Donees shall be authorized to retain all revenues derived from such sale of surplus property, assuming that all aforementioned criteria have been met.

a. Consistent with federal statutory requirements, all property must be placed in use within one year and be used for one year after being placed in use. Donees in violation of this requirement shall return such property to the FSP Activity.

C. Failure to comply with all terms, conditions and provisions of state and federal law and regulation may subject donee to removal from FSP eligibility.

### 2 MCAR § 1.3106 Fair and equitable distribution.

A. Factors considered in the distribution of property are based on relative needs, relative resources and ability to utilize the property and include the following:

1. Relative needs. In considering requests of potential recipients, the criteria for determining the relative needs shall be:

- a. size and type of program conducted;
- b. contemplated use and frequency of use;
- c. economic condition of agency, activity or institution;
- d. critical or urgent need;
- e. geographical location (urban, suburban or rural);
- f. interest and expression of need on the part of the donee in the property available.

2. Relative resources. In considering requests of potential recipients, the criteria for determining relative resources shall be:

- a. funding source and availability (grants, donations, taxes, etc.);

### 2 MCAR § 1.3106

b. equipment availability.

3. Ability to utilize. In considering requests of potential recipients, the criteria for evaluating ability to utilize property shall be:

- a. length of time of contemplated usage;
- b. date by which item can be put in use;
- c. availability of funds to repair or maintain property in use;
- d. ability of the donee to select and remove property from the distribution center or federal activity on a timely basis;
- e. type and quantity of property received by the donee to date.

B. The FSP Activity shall operate a distribution center to serve the eligible donees in the distribution of available property. Any donee may submit, in writing, a list of major items needed by the donee, such as vehicles, construction equipment, materials handling equipment, machine tools, generators, air compressors, business machines, boats, aircraft, large electronic and scientific type items. FSP employees shall be guided by these requests in their search for and selection of property. This equipment shall be distributed as outlined in Section A above. Donee shall be notified by telephone by the FSP Activity when a listed major item is acquired.

C. Small miscellaneous items, less than \$20.00 per item in value, will be available on the "Help Yourself Plan", with quantity limited to any one donee depending upon the total quantity on hand.

D. Federal surplus property bulletins listing property available for distribution shall be mailed to all donees registered pursuant to 2 MCAR § 1.3103.

E. The FSP Activity shall recommend to General Services Administration the certification of donee screeners, as qualified and needed.

The FSP Activity will, insofar as practical, economical, and equitable, select that property requested by the donees, and the FSP Activity will arrange for direct pickup or shipment of the property to the donee if requested to do so.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.3106

F. Donees which suffer or experience a local disaster and/or major loss of property due to fire, flood, tornado, etc., may apply for a temporary priority for all requested items of property by telephoning the FSP Activity or writing the FSP Activity at the address noted in 2 MCAR § 1.3102 D. Special efforts shall be made to locate and distribute needed property to such donees.

### 2 MCAR § 1.3107 Compliance, utilization, and disposition.

A. In order to obtain optimum federal surplus property utilization within Minnesota, obsolete and surplus property liability and utilization procedures have been established for statewide application. In order to ensure the integrity of the statewide property utilization program, donee field audits shall be periodically conducted by the FSP Activity of the Materials Management Division. All donees shall cooperate with auditors and all audit requests or be subject to removal from FSP eligibility.

B. When property becomes obsolete or surplus to a donee's needs, it shall be reported to the FSP Activity on forms provided by the FSP Activity, as required in 2 MCAR § 1.3108 A.

C. Property reported as obsolete or surplus by donee on forms provided by the FSP Activity shall be evaluated by the Federal Surplus Property Utilization and Sales Coordinator to determine the most feasible means of disposition. If the property is considered to have further utility value within the utilization restriction period, this information shall be circulated to all donees via the Federal Surplus Property Bulletin, published periodically, and made available pursuant to 2 MCAR § 1.3106 D.

### 2 MCAR § 1.3108 Property sales.

#### A. General.

1. All obsolete, surplus and recyclable personal property, which no longer provides any utility value to the Federal Surplus Property program, shall be sold. Local sale of personal property may be authorized, in writing, by the FSP Activity or sales shall be conducted centrally by the State Surplus Property Sales Section pursuant to 2 MCAR §§ 1.3301-1.3306.

2. Personal Property Sales may be transacted via the sealed bid process, public auction or on a negotiated basis. All local personal property shall be authorized, in writing, by the FSP Activity, Division of Materials Management. Application forms for local sale shall be provided by the FSP Activity.

3. The FSP Activity shall determine the maximum

amount of reimbursement allowed the donee selling the property pursuant to 2 MCAR § 1.3105 A.5. Any revenue from such sale in excess of the authorized reimbursement amount, shall be submitted to the FSP Activity, accompanied by a copy of the forms required by the FSP Activity for reporting disposition results, a buyer acknowledged (signed) copy of the sales receipt, and a copy of the donee deposit form. Reimbursement to donee shall be on a prorated basis for the following expenses:

- a. service charge paid to the FSP Activity;
- b. transportation charges paid by the donee in initially acquiring the property;
- c. initial costs of repair required to make the items useable; and
- d. administrative costs incurred in the sale or transfer of such property.

#### B. Sealed bid sales.

1. Locally authorized bid sales may be used by all donees in the sealed bid sale of federal surplus property when authorized, in writing, by the FSP Activity pursuant to 2 MCAR § 1.3108 A.1.

2. Whenever practicable, at least three competitive bids shall be solicited in the sale of federal surplus personal property via the sealed bid process.

3. Sealed bid sales which are not authorized locally shall be processed by the FSP Activity pursuant to 2 MCAR § 1.3304.

4. Any employee directly involved in the sales process shall not be eligible to purchase surplus property for which they have specific responsibility.

#### C. Auction sales.

1. The FSP Activity shall coordinate all federal surplus personal property auction sales for all donees of the State.

2. When a donee has reported property, pursuant to 2 MCAR § 1.3108 A.1., to the FSP Activity, which cannot be transferred to another donee, the FSP Activity shall determine the most effective means of disposal. If an auction sale is warranted, the auction sale shall be processed pursuant to 2 MCAR § 1.3303.

#### D. Negotiated sales.

1. Pursuant to Minn. Stat. § 16.07, subd. 4, sale of Federal Surplus personal property estimated to be \$5,000 or

# PROPOSED RULES

less may be made either upon competitive bids or in the open market. All negotiated sales shall receive prior approval, in writing, from the FSP Activity.

2. Whenever practicable, at least three competitive bids shall be solicited in the sale of Federal surplus personal property via the negotiated process.

3. No employee of any donee organization may purchase Federal Surplus property via the negotiated sale process.

4. The disposition of all negotiated sales shall be reported to the FSP Activity on the form provided by the FSP Activity, accompanied by a buyer acknowledged (signed) sales receipt and a copy of the donee deposit form.

5. A copy of the buyer acknowledged signed sales receipt shall be maintained in the donee(s) files for seven years from the date the sales transaction was consummated.

## 2 MCAR § 1.3109 Consultation with advisory groups — public and private groups.

A. The FSP Activity shall consult with advisory bodies and public and private groups which can assist in determining relative needs and resources.

B. A private or public body wishing to be a party to the above consultation, shall, in writing, contact the FSP Activity Manager, 5420 Highway 8, Arden Hills, Minnesota 55112.

## Chapter 9C Office of the State Register

All existing rules presently promulgated, adopted, and published as 9 MCAR § 3, entitled "The Office of the State Register Rules of Operation", are proposed to be repealed as follows:

### RGSTR 1 General

A. Documents published in the State Register shall be arranged under four principal headings in the following order:

1. Executive Orders
2. Rules
3. Proposed Rulemaking
4. Official Notices

### RGSTR 6

B. A separate issue of the State Register shall be published once a year, and shall be entirely devoted to descriptions of agency organizations, as provided in Minn. Stat. § 15.0412, subd. 2 (1975).

### RGSTR 2 Numbering and dating

Minn. Stat. § 15.051, subd. 2 (1975) provides that all issues shall be numbered and dated. Issues shall be numbered by volume and number, for example, "Volume 1 Number 1". All issues of the State Register published in a given year shall be included in a single volume number. Issues shall be dated by day of the week, and date of the year and shall bear the legend, "St. Paul, Minn.," for example, "Wednesday, October 15, 1975, St. Paul, Minn."

### RGSTR 3 Subject indices

A. Each issue of the State Register shall include a Table of Contents, arranged in the order required by RGSTR 1.

B. An analytical, cumulative subject index, in the same form as that prepared by the Revisor of Statutes for publication with Minnesota Statutes, shall be published in the State Register at least once each three months. An analytical subject index cumulated over a 12 month period shall be published annually.

### RGSTR 4 Numerical finding aids

Each issue of the State Register shall contain a cumulative, numerical list of the subjects within each chapter of the Manual of State Agency Rules expressly affected by rules published in the State Register during the current quarter.

### RGSTR 5 Publication of rules by reference

The Commissioner may elect to satisfy the requirements of Minn. Stat. § 15.0412, subd. 4, with respect to publication of adopted rules by signifying that the rules adopted are identical in every respect to rules formerly published in the State Register as proposed rules, specifically citing the volume and page on which the proposed rules may be found.

### RGSTR 6 Details of format of State Register

A. Documents subject to codification in the Manual of State Agency Rules which are published in the State Register shall be keyed to the rules and serve as temporary supplement to the rules.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# PROPOSED RULES

## RGSTR 6

B. The closing date and hour of each issue of the State Register shall appear on the first page of each issue. The issue date shall be the day of deposit of each issue of the State Register in the United States mail for distribution.

C. The Commissioner may designate any other information relating to the nature, use or significance of the State Register for publication on the first or second page of each issue.

D. Sections shall be divided as follows:

### ADMIN. †

A.

†

a.

(1)

(a)

(i)

(aa)

## RGSTR 7 General permission to reproduce contents of State Register

The cross reference tables, tables of contents, indices, numerical lists and codification guides published pursuant to these rules shall be copyrighted in the name of the State of Minnesota and may be reproduced only with the consent of the Commissioner. There shall be no other restrictions on the reproduction and republication of documents or other materials published pursuant to these rules, and this section shall constitute the consent of the State of Minnesota to any such republication or reproduction.

## RGSTR 51 Publication withheld

Minn. Stat. § 15.051, Subd. 1 (1975) provides that the Commissioner may withhold publication of any material not submitted according to the form or procedures prescribed in these rules. The Commissioner shall not withhold publication of any material without providing the submitting agency with prompt notice.

## RGSTR 52 Approval as to legality; filing

A. Minn. Stat. § 15.0412, subd. 4 (1975) provides that rules, excepting emergency rules, shall be submitted to the Attorney General for approval as to form and legality.

B. Minn. Stat. § 15.0412, subd. 4 (1975) provides that rules, excepting emergency rules, shall be filed in the office of the State Register for publication.

C. Upon approval by the Attorney General and after filing in the office of the Secretary of State, except where such approval or filing is unnecessary, two duplicate legible copies of the document shall be deposited with the Office of the State Register for publication.

D. All copies of documents submitted to the Office of the State Register for publication shall carry the certification of the executive officer, chairman or secretary of the submitting agency, or his designee. Initials and impressed signatures shall not be acceptable.

## RGSTR 53 Agency responsibility

The accuracy and completeness of documents submitted for publication in the State Register are the responsibility of the submitting agency. All documents shall be thoroughly proofread before submission for publication.

## RGSTR 54 General format

Documents submitted for publication in the State Register shall be in the form indicated in these rules.

## RGSTR 55 Name of submitting agency

The name of the submitting agency shall be carried on the front page of any document submitted for publication in the State Register.

## RGSTR 56 Name of agency subdivision

Documents submitted by or for a specific board, commission, bureau or similar unit within a department or overall agency shall bear the name of such board, commission, bureau or unit on a separate line immediately below the name of the submitting agency.

## RGSTR 57 Short title

A suitable short title identifying the subject of the document shall be provided beginning on a separate line immediately below the name of the submitting agency or agency subdivision. Whenever appropriate, a brief caption indicating the nature of the document may be added.

## RGSTR 58 Affected documents

A. A list of sections of the Manual of State Agency Rules affected by proposed or adopted rules submitted for publication shall be provided beginning on a line immediately below the short title. The list shall be in the following form: "Volume 1, Manual of State Agency Rules, Department of Com-

# PROPOSED RULES

RGSTR 63

merce; Banking Division; page 21," or "Volume 1; State Register; page 201," in the event the affected rule has not been published in the Manual of State Agency Rules.

B. A citation to any other documents previously published in the State Register affected by the document submitted for publication shall be provided beginning on a line immediately below the list of sections of the Manual of State Agency Rules affected.

## RGSTR 59 Requirements as to form and size

A. All documents filed with the Office of the State Register by an agency pursuant to these rules shall conform to all other applicable provisions of these rules and to the following requirements as to form and size:

1. The first page or face sheet of each document shall be 16 or 20 pound white paper 8½ inches wide by 11 inches in length. A one inch margin shall be left across the top of the sheet immediately below which there shall be three boxes each 2½ inches high. The center box shall be 3½ inches wide and the boxes on either side shall be 2½ inches wide. In the center box there shall appear the following language:

"Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:" which shall be followed by the name of the agency issuing the document; the date of the adoption; and the signature and title of the person signing the certification. The box on the right side shall be filled with the information required by RGSTR 55-RGSTR 58. In the box on the left shall appear the following language:

"Copy below is hereby approved as to form and legality," which shall be followed by the name of the Attorney General; the signature of the Special Assistant or Assistant Attorney General; and the date of such approval. From the left hand box to the bottom of the page a margin at least three-fourths of an inch wide shall be left along the left hand side of the page.

Attached hereto as Exhibit A and made a part of this rule is a copy of a face sheet in the style, form and size prescribed. Such prepared face sheets may be obtained from Central Stores; located at 139 East 12th Street, St. Paul; Minnesota 55101.

2. Every sheet of paper following the face sheet shall also be 16 or 20 pound white paper 8½ inches wide by 11 inches in length. A margin one inch wide shall be left along the top of each continuation sheet and along the full length of

the left side of the sheet a margin not less than three-fourths of an inch shall be allowed.

Attached as Exhibit B and made a part of this rule is a copy of a continuation sheet in the style, form and size prescribed. Such prepared continuation sheets may be obtained from Central Stores; located at 139 East 12th Street, St. Paul; Minnesota 55101.

3. Documents shall be typed; serially paginated; double-spaced on only one side of a sheet and there shall be no interlineation. After filing with Office of the State Register the documents shall not be altered in any way. Documents which are pasted or glued on the prescribed size sheets or the overall measurements of which exceed those specified shall not be accepted for publication. Documents may not be attached to such sheets by pin; staple or adhesive tape.

## RGSTR 60 Waiver

The Commissioner may waive any of the requirements of these rules relating to style, form, and size at the request of a submitting agency if the Commissioner determines that the copy submitted by the agency is suitable as an original and as a printer's copy.

## RGSTR 61 Language

All documents shall be drafted in plain; readable English. Technical or uncommon expressions; understandable only by a minority of the general public shall be avoided; except where subject matter requires.

## RGSTR 62 Punctuation; capitalization; spelling

In order to promote uniformity in punctuation; capitalization; spelling and other matters of style in materials submitted for publication in the State Register; agencies are encouraged to consult the most recent editions of the United States Government Printing Office Style Manual; the Document Drafting Handbook of the Federal Register; the Fundamentals of Legal Drafting by Reed Dickenson (1965) and the Elements of Style by White and Strunk. Legal citations may follow the form prescribed by the most recent edition of A Uniform System of Citation published by the Harvard Law Review.

## RGSTR 63 Descriptions of tracts of land

In order to promote uniformity in descriptions of tracts of land in materials submitted for publication in the State Register

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# PROPOSED RULES

## RGSTR 63

ter; agencies are encouraged to consult the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations; prepared by the Bureau of Land Management, U.S. Department of the Interior.

## RGSTR 64 Use of words or figures to express numbers

The numbers ten and under, when not used in a citation, shall be expressed in words in running text. The numbers 11 and larger shall be expressed in figures.

## RGSTR 65 Illustrations, tabular materials and forms

Whenever possible documents should be drafted as to make the inclusion of illustration, tabular materials and forms unnecessary. If their inclusion cannot be avoided, a notice of intention to submit such materials shall be given to the Office of the State Register, and Schedule Three and the following shall apply:

A. Illustrations. The original drawings or clear reproductions of all maps, charts, graphs or other illustrations shall be forwarded to the Office of the State Register 20 working days prior to the time of formal submission; as provided in Minn. Stat. § 15.051, subd. 2. A notice of intention to submit such materials shall be given to the Office of the State Register at that time. A reproducible copy of the original illustration reduced to a size approximating 8 by 10½ inches, shall appear as part of the two duplicate legible copies of the document.

B. Tabular Materials. Advance copies of tabular materials comprising more than two type-written pages shall be forwarded to the Office of the State Register ten working days prior to the time of formal submission; as provided in Minn. Stat. § 15.051, subd. 2. A notice of intention to submit such materials shall be given to the Office of the State Register at that time.

C. Forms. Forms for application, registration, reports, contracts and the like, and the instructions for preparing such forms shall be forwarded to the Office of the State Register ten working days prior to the time of formal submission; as provided in Minn. Stat. § 15.051, subd. 2. A notice of intention to submit such materials shall be given to the Office of the State Register at that time.

## RGSTR 91 Designation of agency representatives

Each agency shall designate a representative to serve as liaison officer in relation to the office of the State Register. Wherever feasible, a single representative shall be designated to function on behalf of all divisions within the agency or department.

## RGSTR 92 Notification of designation

Each agency shall notify the Office of the State Register in writing of the name, title, address and telephone extension of each agency representative designated in compliance with RGSTR 91 (relating to designation of agency representatives); promptly upon adoption of these rules. Whenever a change in representation is made by an agency, prompt notification shall be given to the Office of the State Register.

## RGSTR 93 Liaison duties

The liaison officer shall represent his agency in all matters relating to the submission of documents to the Office of the State Register and respecting general compliance with the provisions of these rules.

## RGSTR 94 Receipt and processing

Documents shall be received at the Office of the State Register during regular office hours.

## RGSTR 95 Correction of errors

In the event an agency discovers an error or omission in the official text of a document published pursuant to these rules, the agency shall forthwith deposit, without regard to the requirements of Minn. Stat. § 15.0412 (1975), relating to notice of proposed rule and adoption of rules but with regard to the requirement of approval as to form and legality of the Attorney General, if applicable, or to the other requirements of these rules, with the Office of the State Register, an appropriate correction to the official text. Nothing in this rule shall be construed to violate Minn. Stat. § 15.0412, subd. 4.

## RGSTR 96 Publication schedules

All materials submitted for publication in the State Register shall be published according to Schedule One, Two or Three.

## RGSTR 97 Procedure for Schedule One

A. A document shall be assigned to "Schedule One" upon specific request of the submitting agency and agreement thereto by the Office of the State Register. Requests may be made by letter or otherwise, as time permits. Confirmation of the assignment shall be made as promptly as possible.

B. Schedule One is designed to provide the fastest possible publication of a document involving the prevention, alleviation, control or relief of an emergency situation. Requests for such publication should briefly describe the emergency and the benefits attributable to immediate publication in the State Register. Documents assigned to



## PROPOSED RULES

Schedule One shall be published on the publication day next following the day of filing.

### RGSTR 98 Procedure for Schedule Two

In the absence of special arrangement with the submitting agency, documents shall be assigned to Schedule Two for regular publication. Receipt in the ordinary course of business shall be considered as a request for such publication.

### RGSTR 99 Procedure for Schedule Three

A. Documents that are the subject of agreements involving special editorial or publication services may be placed on Schedule Three by prearrangement.

B. Documents may be assigned to Schedule Three only because of technical problems requiring additional time to prepare material for the press. The requirement of additional time generally may be obviated through advance consultation with the Office of the State Register respecting unusual tabulations, illustrations or exceptionally voluminous submissions.

C. Documents assigned to Schedule Three because of technical problems shall be published as nearly on regular schedule as practicable.

### RGSTR 100 Requisitions for quantity overruns of specific items

To meet requirements for special distribution in special quantity of the State Register, agencies may request an overrun of an entire specific printing. Requests of overrun must be made to the Office of the State Register at the time material is submitted for publication and shall include the estimated number of copies required. Single issues and overruns may be purchased at either the Office of the State Register or the Documents Section.

The following rules are proposed to replace those proposed to be repealed.

**2 MCAR § 1.3201 Scope and purpose.** These rules are promulgated pursuant to Minn. Stat. §§ 15.041-15.051 and govern the availability of publications from the Office of the State Register, Materials Management Division, Department of Administration. The Office of the State Register publishes and offers for sale the following:

1. the *State Register*;

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

### 2 MCAR § 1.3202

2. the *Minnesota Guidebook to State Agency Services*;
3. the *Minnesota Code of Agency Rules (MCAR)*.

### 2 MCAR § 1.3202 Availability of the State Register publications.

A. Publications of the Office of the State Register are available from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102. All purchases from the Office of the State Register shall be prepaid and may be obtained as described below.

#### B. *State Register*.

1. The *State Register* is distributed weekly on Monday to the public when published, either as a part of an annual subscription or in single copies for a fee set pursuant to 2 MCAR § 1.3203.

2. Mail orders for annual subscriptions shall be accompanied by the order form found on the back page of each issue of the *State Register* or on an order card available from the Office of the State Register and shall be accompanied by full payment.

3. Checks shall be made payable to the "Minnesota State Treasurer."

4. Single issue orders shall be accompanied by full payment.

5. Over-the-counter sales are available at the Office of the State Register at the address noted in section A above.

6. Subscribers to the *State Register* shall receive a *Minnesota Guidebook* without additional charge.

#### C. *Minnesota Guidebook to State Agency Services*.

1. The *Guidebook* is made available to the public either as part of the annual *State Register* subscription or in response to requests from nonsubscribers. The *Guidebook* is also available at retail bookstores throughout the state. Retail bookstores interested in distributing the *Guidebook* may contact the Office of the State Register at the address noted in section A above.

2. Mail orders for the *Guidebook* shall be made on the order form found in the back page of each issue of the *State*

## PROPOSED RULES

### 2 MCAR § 1.3202

*Register.* The order form is also available by phone or written request from the Office of the State Register.

3. Subscribers to the *State Register* shall receive a *Guidebook* without additional charge.

4. Orders for the *Guidebook* shall be accompanied by full payment. Checks shall be made payable to the "Minnesota State Treasurer."

#### D. *Minnesota Code of Agency Rules (MCAR).*

1. The *MCAR*, consisting of a multivolume set of permanent rules of state agencies, is made available to the public for a fee set pursuant to 2 MCAR § 1.3203. A quarterly update service is available for an additional fee.

2. All orders shall be placed in writing or in person at the Office of the State Register at the address noted in section A above.

E. Finality of sales. All purchases from the Office of the State Register shall be final.

### 2 MCAR § 1.3203 Fees.

A. Fees for services shall be prescribed by the Commissioner of Administration and approved by the Commissioner of Finance unless otherwise authorized by law or rule and shall be based upon the following factors: cost of publication, storage, handling, postage and operating expenses of the Office of the State Register. Fees may differ for quantity purchases.

### 2 MCAR § 1.3204 Disclaimer of liability.

A. The Office of the State Register of the Department of Administration shall assume no responsibility for or liability arising from the contents of publications distributed, printed, or otherwise available under its auspices. Any conflict arising from contents shall be referred to the state agency from which the copy or information for the publication emanated.

### 2 MCAR § 1.3205 Errata listings.

A. Omission or other errors in copy shall be corrected by errata listings so identified in subsequent issues.

## Chapter 9D State Surplus Property Sales

### 2 MCAR § 1.3301 Authority and scope.

A. Pursuant to Minn. Stat. §§ 16.02, 16.07, 16.08, 16.24 and 16.28, the State Surplus Property Sales Section, Division of Materials Management, Department of Administration, is responsible for managing a statewide surplus

property sales program in order to ensure the effective ultimate disposition of all surplus personal property. These rules govern the disposition of all such obsolete, surplus and recyclable state property. Sales are conducted via public auction, sealed bid or negotiation, as set forth below.

### 2 MCAR § 1.3302 General terms and requirements of purchase.

A. Waiver of warranty. The State of Minnesota shall make no warranty as to the fitness, merchantability or other condition of any item sold pursuant to these rules. The purchaser bidding shall agree to purchase said items, conditions "as is — where is." This waiver includes but is not limited to a waiver of any purchaser's claim pursuant to Minn. Stat. §§ 336.2-312 through 336.2-315.

B. Transfer requirements and costs. The purchaser shall assume all cost of title transfer and required vehicle registration fees, if any. Items shall not be removed from the premises until the full purchase price and sales tax have been paid, insurance information provided (insurance company and policy number or binder) and the required license plates are attached to the vehicles, where applicable.

2 MCAR § 1.3303 Auction sales. Pursuant to Minn. Stat. § 16.07, subd. 10, surplus personal property may be sold by auction as follows:

A. Notification of auctions. Persons wishing to be notified of state public auction sales shall contact the State Surplus Property Sales Section, 671 N. Robert, St. Paul, Minnesota 55101, (612) 296-6132, giving their name and complete address. All interested persons shall be placed on an auction mailing list and shall receive bulletins of all public auctions held by the state. State auctions shall also be advertised in news media at least seven (7) days prior to the sale. News media used may include the Minneapolis and St. Paul papers and/or local papers in the immediate vicinity of the sale.

B. Auction terms and requirements. The full amount of the bid price shall be paid at the time of the sale for each item selling for less than \$500.00. A minimum of ten percent (10%) of the bid price shall be paid at the time of the sale for each item selling for \$500.00 or more. All personal checks shall be accepted for the full amount or the ten percent (10%) down on the day of the sale. A successful bidder shall pay any balance due on a sale, including sales tax, within five (5) days from the date of the sale. Such balance due payments shall be in the form of cash, money order, certified check, or bank draft, made payable to the "Minnesota State Treasurer." Full payment shall be received prior to release of merchandise. Failure on the part of the purchaser to remit the balance due on the amount of the bid within five (5) days shall constitute forfeiture of the amount paid at the time of the sale.

C. Application for auctioneers. All Auctioneers in-

## PROPOSED RULES

interested in providing their services to the state shall submit their name and address to the State Surplus Property Sales Section, 671 N. Robert, St. Paul, Minnesota 55101, (612) 296-6132. Sealed bid invitations for auctioneering services shall be mailed to all interested persons for each scheduled auction. Contracts for auctioneering services shall be awarded to a qualified, licensed Auctioneer based on the bid requirements and the lowest percentage fee of each sale's proceeds. In the event of tied commission fee bids, Auctioneer shall be chosen on the basis of a draw or by bid negotiation.

**2 MCAR § 1.3304 Sealed bid sales.** Pursuant to Minn. Stat. §§ 16.02, subd. 18; 16.07, subd. 2 and 4; 16.08 and 16.24, surplus personal property may be sold by sealed bid as follows:

A. Notification of sealed bid sales. Persons interested in bidding on the purchase of state surplus personal property shall contact the State Surplus Property Sales Section, 671 N. Robert, St. Paul, Minnesota 55101, (612) 296-6132, giving their name and complete address. All interested persons shall be required to indicate the types of property they desire to purchase and shall then be placed on mailing lists by commodity group(s). Applicants shall be advised by sealed bid invitation of all applicable commodities for sale in their respective commodity groups.

B. Conditions for sealed bid sales. The estimate or weight of the items listed for sale is for the general guidance of bidders and the state shall assume no responsibility for any variance therefrom. In accordance with the bid requirements, certified checks, cashier's checks, or money orders of successful bidders submitted with the bid, may constitute liquidated damages for failure of bidder to enter into contract. Sealed Bid Sales shall be awarded to the highest responsible bidder.

C. Removal from mailing lists. Applicants on sealed bid mailing lists who have not bid for the purchase of state surplus property for a period of two or more years may be removed from all applicable mailing lists. Applicants shall be reinstated upon written request.

**2 MCAR § 1.3305 Negotiated sales.** Pursuant to Minn. Stat. § 16.07, subd. 4, surplus property sales estimated to be \$5,000 or less may be made either upon competitive bids or in the open market.

A. Notification of negotiated sales. Persons wishing to be notified of a proposed negotiated sale of specific state surplus personal property shall contact the State Surplus

## 2 MCAR § 1.3502

Property Sales Section, 671 N. Robert, St. Paul, Minnesota 55101, (612) 296-6132.

B. Conditions for negotiated sales. If the state is unable to secure sealed bids for the sale of property or it is deemed to be in the best interest of the state, sales may be negotiated with persons who have indicated an interest in the purchase of a specific commodity. So far as practicable, the sales shall be based on at least three competitive bids, shall be permanently recorded and awarded to the highest responsible bidder. The full amount of the purchase price shall be paid at the time of sale. All personal checks shall be accepted for the full amount of sale.

**2 MCAR § 1.3306 Public employee purchase of state surplus property.**

A. Pursuant to Minn. Stat. § 15.054 (1977 Supp.), employees of the state and its political subdivisions are permitted to purchase state surplus personal property including one motor vehicle within each 12 month period via public auction or sealed bid process.

B. Public employees directly involved in the sales process shall not be eligible to purchase state surplus personal property for which they have specific disposition responsibility.

## Chapter 10 Central Motor Pool

**2 MCAR § 1.3501 Scope of purpose.** The purpose of these rules is to define the procedures of the Department of Administration, Central Motor Pool Division, relating to handling insurance claims involving Central Motor Pool vehicles pursuant to Minn. Stat. § 16.75. All references to "Central Motor Pool Division" below mean Central Motor Pool Division, Department of Administration, 610 N. Robert Street, St. Paul, Minnesota 55101.

**2 MCAR § 1.3502 Insurance claim procedures.**

A. When a Central Motor Pool vehicle is involved in an accident, the driver of the state vehicle shall complete an accident report on form DPS 32001. This report is to be completed within 3 days of the accident and sent to the Central Motor Pool Division, 610 N. Robert Street, St. Paul, Minnesota 55101. The Central Motor Pool Division shall complete the portion of the form entitled "Insurance".

B. For accidents involving personal injury, death, or total property damage of \$300 or more, the Central Motor

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.3502

Pool Division shall forward the accident report to the Department of Public Safety within ten (10) days of the accident, as required by law. A copy of the accident report shall be retained by the Central Motor Pool Division.

C. Notification of the accident, including a copy of the accident report, shall be sent to the state's insurance company by the Central Motor Pool Division. Contact with third parties to discuss settlement for injury or property damage may be initiated by the state's insurer. The Central Motor Pool Division shall direct any persons wishing to file a claim against the state to the proper agency for consideration of such a claim.

D. If it is evident that the other driver was at fault, a claim may be filed with his/her insurance company by the Central Motor Pool Division. A copy of the official repair estimate shall be included. The repair estimate shall be supplied by the body repair shop having the contract for repair of state vehicles or by other responsible body repair shops as approved by the Director of the Central Motor Pool Division.

E. When a check is received covering the damage done to the Central Motor Pool vehicle, a release shall be signed, and the check deposited in the Central Motor Pool revolving fund.

### Chapter 11 Plant Management

The existing rule presently promulgated, adopted and published as 1 MCAR 1.080, entitled "Chapter 9: Plant Management Admin. 80: Parking or (sic) Motor Vehicles on Parking Lots", is proposed to be repealed as follows:

#### Admin. 80 Parking or Motor Vehicles on Parking Lots.

Pursuant to the authority contained in Minnesota Statutes 1969, Section 16.72, Subd. 2, the following are the rules and regulations relating to parking of motor vehicles on parking lots and facilities owned or operated by the State of Minnesota and under the control of the department of administration.

(a) Lots and Facilities. Parking lots or facilities enumerated herein are located within the Capitol complex, the University of Minnesota Campus, and downtown St. Paul and Minneapolis.

Lot A — N.E. corner of the block bounded by Sherburne, Capitol Blvd., University and Park Avenues. Entrances and exit on Sherburne.

Lot B — Balance of the square block in which Lot A is located with two entrances and exits; one on Sherburne Avenue and one on Capitol Blvd.

Lot C — Forty feet westward of 117 University Avenue and adjacent thereto including the forty foot lot directly North and facing on Sherburne. Entrance and exit on Sherburne Avenue.

Lot D — Triangular lot bounded by Rice on the West; Aurora on the South and Wabasha on the Northeast. Entrance and exit on Aurora Street.

Lot E — Directly West of the State Office Building and adjacent thereto; bounded by Aurora on the North; Fuller on the South; and Rice on the West with entrances and exits on Aurora and Fuller Avenue.

Lot F — Northwesterly on the Highway Building and adjacent thereto with entrances and exits on Rice Street and Fuller Avenue.

Lot G — Southwesterly of the Highway Building and adjacent thereto with entrance and exit on Rice Street and John Ireland Blvd.

Lot H — Block bounded on the North by Columbus Circle; on the West by John Ireland Blvd.; on the South by 12th Street and on the East by Iglehart Avenue with entrance and exit on Iglehart Avenue.

Lot I — South of the West section of the Veterans Service Building and adjacent thereto with entrance and exit on 12th Street.

Lot J — East of the Veterans Service Building and adjacent thereto with entrance and exit on Wabasha Street.

Lot K — Block bounded on the North by Columbus Circle; on the West by Wabasha Street; on the South by 12th Street and on the East by Cedar Street with entrance and exit on Wabasha and Cedar Streets.

Lot L — Bounded by Central Avenue on the North; East Central Park Place on the East; 13th Street on the South; West Central Park Place on the West; with entrances and exits on East Central Park Place and West Central Park Place.

Lot M — East of the Capitol and adjacent to the heating plant with Cedar Street on the West and Central Avenue on the South. Entrance and exit on Cedar Street.

Lot N — West Driveway on the North side of the Capitol Building with entrance and exit on University Avenue;

Lot O — East Driveway on the North Side of the Capitol Building with entrance on University Avenue and exit on Cedar Street.

Lot P — Northeasterly of the Capitol Building and adjacent thereto with entrance and exit on the East Capitol driveway.

## PROPOSED RULES

Lot Q — Area bounded by University Avenue on the South, Robert and Capitol Heights Streets on the East, Charles Street on the North, Cedar Street on the West. Entrance and Exit on Sherburne Street, Cedar Street and Charles Ave.

Lot R — East of, and adjacent to, heating plant with entrance and exits on Aurora St.

Lot S — South two-thirds of block bounded by Central Avenue on the North, East Central Park Place on the West, 13th Street on the South and Robert Street on the East, with entrance and exit on Robert and 13th Streets.

Indoor Parking at: Highway Building, John Ireland Blvd., Capitol complex Manpower Services Building, 390 N. Robert, St. Paul, State Department of Health Building, 717 Delaware S.E., Minneapolis.

Outdoor Parking at: Manpower Services Building, 309 2nd Ave. So., Minneapolis, State Department of Health Building, 717 Delaware S.E., Minneapolis.

Ramp: State Administration Building parking ramp, 50 Sherburne Ave., Capitol Complex; and any other State-owned parking ramp or facility in the Capitol complex.

Streets: Iglehart Avenue between 12th Street and Wabasha Avenue, Aurora Street between Cedar Avenue and Park Avenue, East Central Park Place between Central Avenue and 13th Street.

(b) Effective Date: On and after January 3, 1967, no motor vehicle, either privately or publicly owned, may be parked upon any area herein described in these rules and regulations except in conformity with these prescribed rules and regulations.

(c) Restricted Areas: Restricted parking in following areas:

1. Parking meters in accordance with meter fee schedule.

2. Posted areas for elected officials.

3. Posted areas for contract parking.

4. Posted areas for service vehicles.

5. Posted areas by special assignment.

(d) Stickers: If it is deemed necessary each State

### 2 MCAR § 1.4001

employee will be issued a windshield sticker of a proper identifying color for which he shall pay ten cents for each sticker so issued.

(e) Prohibited Parking. All parking is prohibited in the driveway entrances, on sidewalks, on landscaped areas, at bus stops, safety zones, crosswalks, along yellow painted curbs, within 15 feet of fire hydrants, within 20 feet of crosswalks or intersections, parking in a stall assigned to others, parking in driveways and restricted areas of lots, ramps, or parking facilities.

### (f) Violations

(1) When any motor vehicle is parked upon any area in violation of these rules and regulations a traffic ticket may be issued in accordance with applicable laws.

The following rule is proposed to replace the rule proposed to be repealed.

**2 MCAR § 1.4001 Parking.** Pursuant to Minn. Stat. § 16.72, subd. 2, this rule governs the parking of motor vehicles in parking facilities owned or operated by the State of Minnesota and under the control of the Commissioner of Administration.

A. Lots and facilities. Parking lots or facilities governed by these rules are located within the Capitol Complex, the City of St. Paul, and the City of Minneapolis, and include the following:

1. outdoor lots within the Capitol Complex; at the Economic Security Building, 309-2nd Avenue South, Minneapolis; 1246 University Avenue, St. Paul; and at the State Department of Health Building, 717 Delaware Avenue Southeast, Minneapolis;

2. indoor parking facilities located in the Department of Transportation Building in the Capitol Complex; the Economic Security Building, 390 North Robert Street; 1246 University Avenue, St. Paul; and the State Department of Health Building, 717 Delaware Avenue Southeast, Minneapolis;

3. ramp parking facilities located in the State Administration Building and adjacent to the Centennial Building, both in the Capitol Complex;

4. street parking facilities located on Aurora Street between Cedar Avenue and Park Avenue.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.4001

B. Prohibited parking. All parking of motor vehicles is prohibited across driveway entrances; upon sidewalks; along yellow painted curbing; within 15 feet of fire hydrants; within 20 feet of crosswalks or intersections; in stalls assigned to other persons; in driveways; and in restricted zones of lots, ramps, or other posted areas.

C. Application for parking. Applications for contract parking shall be made in writing to the Director of the Plant Management Division located at Room G-9, State Administration Building, St. Paul, Minnesota 55155. The application shall bear the written signature of the person applying and contain the following information: employing agency, telephone number at place of work, type of vehicle (compact or regular), motor vehicle license number, and all other relevant information requested by the Director. Additional information may be required, including the name of each passenger, if carpooling, the employing agency of each passenger, and location if other than in the Capitol Complex. If a desired facility is requested, the facility shall be identified. The applicant shall not submit payment with the application.

D. Permits shall be granted to applicants in the following priority order:

1. applicants qualifying for a handicapped parking permit per 2 MCAR § 1.4001 H or demonstrating special needs or circumstances arising from position, nature of work, and/or travel requirements;

2. applicants with riders with the applicant with the highest number of riders first, the applicant with the second highest number of riders second, etc.;

3. all other applicants on a first come-first served basis.

E. Stickers. All authorized parking contract recipients shall be issued a sticker of proper identifying color. Stickers shall be displayed on the reverse side of the rearview mirror.

F. Fees for parking shall be set by the Commissioner of Administration with the approval of the Commissioner of Finance and shall be based on consideration of, but not limited to, the following factors:

1. administrative overhead and operating cost;
2. surcharge required pursuant to Minn. Stat. § 16.72, subd. 7; and,
3. number of car pool passengers, if any.

G. Exemptions from parking surcharge.

1. Pursuant to Minn. Stat. § 16.72, subd. 7 (1977), as amended, the following are exempt from surcharge:

- a. parking contract holders whose work shift is other than the customary daytime work hours, including those individuals employed on rotating shifts;

- b. parking contract holders whose work activity does not conform to the customary hours or patterns of work so as to preclude the opportunity to participate in a car pool.

2. Application. Any person wishing to apply for exemption from the surcharge shall apply in writing on the forms provided to the Division of Plant Management, Department of Administration.

3. Notice of approval or denial for the exemption of the surcharge shall be sent to the applicant.

H. Handicapped. To receive a handicapped parking permit, a written application shall be submitted to the Director of the Plant Management Division at the above-noted address stating the circumstances and extent of the handicap. Certification of handicapped eligibility pursuant to Minn. Stat. § 169.345 shall be deemed sufficient showing to authorize vehicles bearing proper identification of such certification to use handicapped designated parking facilities in the Capitol Complex and other facilities. Upon receipt of an application from a noncertified person, the Director shall instruct the applicant to contact the nurse in the Transportation or Centennial Building for verification of the disability. A written recommendation from the nurse is required stating the estimated length of time required to accommodate the disability. Handicapped parking shall be available on a first come-first served basis. Regular parking rates shall apply.

I. Special temporary permits. For departments or agencies having individuals or groups visiting the Capitol Complex for meetings or hearings, temporary reserved hooded meter parking may, if available, be obtained upon request to the Director of the Plant Management Division, for which a per day per unit fee shall be paid by the requesting organization. The amount of the fee shall be set by the Commissioner of Administration and approved by the Commissioner of Finance.

J. Violations. Pursuant to Minn. Stat. § 16.72, subs. 3 and 4, when any motor vehicle is parked in violation of these rules a traffic warning or summons ticket shall be issued to the vehicle or person(s) deemed as the violator(s).

K. Removal and impounding. Any vehicle parked upon any parking lot or facility owned or operated by the State, not in conformity with the aforementioned rules, state law, or local ordinances, may be declared a public nuisance and removed or impounded as set forth in Minn. Stat. § 16.72,

# PROPOSED RULES

subd. 3. The cost of such removal or impounding shall be a lien against the motor vehicle until paid.

L. Legislative parking resolutions. Pursuant to Minn. Stat. § 16.72, subd. 6, these rules shall not affect regulation of parking of certain vehicles as provided by resolution of the legislative bodies during legislative sessions.

## 2 MCAR § 1.4101 Personal property lost on state property.

A. Pursuant to Minn. Stat. § 16.022, personal property found in the Capitol Complex or other buildings under the custodial control of the Commissioner of Administration shall be sent to the Plant Management Division, Department of Administration, Room G-9, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155. Each article shall be labeled indicating the date, the place where the article was found, and the name and telephone number of the finder.

B. Any person wishing to recover any personal property which may have been lost in the Capitol Complex or other buildings under the custodial control of the Commissioner of Administration shall contact the Plant Management Division at the above-noted address, giving a description of the lost property, the approximate time, and the location where it may have been lost.

C. Articles sent to the Plant Management Division shall be disposed of in accordance with Minn. Stat. § 16.0231.

## 2 MCAR § 1.4201 Permits for public rallies in the Capitol Complex.

Pursuant to Minn. Stat. § 16.02, subsd. 6 and 6a, the following rules govern the issuance of permits for public rallies in or on the Capitol Complex buildings and grounds. "Public rallies" for the purpose of this rule means parades, gatherings, solicitations, concerts, speeches or rotunda ceremonies, and other such related uses of the buildings, grounds, and state-owned streets in the Capitol Complex.

A. These rules define the permissible time, place, duration, and manner of the use of the Capitol Complex grounds, including the rotunda, sidewalks, Capitol Building steps and state-owned streets for public rallies, so as not to unreasonably interfere with the rights of others to the use of such public areas, to assure access to driveways and building entrances, to assure traffic movement in such a manner so as to not deprive the public and state employees of police and fire protection, and to assure the public of safe use and enjoyment of such public places.

## 2 MCAR § 1.4201

1. Any person, firm, partnership, association, corporation, company, or organization shall secure a permit from the Director of Plant Management Division, Department of Administration, Room G-9, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, to conduct a rally on the Capitol Complex grounds prior to announcing or conducting such public rally.

2. Any such person seeking a permit for a public rally shall submit, not less than seven (7) working days prior to the proposed date of the event, a written application identifying the person, firm, partnership, association, corporation, company or organization; mailing address and telephone number; date; time; and name, address, and the telephone number of the contact person who shall be responsible for the public rally; and all other relevant information requested by the Director of the Plant Management Division. The Director, where compelling reasons are shown therefore, and if staff and time are available to make arrangements necessary to protect the public interest, shall have the authority to consider any application hereunder which is filed less than seven (7) working days before the date such rally is proposed to be conducted.

3. Proof of Workers Compensation and public liability insurance shall be submitted when required by Director.

4. Upon consideration of the request for the permit, and after written agreement is reached between the parties involved regarding security, police protection, liability for damages, and cleanup of the areas, the Director of Plant Management shall approve the permit application unless any of the following is found to exist:

a. The conduct of the rally will substantially interrupt the safe and orderly movement of other traffic contiguous to its route or location.

b. The conduct of the rally would require the diversion of so great a number of the security force of the Capitol to properly police the line of movement and areas contiguous thereto as to prevent normal security.

c. The concentration of persons, animals, and vehicles at assembly areas of the rally will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

d. The conduct of such rally will interfere with the movement of fire-fighting equipment enroute to a fire.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

# PROPOSED RULES

## 2 MCAR § 1.420

e. The rally is not scheduled to move from its point of origin and to its point of termination expeditiously and without unreasonable delays enroute.

f. The rally is to be held for the sole purpose of advertising any product or goods or is designed to be held all or in part for private profit.

g. The rally will unreasonably disrupt the normal operations of state government and the public right of safe use or reasonable enjoyment of public spaces.

B. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The rally chairperson or other person heading or leading such activity shall be in possession of the permit during the conduct of the rally.

C. Whenever any rally is conducted in a manner substantially different from that indicated in the period application and rules therefore, the permit shall be deemed to be automatically revoked.

D. No public rally in the Capitol Complex shall be undertaken unless a permit has been obtained as required above. Any person violating these rules, or applicable state or local law, may be subject to prosecution under applicable law.

## Chapter 12 Publications and General Services Division

**2 MCAR § 1.4501 Purpose and scope.** The procedures herein relate to the Commissioner of Administration's authority pursuant to Minn. Stat. §§ 16.61, 331.07, 331.08, and 331.09 (1976), providing in part for the certification of and computation of standard and adjusted line rates, and Minn. Stat. § 16.02, subd. 16 (1976) relating to the Central Mail Room of the Department of Administration.

## 2 MCAR § 1.4502 Definition of a "standard line" for legal notices.

A. The "standard line" shall be 6-point Times Roman with a lower case alphabet of 90 points set on a 6-point slug without spacing between the lines, and 11 picas in length, as required by Minn. Stat. § 331.07.

## 2 MCAR § 1.4503 Evaluation and certification of line rates for legal notices.

A. Request for evaluation and certification. The following procedures shall be followed to request (1) an adjustment evaluation from the standard line and (2) certification of standard or adjusted line rates to any Minnesota newspaper, public official, or interested party requesting same.

1. The functions of computing adjustment evaluations and issuing certifications of standard or adjusted line rates are performed only upon written request.

2. Requests shall be completed as follows:

a. All requests shall be filed with the Commissioner of Administration, c/o State Printer, 506 Rice Street, St. Paul, Minnesota 55103.

b. The request shall contain the following:

(1) statement by publisher:

(a) name of newspaper;

(b) street address, zip code, city and county;

(c) publisher's name;

(2) method of production:

(a) letterpress, matted & plated, or print from type;

(b) offset, hot type, cold type, or hot and cold type;

(3) type used in printing legal ads:

(a) type size and name of type;

(b) pica width of single and double column;

(c) hot or cold type;

(d) justified or not justified; (if not justified, minimum sample of five (5) inches of type set in column width of the type used must be provided with request);

(e) three (3) lower case alphabets in compact form for each column width and style of type which requires certification;

(f) if the page forms are reduced in the camera or are matted, the lower case alphabet supplied must be reduced at the same percentage;

(g) other relevant information requested by the Commissioner or his agent.

c. Publishers who change type faces or who make format changes that affect column widths may apply for new certified rates, including in the request a minimum of three (3) lower case alphabets in compact form (no letter spacing) for the type style to be used and for each of the column widths requiring new line rates.



# PROPOSED RULES

## B. Formula for evaluation.

1. To calculate line rates for nonstandard type faces and nonstandard line lengths, the formula to be used is based on the proportion of the alphabet length of the "standard" type face to the alphabet length of the nonstand-

$$\frac{\text{L.C. Alphabet (in points) of 6-point Times Roman}}{\text{L.C. Alphabet (in points) of type you use}} \times \frac{\text{Your column width (in picas)}}{\text{Standard Times Roman 11 pica line length}} \times \frac{\text{Standard Line Rate}}{\text{Adjusted Line Rate}} = \frac{\text{Adjusted Line Rate}}{\text{Standard Line Rate}}$$

2. A separate line rate certification is required (1) for each type face used in setting for legal notices, and (2) for each line length used in setting type for legal notices. Each line rate certification applies to only one type face and one column width (measuring from direct left to direct right of line length). It may not be used for any other billing. Line rate certification procedures apply to cold type composition as well as hot metal typesetting.

### 2 MCAR § 1.4504 Fees for publication of legal notices.

A. Fees for publications are established by Minn. Stat. § 331.08 (1976) for a standard line for first insertion and subsequent insertions and for what is termed "price and one-half" or "double price" composition. The definition of "price and one-half" or "double price" composition is established by the State Printer and published in the pamphlet "Publication of Legal Advertising in Newspapers," including approved forms and computation samples, as required by Minn. Stat. § 16.61.

### 2 MCAR § 1.4505 Controversy between publisher and public official.

A. In case of controversy or disagreement between a publisher of a newspaper and a public official of this state as to the measurement of any legal notice published or required by law to be published in newspapers, such public official shall submit a copy of the printed notice to the Commissioner of Administration in accordance with the procedure described herein. The Commissioner shall measure such notice and forward a certificate signed by him giving the number of lines and the amount of the fees allowed for the publication of such notice.

1. The following procedure is required:

a. The public official shall send one complete copy of the legal publication to be measured to the Commissioner of Administration, c/o State Printer, 506 Rice Street, St.

ard type face, in relation to the proportion of the length of the nonstandard line to the length of the "standard" line, in relation to the line charge for the "standard" line.

Formula for above is as follows:

Paul, Minnesota, 55103. Said copy of publication will not be returned.

b. The public official shall also send an affidavit of publication with indication of lower case alphabet and the number of insertions used in said publication.

c. When disputed legal notices have been set by a third party, the public official shall state who set the legal notice and furnish three (3) copies of lower case alphabet in compact form of type used.

d. If copy for legal notices is furnished in camera ready form for use in the newspaper, the public official shall so state. (Camera ready copy is measured in the same manner as a ballot).

e. If legal notice was reduced by camera or matted at time of publication, the public official shall require the newspaper to submit a lower case alphabet reduced by the same percentage as the notice which was published.

f. A stamped, return addressed number ten (10) envelope shall accompany each measurement requested.

2. A complete copy of legal publication along with the computation sheet and a copy of certificate of measurement will be kept on file for at least one (1) year.

### 2 MCAR § 1.4601 Handling federal mail.

A. The Central Mail Section handles registered, certified, first class and all other federal incoming and outgoing mail for all buildings located in and around the Capitol Complex according to federal law and regulations cited in Title 39 of the U.S. Code.

## Chapter 13 Real Estate Management

### 2 MCAR § 1.5001 Property acquisition. Pursuant to

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.5001

Minn. Stat. ch. 16 and specific legislative enactments, this rule shall govern the state's acquisition of real property for the operation of state government.

A. Unless otherwise provided by law, a state department or agency needing real property shall make a request in writing to the Department of Administration to acquire property, specify the property to be acquired, and indicate the source and sufficiency of funds needed for the acquisition.

B. Real Estate Management Division shall proceed with acquisition as follows:

1. The title to the property shall be examined by an attorney for the Division, whereupon a field title report shall be prepared by the Division. The field title report shall be based on information from the owner or a representative of the owner. The purpose and nature of the acquisition shall be explained to the owner at the time of the field title interview. Where there are occupied buildings involved, a relocation study shall be made to insure that displacees can be relocated without undue hardship.

2. A legal description of the property to be acquired shall be written. Where necessary, a written engineering assessment shall be obtained from the State Architect's Office.

3. The property to be acquired shall be appraised. Appraiser(s) shall be selected by the Director or the Assistant Director, and may be state employees or fee appraisers. Where fee appraisers are used, they shall be selected from a list of qualified fee appraisers, which list shall be maintained by the Division. The fee to be paid to the appraiser shall be as agreed upon between the appraiser and the Director or the Assistant Director.

4. The appraisal(s) shall be reviewed by members of the Division staff. Where the appraisal(s) are deemed satisfactory, the appraisal amount which is deemed to represent value (and damages, where applicable) shall be certified by the Director or the Assistant Director.

5. Instruments appropriate for the acquisition shall be requested from the Attorney General's Office.

6. A direct purchase offer shall be submitted to the property owner. Where possible and practical, the offer shall be submitted in person. A detailed explanation of the state's acquisition policies and of the owner's options shall be made to the owner, especially including, where applicable, a full explanation of relocation benefits available to the owner.

7. If the owner accepts the offer, the property shall be purchased. The Division shall be responsible for proper execution of instruments, closing of transaction, recording of instruments, payment to owner, relocation assistance to the owner, and removal of buildings, where applicable.

8. If the owner rejects the offer, and the legislature has directed by law that acquisition by eminent domain proceedings shall or may be pursued, the Division shall institute necessary proceedings to so acquire.

**2 MCAR § 1.5101 Issuance of permits or easements across state lands.** Pursuant to Minn. Stat. § 16.88, this rule shall govern the availability to the public of permits or easements to cross state-owned land other than state-owned land expressly exempted.

A. An application for a permit or an easement to cross state-owned land shall be made in compliance with Minn. Stat. § 16.88, subd. 3, to the Director, Real Estate Management Division, Department of Administration, Room G-22 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

B. The Real Estate Management Division shall grant or deny the application in accordance with the provisions of Minn. Stat. § 16.88. The applicant shall be informed in writing of granting or denial of the permit or easement. Where the application for permit or easement is denied, the applicant shall be informed of the reasons for such denial.

C. Pursuant to paragraph B above, where the application for permit or easement is granted, the permit or easement shall be granted only after agreement by the applicant to pay to the state an amount to be determined on the basis of an appraisal by the Real Estate Management Division, and to comply with all terms and conditions of the permit or easement.

D. Except where the permit or easement is clearly a benefit to the state, no permit or easement shall be granted for less than the amount of \$100.00.

**2 MCAR § 1.5201 Permits to search for lost property — scope and purpose.** Pursuant to Minn. Stat. §§ 16.021, 16.022, and 16.023, 2 MCAR §§ 1.5201-1.5205 govern the granting of permits to search upon lands owned by the state for abandoned or lost property and disposition of abandoned or lost property found thereunder.

**2 MCAR § 1.5202 Terms and conditions.** Permits shall be granted upon permittee's agreement to and performance of the following terms and conditions:

A. Permittee shall indemnify and hold the State of Minnesota harmless for any claim, meritorious or otherwise, and for any causes of action regardless of their nature arising

# PROPOSED RULES

ing directly or indirectly out of any permittee's activities. The state shall not be liable for any damage to property of permittee or injury to permittee or invitees. The state may require purchase by the permittee of a surety bond for these purposes.

B. If in the opinion of the Director or the Assistant Director the activity to be conducted may endanger life or property, permittee shall purchase liability insurance which protects all persons and their property from injury or damage. The amount of such liability insurance shall be no less than:

Minimum coverage per person per occurrence	\$100,000
Minimum coverage per occurrence	\$500,000

The state of Minnesota shall be designated as sole payee in the event of loss.

C. Permittee shall obey and conform to all federal, state, and local laws, rules and ordinances.

D. Permittee shall cause no damage to any property by virtue of its activities. In the event of any damage to any state property, permittee shall immediately repair same. Failure to immediately make such repairs when advised to do so in writing by the Director or Assistant Director shall result in cancellation of permit.

E. Permittee shall conduct its activities in a manner so as not to adversely affect the environment and shall restore areas of activity to original conditions. Permittee shall remove all equipment relating to and debris resulting from permittee's activities from state land by the termination date of the permit.

F. Permittee shall limit its activities on state land to areas specified by the permit.

G. Unless otherwise specified, permits shall remain in effect for one year from effective date so long as conditions prescribed hereby and in the permit are met.

H. Permittee shall neither assign nor transfer any rights or obligations under the permit without the prior written consent of the Commissioner or his authorized designee.

J. Receipt of permit shall not constitute an exclusive grant, and the state may issue similar or identical permits for the same or overlapping areas of land.

K. The permit may be cancelled by either party at any

time, with or without cause, upon thirty (30) days' written notice to the other party.

L. Unless specifically excepted for cause in the permit, all permits shall be granted with the understanding that the lost or abandoned property which is recovered from state lands shall be turned over to the Department of Administration for disposition as provided by statute. The permittee's share of the proceeds shall be agreed upon between the permittee and the state prior to issuance of the permit. The state's share shall be deposited in the general revenue fund.

**2 MCAR § 1.5203 Application for permit.** Applications for permits shall be made in writing to the Division to the following address:

Director  
Real Estate Management Division  
Department of Administration  
G-22 State Administration Building  
St. Paul, Minnesota 55155

Application shall include the following items:

- A. applicant name, mailing address, and phone number;
- B. description of proposed search;
- C. written acceptance of the specified terms and conditions;
- D. specification of area within which activity will take place.

**2 MCAR § 1.5204 Granting of permits.** Upon receipt of application, the Commissioner or designee shall undertake the following action:

- A. determination as to department jurisdiction over the lands concerned in the application;
- B. determination as to the necessity for liability insurance as specified in 2 MCAR § 1.5202 A. and B.;
- C. preparation of a written agreement between the state and the applicant;
- D. submission of permit (written agreement) for review and signature by Department of Finance and Attorney General.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.5204

Upon execution of the written agreement, the permit shall be in effect under the terms and conditions thereof.

**2 MCAR § 1.5205 Disposition of found property.** Upon discovery of lost or abandoned property, permittee shall, within thirty (30) days of discovery, place such property at the disposal of the Commissioner. The Commissioner or designee shall determine the method and location of maintenance and storage of property. Property will be disposed of under the procedure specified by Minn. Stat. § 16.022. Upon disposition, the Commissioner or designee shall, in a timely manner, authorize payment to the finder the share due him under the terms and conditions of the permit.

**2 MCAR § 1.5301 Property leasing (where state is lessor).** Pursuant to Minn. Stat. § 16.02, subd. 14, this rule governs the leasing out of state owned real property which is temporarily not needed by the state.

A. All persons wishing to be notified of the availability for leasing of state-owned property shall request in writing such notification. Requests shall be sent to:

Director  
Real Estate Management Division  
Department of Administration  
G-22 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155

A list of persons having requested such notification shall be maintained by the Real Estate Management Division. The list shall indicate the particular area in the state and the type of property (i.e., farm, office, etc.) the interested party has expressed an interest in. Notice shall be sent to all appropriate parties on the list when state-owned property is leased out.

B. At least fifteen (15) calendar days prior to the bid return deadline, bid solicitations shall be mailed to appropriate parties who have requested notification of the availability of property for leasing. In addition to mailing of bid solicitation to all parties known to have an interest in leasing the property, the Department of Administration may, where circumstances merit, advertise the property for lease in a newspaper having general circulation in the area in which the property to be leased is located. The property shall be leased to the highest responsible bidder, consistent with the State's intended use and management of the property. The Department expressly reserves the right to reject any or all bids or to waive informalities therein.

C. Competitive bidding shall not be used when the Commissioner or designee determines that one or more of the following circumstances exist.

1. There is only one interested party that can feasibly use the property.

2. Factors other than bid price, such as maintenance of the property, are paramount.

3. The contemplated rental term is of short duration.

4. Other governmental entities have expressed the desire to lease the property.

5. Factors exist which make the taking of competitive bids impractical or not in the best interest of the State of Minnesota.

### Chapter 14 Records Management

**2 MCAR § 1.5501 Scope and purpose.** Pursuant to Minn. Stat. § 138.17, these procedures govern the records management practices of all state agencies.

**2 MCAR § 1.5502 Definitions.** For 2 MCAR §§ 1.5501-1.5901, the following terms shall have the meaning given them unless clearly indicated otherwise by the context:

A. "Agency" means any agency of state government identified in Minn. Stat. § 138.17, subs. 1 and 7, entitled to request services from the records management division and for which the Commissioner of Administration may authorize or require records management services.

B. "Archival quality" means that the medium on which the record is recorded has a lasting property with regenerative capability of at least 100 years and that data contained thereon will be readable, whether by human eye or by machine (as in microfilm), for that period.

C. "Authorized person" means an agency employee whose name has been submitted in writing by the agency head as one who is entitled to retrieve records or information from records which belong to that specific agency and which are stored in the State Record Center.

D. "Commissioner" means the Commissioner of Administration.

E. "Consultative services" means the giving of professional advice regarding records management practices which are not required under these rules. Examples of consultative services include assisting in establishing an office filing system, assisting in the design of a new form, providing guidance in taking inventory of an agency's file series.

F. "Director" means director of Records Management Division, Department of Administration.

## PROPOSED RULES

### 2 MCAR § 1.5502

G. "File", also referred as a "file unit", is a sequence of documents relating to one subject or transaction.

H. "File series" refers to a group of files, or file units, kept together because they relate to a particular subject, function, or transaction, or because they are similar/identical physical characteristics. A file series has a beginning and an end and is arranged systematically.

I. "Form" means a paper, film, film overlay, or computerized format containing information, printed or reproduced by whatever means, with blank spaces left for the entry of additional information. Forms include temporary as well as permanent versions; numbered as well as unnumbered versions, those purchased from vendors as well as those reproduced internally by office duplicating equipment; those used in small as well as large quantities, tags, hand-drawn, special use, and one-time-use items. Form letters which have blank spaces left for additional entry of data (except for addressee's name, address, and the date) are forms.

J. "Forms management program" means the specific set of procedures, principles and techniques which are designed to manage the forms inventory system and to improve the effectiveness of official government forms.

K. "Microfilm" means the reproduction onto film in a reduced size of records originally created on paper, photographic plates, magnetic tapes, or other means, or copies thereof.

L. "Micrographics" means all activities which produce microfilm, including, but not limited to, systems design, filming, processing, duplicating and testing for archival quality.

M. "Records" means "state records" as that term is defined in Minn. Stat. § 138.17, subd. 1.

N. "Records disposition panel" means the body established pursuant to Minn. Stat. § 138.17, subd. 1.

O. "Records management" means the application of efficient and economical methods to the creation, utilization, maintenance, retention, preservation, and disposal of official state records pursuant to a program established under these rules. It involves developing standards, procedures, and techniques for managing the longevity of records; and includes implementing controls over office filing equipment, scheduling records for disposition, administering records storage, documenting those benefits ac-

cruing from the program, and undertaking surveys and audits of disposal operations where implementation has taken place.

P. "Records Management Division" means the division of the Department of Administration designated by the Commissioner to fulfill the responsibilities described in Minn. Stat. § 138.17 and the procedures set forth in these rules. The division is located at Room 100, Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55155.

Q. "Records management services" are those services provided by the Records Management Division. Services are of two types: consultative and required. Consultative services (see Section E of this rule) are discretionary and are available from Records Management Division upon request by an agency head or designee. Required services (Section S of this rule) are not discretionary and shall be requested from the Records Management Division by the agency head or designee.

R. "Records retention and disposition schedule" means a listing of all approved file series and their respective retention periods and a description of the method, manner, dates and events which govern the disposition of each file series.

S. "Required services" are those records management procedures, standards and policies which agencies shall request and utilize when creating, installing, and maintaining a records management program. Examples of required records management services are inventorying and controlling state agency forms; developing and implementing records retention and disposition schedules; storing and retrieving records from the state records center; and microfilming records.

T. "State Archives" is an administrative unit of Minnesota Historical Society headed by the State Archivist.

U. "State forms" are forms which are listed on the state-wide forms inventory system operated by the Records Management division, Department of Administration, for state of Minnesota agencies.

V. "State Records Center" means the facility which provides for planned retention of inactive records and for orderly and timely disposition of records. The purpose of the State Records Center is to make available low cost, safe storage space for inactive records of agencies of state government as defined in Minn. Stat. § 138.17, subd. 1. The

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.5502

State Records Center is under the supervision of the Director of the Records Management Division.

**2 MCAR § 1.5503 Exceptions.** These rules shall not apply to the exceptions cited in Minn. Stat. § 138.17, subds. 1 and 3.

**2 MCAR § 1.5504 Records management services and requirements.** Consultative services shall be provided upon request within the limitation of the Records Management Division's personnel and funding. Agencies shall request records management required services when implementing a records retention and disposition schedule, issuing a new or revised form, cancelling a form, developing or modifying a microfilm system, and/or engaging in any other required records management program which may be identified in the future.

A. Agencies shall submit written requests for records management services to the Director, Records Management Division, at the previously noted address. All written requests shall be made on application forms provided by Records Management Division Office. Application forms are available from the previously noted address.

B. Within a reasonable time period after receipt of a request by the Records Management Division, the agency shall be informed of the following:

1. the records management project number assigned to the request; and
2. the approximate date when request will receive first action.

**2 MCAR § 1.5601 Records retention and disposition schedules.** State agencies shall have established records retention and disposition schedules for their records by July 1, 1989. The following procedures shall be followed:

A. Agencies shall apply for records retention and disposition schedules on forms provided by the Records Management Division and shall complete the forms according to instructions.

1. Agencies shall list:

a. proposed retention periods for each file series for each location in which that series may be stored, such as office storage, department storage facilities, state records center storage, regional storage facility; final disposition period or date shall be included for each file series;

b. statutory requirements, and rules and regulation requirements which affect retention periods shall be listed.

2. The head of the applying agency, or designee, shall sign the application for records retention schedule and forward the request form to the Director, Records Management Division, at the previously noted address.

3. The Director shall review the agency's completed application for retention schedule for completeness, and compliance with Minnesota Statutes and applicable rules requirements.

B. The Director shall forward the application to the State Archivist, who, as representative of the Director of the Minnesota Historical Society on the records disposition panel, shall act on the application for records retention and disposition schedule and shall present it to the other panel members for action.

C. Upon making its determination, the records disposition panel shall return the application, and the panel's written recommendation, for retention schedule to the Director.

D. The Director shall record the official records retention schedule for the applying agency and notify in writing the applying agency of the status of its application.

E. The Director shall notify the agency and the State Archivist not less than 90 days in advance of the next disposition date(s) as designated on the agency's approved schedule.

F. Agencies disposing of records under an approved records retention and disposition schedule shall notify the Director and the State Archivist identifying each file series of records which has been destroyed or delivered to the State Archives, Minnesota Historical Society.

### 2 MCAR § 1.5701 The State Records Center.

A. The following shall be completed as satisfied prior to the transfer of files to the State Records Center:

1. Records retention schedule shall be approved or shall be in a pending approval status pursuant to 2 MCAR § 1.5601.

2. Records scheduled for destruction in less than one year shall not be transferred to the State Records Center unless the applying agency is moving its quarters or is being dissolved.

3. The Records Center shall not be required to maintain records in paper form for more than 10 years. Records which must be kept for any period greater than 10 years shall be stored in the State Records Center on microfilm which has been tested by the Minnesota Historical Society for archival quality. Records so microfilmed and tested shall be considered original documents.

## PROPOSED RULES

### 2 MCAR § 1.5701

4. Prior to the transfer of records, a written agreement shall be completed between the transferring agency and the State Records Center reflecting the following: transfer intervals, liability for providing proper identification of persons authorized to retrieve records and/or information from records, procedures for retrieval, and other necessary documentation as each specific transfer may require.

5. Service to nonstate agencies shall be provided by the State Records Center staff within limitations of personnel and fiscal resources.

#### B. Transferring records to the State Records Center.

1. Ownership of records. Records transferred to the State Records Center shall remain in the legal custody of the owning agency.

a. The staff of the State Records Center shall not be authorized to accept a subpoena for release of any records or for information from any records.

b. Records shall be released only on the authority of the owning agency and only to those persons previously identified in writing by the agency head, or designee, as being authorized to receive either records or information from records stored in the State Records Center.

(1) Agency heads shall annually, upon a date determined by the Director, file with the Records Management Division, a list of names, signatures, titles, telephone numbers, and addresses of persons authorized to obtain records or information from the agencies' stored records. The Director shall assign an authorization number to each authorized person and notify each of his/her assigned number.

(2) Each authorized person making a record or information-from-records request by telephone shall use his/her authorization number as means of identification. Records Center staff shall verify the authorization number prior to releasing records or information from records.

(3) When necessary, amendments to the list of authorized persons, together with sample signatures, shall be submitted in writing by the agency head or designee to the Director.

(4) State Records Center staff members shall not release records or information from records belonging to one agency to employees of another agency.

c. The State Records Center, as the physical custo-

dian of the records, shall take reasonable steps to protect records in order to prevent unauthorized access; misuse of records; and fire, water or other damage due to dust or an unclean environment.

#### 2. Preparation of records procedures.

a. The sending agency shall remove rubber binders, three-ring binders and paper clips from the records to be transferred, and pack said records into standard storage boxes in such a manner that boxes are not unreasonably full and that all records stored in one box have the same retention and disposition schedule.

b. Records to be transferred to the State Records Center shall be enclosed in labeled standard manilla file folders. Files which have been previously stored in hanging-type folders must be transferred to the labeled manilla file folders before packing in storage boxes. Recycled manilla folders may be used for this purpose providing the previous label is obliterated and the appropriate folder label is clearly visible.

c. Agency shall complete the transfer form in triplicate and prepare one label for each storage box. In the event of use of preprinted boxes, agencies shall properly complete the label information on each box. Transfer forms and labels shall be provided by the State Records Center at the previously noted address.

d. Owing agencies shall notify the Director of the number of boxes to be transferred. Said agencies shall arrange for delivery of records to and return of records from the State Records Center.

e. The owning agency shall keep one copy of the transfer forms and send two copies to the Director.

f. The State Records Center shall index the storage boxes to indicate the shelf location and shall duplicate this information on the transfer forms. State Records Center shall return a copy of the completed transfer form to the agency.

#### C. Retrieving records and information from records.

1. Records and information from records shall be available upon request subject to provisions of subd. B. 1. of this rule.

2. The request shall include the following in addition to the identification requirements of subd. B. 1. of this rule:

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.5701

- a. a reference to the transfer form; and
- b. the shelf and box location of the desired record.

3. The State Records Center shall retrieve the requested record or information from a record, prepare a charge-out card if the record is to be removed from the Center, and forward the record/information from the records to the owning agency within a reasonable period after receiving the request.

#### D. Disposition of records by the State Records Center.

1. All records transferred to the State Records Center shall have retention and disposition schedules.

2. Disposition procedures for records transferred to the Records Center after the effective date of these rules are as follows:

a. State Records Center staff shall notify the owning agency in writing at least 90 days prior to the date that the disposition of said records will take place.

b. State Records Center staff shall send a duplicate copy of the notice to the records disposition panel.

c. If owning agency head chooses not to prevent the disposition of the records, said agency head shall signify approval of the planned disposition on the notice and return it to the Director no later than 30 calendar days prior to the disposition date.

d. If agency head wishes to prevent the disposition of the records, it shall be so signified on the notice indicating the additional time period the records shall be kept and the notice returned to the Director no later than 30 calendar days prior to the proposed disposition date.

e. If the records disposition panel chooses to authorize the disposition of the records, the panel shall signify approval of the planned disposition on the duplicate notice and return it to the Director no later than 30 calendar days prior to the proposed disposition date.

f. If the records disposition panel wishes to prevent the disposition of the records, the panel shall so signify on the duplicate notice indicating the additional time period the records shall be kept and return it to the Director no later than 30 calendar days prior to the proposed disposition date.

g. The Director shall follow the instructions of the agency head, or designee, and the records disposition panel. If either body had indicated that the records are not to be destroyed, the Director shall hold the records until the next agreed-upon disposition date.

(1) Upon receipt of notice not approving the disposition, the Director shall notify all parties in writing that the disposition has been postponed either indefinitely, or until the next scheduled disposition date.

(2) If both the agency head and the records disposition panel agree to dispose of the records, the Director shall either destroy the records or send them to the Minnesota Historical Society, according to prior records disposition panel determination.

3. Disposition procedures for records transferred to the Records Center prior to the effective date of these rules are as follows:

a. The owning agency shall request an application for authority to dispose of records from the Director at the previously noted address.

b. The owning agency shall complete the application form for authority to dispose of records in triplicate according to instructions on the face of the form and forward it to the Director. All applications for authority to dispose of records shall be signed by the agency head or designee. The Director shall review the application for completeness and forward it to the State Archivist. The State Archivist, acting for the Director of the Minnesota Historical Society as a member of the records disposition panel, shall bring the application for authority to dispose of records to the attention of the members of the records disposition panel.

c. As stated in Minn. Stat. § 138.17, subd. 1, the records disposition panel's written determination to approve the request to dispose of records must be unanimous. The State Archivist shall notify in writing the Director by sending two copies of the approved application.

d. Upon receipt of the approved application, the Director shall notify the owning agency, in writing, and shall proceed to dispose of the records.

e. If the records disposition panel's determination is not to approve the request to dispose of records, the State Archivist shall, in writing, so inform the Director, who shall in turn notify in writing the owning agency.

**2 MCAR § 1.5801 Forms inventory system.** This rule applies only to state agencies as defined in Minn. Stat. § 138.17, subd. 1.

A. State forms are those which state agencies originate and distribute to other state agencies, to other units of government, to the general public or specific portions thereof, or are used internally by the originating agency. All such forms shall be listed on the state's automated forms inventory system.



# PROPOSED RULES

B. In the instances where a state agency is formed after these rules become effective, the head of the new agency, or designee, shall request the Forms Inventory Supervisor, Records Management Division, to assist in the development and implementation of a forms management program for the new agency. Request for assistance shall be made by completing an application for records management services available from the Records Management Division at the previously noted address.

**2 MCAR § 1.5901 Micrographics services.** The following procedures shall apply to all agencies which use micrographics services:

A. Agencies of local government may use the services of the state's central micrographics laboratory.

B. State agencies planning to microfilm documents shall obtain micrographics services from the state's centralized micrographics services section by completing an application for records management services provided by the Records Management Division and available at the previously noted address.

C. Any agency using the micrographics production services shall be charged for all costs involved in said production. Fee schedules for such charges shall be set by the Commissioner of Administration and approved by the Department of Finance and shall take into consideration normal business factors such as overhead, production costs, labor depreciation, and capital investment.

D. Micrographics services section shall provide the owning agency with estimated costs prior to production.

E. All microfilm produced by the state central micrographics laboratory shall be of archival quality. It shall be stored in an air-filtered, fireproof area where the temperature and humidity are held constant at approximately 70°F and at 40% or less relative humidity. Microfilm output shall be routinely tested by the Minnesota Historical Society to insure that the following minimum standards are met.

1. Residual thiosulfate: must not exceed 0.7 micrograms per square centimeter. Testing shall be done within 2 weeks of processing.

2. Background density (document contrast), acceptable limits: 0.80 minimum to 1.40 maximum.

3. Base plus fog density (film contrast): must not exceed .11.

## 2 MCAR § 1.6003

4. Resolution (legibility): must be 90 lines per millimeter or higher for 16 mm film; 100 lines per millimeter or higher for 35 mm and 105 mm film.

5. Microfilm shall also be examined for clarity and completeness of image, film spotting or damage, splices, and other factors affecting film quality.

## Chapter 15 Telecommunications

**2 MCAR § 1.6001 Scope and purpose.** Pursuant to Minn. Stat. § 16.02, subd. 2.a., these rules govern the procedures relating to the application by governmental bodies for sublease of TELPAK services from the Telecommunications Division, Department of Administration, G-4 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

## 2 MCAR § 1.6002 Definitions.

A. For the purposes of 2 MCAR §§ 1.6001-1.6005, the terms defined herein shall have the meanings given them, unless clearly indicated otherwise by the context.

1. "TELPAC" means intercity private telephone circuit groups leased by the Telecommunications Division of the Department of Administration from any source including a common carrier, specialized common carrier, or the federal government.

2. "Governmental Body" means any unit, agency, or political subdivision of state or local government.

## 2 MCAR § 1.6003 Application for sublease.

A. Any governmental body may apply for subleasing TELPAK in accordance with applicable tariffs. Applications shall be made in writing to:

Telecommunications Division  
Department of Administration  
G-4 State Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155

B. The application shall include the following:

1. name and address of governmental body applying for use of TELPAK service;

2. name, address, and telephone number of applicant's representative who will administer the lease;

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.6003

3. name and address for billing of charges;
4. termination points and intended use of TELPAK circuits requested.

### 2 MCAR § 1.6004 Application approval.

A. Applications shall be approved or rejected based on the availability of unused circuits and projections of state needs. No obligation exists on the part of the state to sublease any requested TELPAK.

B. All applicants shall be notified within a reasonable time in writing of the disposition of their application.

### 2 MCAR § 1.6005 Fees and conditions.

A. Fees shall be established with the approval of the Commissioner of Finance and shall be based on TELPAK cost to the Telecommunications Division and administrative overhead costs. Fees shall be changed as the above-noted cost factors change.

B. In addition to the terms of individual leases, the following general terms shall apply to all leased TELPAK.

1. The Telecommunications Division or the user may terminate the sublease on thirty (30) day written notice to the other party.

2. The Telecommunications Division assumes no liability for any service interruptions or other damage suffered by lessee as a result of TELPAK use.

### Chapter 3 State Building Code Division

### 2 MCAR § 1.10001 Purpose.

A. These rules govern responsibilities undertaken pursuant to Minn. Stat. §§ 16.83 through 16.867. They relate to administration and enforcement of the State Building Code and the requirements for certification and continuing education of municipal building officials.

### 2 MCAR § 1.10002 Definitions.

A. The terms used in rules 2 MCAR § 1.10001 through 2 MCAR § 1.10010 shall have the following meanings:

1. "Building Official" means the municipal building code administrative authority certified pursuant to Minn. Stat. § 15.861, subs. 2 and 3.

2. "Code" means the State Building Code pursuant to Minn. Stat. § 16.84, subd. 4.

3. "Commissioner" means Commissioner of Administration.

4. "Municipality" means an entity as described in Minn. Stat. § 16.84, subd. 3.

5. "State Building Inspector" means the person who, under the direction and supervision of the Commissioner, administers the State Building Code. State Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

### 2 MCAR § 1.10003 Code adoption and amendments.

A. Pursuant to Minn. Stat. § 16.85, the code is adopted and periodically updated to include current editions of national model codes in general use and existing statewide specialty codes and amendments thereto.

B. Pursuant to Minn. Stat. § 16.86, subd. 6, amendments to the code may be proposed and initiated by any interested person, by the Building Code Standards Committee, or by subcommittees thereof.

1. Proposed amendments shall be submitted in writing on a form provided by the Commissioner.

### 2 MCAR § 1.10004 Application for appeal.

A. Pursuant to Minn. Stat. § 16.863 any person aggrieved by the final determination of any municipality as to the application of the code may, within 30 working days of said decision, appeal to the Commissioner. The appeal shall be accompanied by a cashier's check, certified check, money order, or equivalent, payable in the amount of \$20 to the "Commissioner of Administration."

B. The request for appeal shall contain the following:

1. name and address of applicant appealing the decision;

2. attorney representing applicant, if any;

3. municipality information, including name of municipality, building official, local appeal board composition and the chairman's name;

4. property description, including address of property involved;

5. description of structure, including occupancy, size, construction type;

6. a copy of the municipality's written decision;

7. specific nature of appeal, including but not limited to the following:

# PROPOSED RULES

a. code section(s) which are applicable to the specific question;

b. code section(s) that may indirectly apply;

c. listing of issues involved;

8. any other relevant information requested in writing by the Commissioner.

C. The Commissioner shall arrange for the State Hearing Examiner's Office to conduct a hearing on said appeal pursuant to Minn. Stat. § 15.0418 through 15.0426.

D. Copies of all final determinations of the Commissioner shall be sent to the appellant and the municipality involved or the attorney representing the appellant or municipality.

**2 MCAR § 1.10005 State surcharge fees.** All municipal permits issued for work pursuant to the State Building Code shall be subject to a surcharge fee. Said fees are established by Minn. Stat. § 16.866. Reports and remittances by municipalities shall be filed with the Commissioner.

A. All surcharge fees imposed by the state shall be in addition to municipal permit fees.

B. Surcharge report forms and information may be obtained by writing the Commissioner to the attention of the State Building Inspector.

**2 MCAR § 1.10006 State Building Code information and assistance.** Any building code information or assistance may be obtained by contacting the State Building Inspector in writing or by telephone.

**2 MCAR § 1.10007 Education and training.** Within limitations of personnel and funds the State Building Inspector shall provide training programs for municipal building officials, legislative bodies, administrative staff persons, design professionals, construction industry and the general public.

A. Information concerning training program availability may be obtained from the State Building Inspector by written or telephone inquiry.

**2 MCAR § 1.10008 Building official certification.** This rule establishes procedures for certification of building officials, establishes prerequisites for persons applying to be certified by examination, establishes two classes of certifica-

## 2 MCAR § 1.10008

tion, and requires continuing education to maintain certification.

A. All building officials shall be certified in one of the following:

1. Class I certification shall permit building code administration limited to evaluation and inspection of one and two family dwellings and their accessory structures.

2. Class II certification shall permit building code administration including evaluation and inspection of all buildings and structures within the scope of the Code.

B. Before making application for Class I certification each individual shall meet the following prerequisites:

1. 3 years experience in any of the skilled construction trades; or

2. 3 years experience in complete design of 1 and 2 family dwellings and accessory buildings thereto; or

3. 2 years experience in municipal building construction inspection; or

4. 24 credits in Building Inspection Technology program in a community college system, plus one year experience in subdivisions one, two, or three of this section; Building Inspection Technology courses must include courses in Field Inspection, Plan Review Non-structural, Plan Review Structural, Administration, Building Codes and Standards and Energy Conservation; or

5. International Conference of Building Officials certification in building inspection, plus one year experience in one, two, or three of this section; or

6. 2 years in post high school construction oriented architectural or engineering courses, plus one year experience in one, two, or three of this section.

C. Before making application for Class II certification, each individual shall meet the following prerequisites:

1. 5 years experience in one or a combination of the prerequisites described in subdivisions one, two, or three of section B of this rule; and two years of general construction supervision or building code administration experience which may be concurrent with the required five years experience; or

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.10008

2. 24 credits in Building Inspection Technology program in a community college system, plus three years experience in one, or a combination of prerequisites described in one, two, or three of section B of this rule, and two years of general construction supervision or building code administration experience which may be concurrent with the required three years experience; or

3. International Conference of Building Officials certification in building inspection; and 3 years experience in one or a combination of prerequisites described in one, two or three of section B of this rule; and two years of general construction supervision or building code administration experience which may be concurrent with the required three years experience; or

4. 2 years in a post high school course in construction or construction oriented, architectural or engineering courses plus three years experience in one, or a combination of prerequisites described in one, two, or three of section B of this rule, and two years of general construction supervision or building code administration experience which may be concurrent with the required three years experience.

D. Each person seeking certification as a building official shall submit a completed application to the State Building Inspector with a \$20 fee payable to the State of Minnesota on application forms provided by the Commissioner.

1. The State Building Inspector shall review applications for compliance with prerequisites set forth in sections B and C of this rule.

2. The State Building Inspector shall forward the application to the State Department of Personnel for testing if the prerequisites set forth in sections B and C of this rule are satisfied.

E. The examination shall be both written and oral. The written test shall be given by the State Department of Personnel pursuant to the rules of that department and the following:

1. If the applicant fails the written test, or fails to appear, the applicant shall be permitted to retake the written portion or be scheduled for a second administration following 30 calendar days after test results notification.

2. If the applicant fails the written portion a second time, or fails to appear for a second scheduled administration, the applicant shall wait six months and then may re-submit application pursuant to section D of this rule.

F. An applicant shall be permitted to take the oral examination after successfully passing the written test.

1. The State Building Inspector shall schedule an oral examination for the applicant.

2. If the applicant fails to pass the oral examination, the applicant may apply to retake it. Such reapplication shall be made in writing to the State Building Inspector.

3. If the applicant fails to pass the oral examination after two opportunities, the applicant must wait six months before reapplying to take the written and oral examination.

4. A letter, stating reason for failure, shall be sent to applicants who fail the oral examination.

5. If the applicant successfully completes the total examination, a certificate of certification shall be issued.

G. Oral Examination Board. The Board for Oral Examination shall be comprised of four people selected by the Commissioner. The composition of the board shall be two certified building officials, a representative of a municipal administrative staff, and a representative of the State Building Code Division staff.

H. Maintenance of certification.

1. Effective January 1, 1979, each person certified as a state building official by the testing procedures of the State of Minnesota shall satisfactorily complete 18 units of instruction in applicable educational programs within each three calendar year period. Evidence of compliance with educational program requirements shall be submitted in accordance with section I of this rule.

2. The applicable education programs shall deal with matters of building code administration and enforcement of codes used in the State of Minnesota.

3. Of the 18 required units, 10 units shall be obtained by attending two Minnesota Annual Building Official Institutes and four one-day seminars offered by the State Building Inspector, within the prescribed three year period. The remaining eight units may be obtained by participation in the programs as listed in subdivision 4 of this section.

4. Each unit of instruction will be determined in the following manner:

a. Annual Building Officials Institute (1 unit per day).

b. State Building Code Division seminars (1 unit per day).

c. International Conference of Building Officials training programs (1 unit per day).

# PROPOSED RULES

d. North Star Chapter of ICBO meetings (1/3 unit per meeting).

e. Regional Building Officials meetings (1/3 unit per meeting).

f. Community College courses (Building Inspection Technology) (1 unit per credit earned).

g. Vocational Technical training institutes (Construction oriented courses) (1 unit per course).

h. Continuing Education Units (CEU's) (Construction or inspection related courses) (1 unit per CEU).

i. Courses offered by other states, correspondence schools, universities, and institutes of learning offering building code related courses shall be considered on an individual basis. Each applicant shall prearrange for unit approval from the Division. Unit determination shall be based on the value of units granted for a like offering in items a through h in this subdivision of this rule.

## I. Renewal of certification.

1. Effective January 1, 1979, each person certified as a state building official, by the testing procedures of the State of Minnesota, shall submit in writing to the State Building Inspector an application for renewal of his certification within 60 days of the last day of the third calendar year period following the last certificate issued. For persons certified by the testing procedure prior to January 1, 1979, the first three year period shall begin January 1, 1979.

2. A renewal fee of \$10.00 shall be paid, at time of application, to the State of Minnesota.

3. The application shall be on a form furnished by the State Building Inspector and shall include evidence of the required educational units as described in section H of this rule.

4. Any person not complying with the requirements of this section shall be notified in writing by the State Building Inspector of the expiration of the individual's certification as a state building official.

5. Any person's certification which expires for non-compliance with the requirements of this rule may apply for recertification by the testing procedures described in this rule.

## 2 MCAR § 1.10010

**2 MCAR § 1.10009 Removal from office and revocation of certification.** Pursuant to Minn. Stat. § 16.861, subd. 5, upon notice and hearing, a building official may be removed from office and his certification shall be revoked, when competent evidence substantiated by the State Building Inspector is submitted to the Commissioner indicating that a building official has consistently failed to act in the public interest in performance of his duties. A hearing shall be held pursuant to the provisions of Chapter 15 governing contested case proceedings.

**2 MCAR § 1.10010 Plan review function.** Within the limitations of personnel and funds, or as required by law the State Building Inspector shall review plans, specifications, and related documents for compliance with the code.

### A. Types of plan review include:

1. plans of buildings required to be submitted to any state agency include, but are not limited to:

a. state-owned buildings;

b. buildings licensed by state agencies;

c. buildings financed in whole or in part by state funds;

2. manufactured buildings in which all elements of the total assembly cannot be visually inspected on site;

3. plans submitted by municipal inspection departments for review.

### B. Content of plan review.

1. The plan review function, for structures in section A.1. and A.3. of this rule, applies to nonstructural code requirements. The structural portion of a plan shall be reviewed to determine that the professional engineer has considered the minimum loading requirements of the code, but shall not include review for accuracy of structural design and calculations.

2. The plan review function for section A.2. structures applies to all aspects of code application and shall be marked approved by the State Building Inspector.

C. For plan review the following material shall be submitted.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# PROPOSED RULES

## 2 MCAR § 1.10010

1. One set of plans, specifications, and other relevant documents necessary to evidence code compliance, together with a transmittal letter, shall be sent to the State Building Inspector, State Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. Manufactured building submittals shall include two sets of plans, specifications, and other relevant documents.

D. The State Building Inspector shall review submittals and forward written comments on items not in compliance with the code. The letter shall be mailed to the following:

1. municipal building official;
2. designer of plans and specifications;
3. state agencies involved, if applicable.

### D. Fees.

1. No fee shall be charged for the review of submittals listed in section A.1. of this rule.

2. Fees shall be charged for review of plans submitted as described in sections A.2. and A.3. of this rule.

3. Fees shall be as required in State Building Code 111.

Existing rules of the Building Code Division are amended to read as follows:

**SBC 320 Seals.** Each manufactured building or system manufactured pursuant to the Code shall have permanently attached thereto in a visible location as shown on the approved plans, a state seal evidencing the State Building Inspector's approval of such building, component or system. No seals shall be issued prior to plan approval for buildings to which the seals are to be affixed. Application for seals shall be made in writing and accompanied by the appropriate fee in accordance with SBC 335.

**SBC 326 Plan approval procedures.** A plan approval shall be obtained from the State Building Inspector or the evaluation agency for manufactured buildings and systems. Such approvals are mandatory for all closed construction. Approval for open construction is optional to the manufacturer. Plan approval application shall be made to the State Building Inspector in accordance with SBC 335 and shall include, but not be limited to the following:

(a) A. Applications, plans, specifications and other documentation shall be submitted in sufficient copies as required.

(b) B. Applications shall be made in letter form.

(c) C. All documentations and plans shall indicate the manufacturer's name, office address, and address of manufacturing facility.

(d) D. A quality control manual prepared by the manufacturer shall be submitted.

1. Where the manufacturer elects to have each building or system produced individually inspected, a quality control manual need not be submitted.

(e) E. Manufacturers shall submit plans showing all elements relating to specific systems on sheet(s) properly identifiable.

(f) F. Each plan shall bear the signature and seal of an approved registered architect or professional engineer where required.

(g) G. The plan shall indicate the method of evaluation and inspection for all required on-site testing of the system.

(h) H. Plans shall designate all work to be performed on site, including connections of all systems, equipment and appliances and all work performed in the plant.

(i) I. A 3" x 4" clear rectangular space shall be provided on all sheets of plans near the title box for the stamp of approval.

(j) J. The design of plumbing, electrical, heating and mechanical systems or any structural design or method of construction and data shall be in accordance with the State Building Code.

(k) K. Grade, quality and identification of all materials shall be specified.

(l) L. Design calculations and test reports shall be submitted when required.

(m) M. Plans shall be drawn to scale.

(n) N. Plans shall indicate the location of the approved seal and data plate.

**SBC 335 Fees and applications.** All fees shall be:

(a) A. in the form of checks or money orders;

(b) B. payable to Minnesota State Treasurer;

(c) C. addressed to:

# PROPOSED RULES

State of Minnesota  
Department of Administration  
Building Code Division  
408 Metro Square Building  
7th and Robert Streets  
St. Paul, Minnesota 55101

SBC 335

(d) D. Seal Fee, ten dollars (\$10.00) per Seal. Replacement seals, one dollar and fifty cents (\$1.50) per Seal.

(e) E. For all other work performed by the Building Code Division such as, but not limited to: the review of plans, specifications, and independent agency reports, inspection and quality control evaluation, a fee of fifteen dollars (\$15.00) per man hour shall be charged.

(f) F. Travel expense shall be charged at the rates established for state employees by the Commissioner of Administration Personnel.

## Chapter 16 Procurement

All existing rules presently promulgated, adopted, and published as 2 MCAR § 1, and entitled "Admin. 91: Eligibility for the Small Business Procurement Act," are proposed to be repealed as follows and to be replaced by 2 MCAR §§ 1.6701-1.6704.

### Admin. 91 Eligibility for the Small Business Procurement Act

(a) Eligibility for the set aside of 10% of the State Procurement budget shall include small businesses organized for profit with their principal place of business in Minnesota:

(1) Eligibility shall include individuals, partnerships, corporations, joint ventures, associations and cooperatives:

(2) The business cannot be dominant or an affiliate or subsidiary of a business that is dominant in its field of operation:

(3) A manufacturing business must employ 100 or less persons and have less than \$15,000,000 in total gross receipts in the 3 year period preceding the application:

(4) A general construction business must have less than \$6,000,000 in total gross receipts in the 3-year period preceding the application:

(5) A specialty construction business must have less than \$3,000,000 in total gross receipts in the 3-year period preceding the application:

(6) A non-manufacturing business must employ 25 or less persons and have less than \$3,000,000 in total gross receipts in 3-year period preceding the application:

(7) An affiliate or subsidiary of a business dominant in its field of operation may be eligible if it retains at least 80% self-ownership:

(b) Eligibility for 10% of 10% set aside program:

(1) Eligibility shall include small businesses owned and operated by socially or economically disadvantaged persons:

(aa) Such disadvantage may be caused by cultural, social or economic circumstances or background, or by location in an area with surplus labor as declared by the U.S. Department of Commerce or other related causes:

(c) Self Certification of Eligibility

(1) To become eligible to receive invitations for bids each small business shall complete, certify and file with the Division of Procurement form Admin. 527A or 527B:

(aa) The form shall provide for designation as a small business and/or as an economically or socially disadvantaged person:

(i) Designation shall be made as to the type of business operated and the kinds of services, materials or supplies which can be delivered:

(ii) Designation shall be made if the business is an affiliate or subsidiary of dominant business:

(2) To assist in verification of the Self-Certification the Commissioner of Administration may require each business to submit a copy of its income statement for the three preceding fiscal years as well as a statement of the number of employees:

(aa) If a business does not have three years' experience, the date the business was organized and a current income statement shall be submitted:

(3) Each business shall complete and file an application for a certificate of compliance with the Department of Human Rights (form DHR 31) if it has not already filed one:

(d) Lists of eligible small businesses to be established:

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language. 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."

# PROPOSED RULES

## SBC 335

(1) Based on filing of Admin. form 527A or 527B, businesses shall be coded to show those eligible as socially or economically disadvantaged persons.

(aa) By types of business; manufacturing, general or special construction and non-manufacturing; and

(bb) By types of services; materials; goods and supplies.

(2) Statistical information shall be prepared for the annual report to the Governor and Legislature as required by Laws

(e) Establishment of set-aside:

(1) After reviewing the capabilities of the small businesses and matching this with estimated needs:

(aa) At least 10% of the estimated procurement dollars for the fiscal year will be allocated and set aside for this program.

(bb) At least 10% of the dollar figure computed in (aa) will be allocated and set aside for purchases from socially or economically disadvantaged persons.

(2) When a requisition is received by the Division of Procurement:

(aa) It shall determine if the required goods, services or construction can be provided by small businesses or socially or economically disadvantaged persons.

(i) If it is a set aside purchase, first attempt at purchase will be made from a socially or economically disadvantaged person.

(ii) When feasible, competitive bids shall be obtained; if not, a price may be negotiated.

(bb) For all such requisitions the Division of Procurement will establish an estimated price for the goods or services.

(cc) No award will be made when the low bid or the negotiated price is more than 5% over the estimated price.

(dd) Acceptable bids shall be recorded and the award made to the lowest acceptable bidder.

(ee) Where there are no acceptable bids, unsatisfactory bids will be recorded and the contract will be rebid under normal procurement procedures.

(ff) If an acceptable bid is received under normal pro-

urement procedures, cost or price will be recorded for report purposes.

(f) Problem Areas

(1) A business which is offered an award but finds it cannot produce, supply or construct according to the bid terms and conditions shall, within seven (7) calendar days after receipt of notice as low bidder, notify the Division of Procurement of the reasons therefor.

(aa) In such cases, the Department of Economic Development shall be notified by the Division of Procurement so that they can assist the small business in attempting to remedy the causes of the inability to perform.

(2) Failure to enter into contract or accept an offered award will not automatically disqualify a business from further bidding or negotiation.

(aa) The records shall show the reason for such failure:

(3) Failure to satisfactorily complete and meet the terms and conditions of a bid after a contract or award has been made and accepted will disqualify a business from further bidding or negotiation until assurance of ability to perform is provided, documenting the corrections made to assure performance of future contracts.

(g) Miscellaneous

(1) The Commissioner of Administration may divide bid invitations by dollar amounts, units of production, or duration of contract to facilitate awarding contracts to businesses in the set-aside programs.

(aa) State agencies shall purchase from approved small business, within the guidelines of Statutes and these rules.

(2) Small businesses and socially or economically disadvantaged persons shall be governed by State Purchasing Statutes and Division of Procurement rules and procedures subject to modifications expressed herein.

The following rules are proposed for adoption.

## 2 MCAR § 1.6501 General provisions.

A. Scope. Pursuant to Minn. Stat. § 16, these rules govern the procurement of materials and services for the state under the competitive bidding requirements.

B. Definitions. Within 2 MCAR § 1.6501-1.6804, the following apply, unless clearly indicated otherwise by the context:



## PROPOSED RULES

### 2 MCAR § 1.6502

1. "Division of Procurement" means Division of Procurement, Department of Administration, Room 112, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

2. "Director" means Director of the Division of Procurement.

3. "Liquidated damages" means a specific sum of money, agreed to as part of a contract to be paid by one party to the other in the event of breach of contract in lieu of actual damages, unless otherwise provided by law.

4. "Material variance" means a variance in a bid from specifications or conditions which allows a bidder a substantial advantage or benefit not enjoyed by all other bidders.

5. "Newspaper of general circulation" means *Finance and Commerce* for general commodities and services and *Construction Bulletin* for construction projects, or an alternate approved by the Director.

6. "Responsible bidder" means a bidder who:

a. is a manufacturer of, regular dealer in, or an agent of a manufacturer of supplies of the general character to be furnished; or

b. is in the business of furnishing the services to be provided; and

c. is financially and otherwise able to perform the contract, as evidenced by integrity, ability, skill, experience, and performance of past contracts for the state or other purchasers; and

d. is otherwise qualified under law and rule, including incorporation or registration to do business in the State of Minnesota; and

e. is in compliance with all tax laws thereof.

#### 2 MCAR § 1.6502 Method of bidding.

A. Any purchase estimated to exceed \$5,000.00 shall be purchased on sealed bids, notice of solicitation of bid to be inserted once in a newspaper of general circulation at least seven (7) days prior to the bid opening date. Bids shall also be solicited by sending bid invitations to all prospective bidders registered with the Division of Procurement pursuant to 2 MCAR § 1.6502 C., and by posting notice on a

public bulletin board in the Division of Procurement Office at least five (5) days prior to the bid opening date.

B. Any purchase estimated to be \$5,000.00 or less may be made upon competitive bids or in the open market, but in either case will be based on three (3) competitive bids, so far as practicable. Such solicitation shall also be posted as described in 2 MCAR § 1.6502 A.

C. A list of bidders shall be maintained by the Division of Procurement for various commodity classes. Any persons desiring to sell supplies to the state may file with the Director of Procurement a letter showing their business address, the commodities they desire to sell to the state, and proof of incorporation or registration to do business in the state. The firm name shall then be placed on the permanent bid list to receive invitations to bid. The name of a bidder who fails to respond to three (3) consecutive bid invitations shall be removed from the list of bidders upon written notice. The name of the bidder so removed shall be restored only by specific written request.

D. Submission of advertised bids.

1. Each invitation to bid shall include the following information and any other relevant information required by the nature of the individual bid, as called for in the bid specifications:

a. Department, Division, and requisition number;

b. name and address of using agency;

c. date of issuance;

d. time and place of delivery of bid;

e. date, hour, and place for openings bids;

f. security requirements, if any;

g. quantity of supplies and/or services to be furnished;

h. description of supplies and/or services to be furnished;

i. place, method, and conditions of inspection or testing, if required;

j. applicable general and special conditions.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.6502

2. General bid conditions. Bid conditions applicable to all state purchases shall be stated on the standard invitation to bid.

3. Special bid conditions. Bid conditions applicable to specific commodities or types of purchase shall be stated in the invitation to bid. Special conditions supersede general conditions, if conflicting.

4. Bids shall be completed, signed, and submitted by each bidder in accordance with the instructions contained in each invitation for bid. Telegraphic bids shall not be considered unless expressly permitted in the invitation to bid. Bids shall be delivered to the Division of Procurement at address shown on bid invitation.

5. In each instance, the bids shall be on the form provided, in a sealed bid envelope or an envelope clearly identified with the commodity, time and date of opening, and the name of bidder on the front of the envelope.

### 2 MCAR § 1.6503 Bid security.

A. Each bid invitation shall set forth the bid security required by the Division. Such bid security shall be made payable to "State of Minnesota" and shall be made upon the condition or guarantee that in the event the bidder's offer is accepted, the bidder shall enter into contract in accordance with the proposal.

B. Certified checks or bid bonds of successful bidders shall constitute liquidated damages for failure of a bidder to enter into a contract, and shall also be held as security for delivery and acceptance of merchandise, or satisfactory completion of the contract. A performance bond for twenty-five (25) percent of the award may be substituted.

C. Checks of unsuccessful bidders shall be returned to vendor by placing them in the mail within five (5) working days after an award is made. Checks of successful vendors shall be returned as soon as delivery is completed and acceptance is made by the agency, or the contract is satisfactorily completed. No interest shall be paid on any monies held as security.

#### D. Annual bid and supply bond.

1. Bidders may file with the Director of Procurement an annual bid and supply bond in lieu of individual bonds or other security required in various individual bid invitations.

2. Annual bid and supply bonds, when accepted by the Director of procurement, shall cover all bids by the vendor for materials, commodities, and supplies during the effective period of the annual bond, except as provided in 2 MCAR § 1.6503 D. 3.

3. Annual bid and supply bonds shall not cover bid:

a. for building construction, repair, remodeling or other public works;

b. on which the annual bid security does not amount to 5% of the bid;

c. when another bond is required by specification; or,

d. when bond is used as security on other bids.

4. The vendor shall be notified in writing if the necessity arises to attach the bond for breach of contract.

### 2 MCAR § 1.6504 Opening of bids.

A. Upon receipt in the Division of Procurement, all bids will be time stamped, showing the date and hour received. Bids received after the time set for the opening of bids will be returned unopened to the bidders. Bids shall be opened publicly and read aloud at the time and place established in the bid invitation. All original bids will be retained pursuant to Minn. Stat. § 16.07, subd. 2, for public inspection in the Division of Procurement.

B. Recording and tabulation of bids. The names of bidders, prices bid, and other pertinent data shall be recorded on a tabulation form which shall be available for public inspection in the Division of Procurement.

C. Rejection of bids. The state may reject any or all bids or portions thereof. All bids shall be rejected for good and sufficient cause, including but not limited to abandonment of the project by the state, or for insufficient state funds.

D. A vendor whose sealed bid is rejected shall be given notice of the rejection and the reason(s) for rejection of the bid.

E. Informalities and minor deficiencies. The state reserves the right to waive minor deficiencies or informalities in bids. Minor informalities shall be waived if, in the judgment of the Director of Procurement, the best interest of the state would be served without prejudice to the rights of the other bidders. Examples of minor deficiencies include, but are not limited to:

1. omission of the title of the signatory;
2. failure to furnish required catalog cuts;
3. minor detail omissions.

### 2 MCAR § 1.6505 Award.

A. Award of contracts shall be made in conformity with

## PROPOSED RULES

Minn. Stat. § 16.08 and with no material variance from the terms and conditions of the bid invitation.

### 2 MCAR § 1.6506 Tie bids.

A. Tied low bids for less than \$500.00 shall be resolved by drawing lots among the tied low bidders, except as provided in 2 MCAR § 1.6506 C.

B. Except as provided in 2 MCAR § 1.6506 C., tied low bids for \$500.00 or more shall be referred to the Director or Assistant Director of Procurement for disposition. The Director of Procurement may enter into negotiation with tied low bidders when the Director deems such action to be in the best interest of the State.

C. Whenever a tie involves a Minnesota firm and one whose place of business is outside the State of Minnesota, Minn. Stat. § 16.365 shall govern.

### 2 MCAR § 1.6507 Contract performance.

A. The Director of Procurement or authorized agents of state departments shall place orders with successful bidders using official state purchase orders.

B. Upon award, shipment shall be made in accordance with delivery instructions in the invitation to bid.

C. All deliveries shall conform to specifications of the bid. Failure in this respect shall be cause for rejection of the goods.

D. Commodities that fail to comply with specifications, fail to conform to the vendor's sample, are not as provided on the purchase order, or arrive in an unsatisfactory condition shall be rejected except as provided in 2 MCAR § 1.6507 H. 2.

E. Notice of rejection, based upon apparent deficiencies disclosed by ordinary methods of inspection, shall be given by the receiving agency to both vendor and the carrier (if FOB shipping point) within reasonable time after delivery, with a copy of this notice to the Division of Procurement. Revocation of acceptance for latent deficiencies that would make the items unsatisfactory for the purpose intended shall be given by the state within reasonable time after discovery. The contractor shall satisfactorily repair or replace such items within a reasonable period of time.

F. The state may require that the vendor permit inspection of the commodities prior to shipment at the factory,

### 2 MCAR § 1.6508

plant, or establishment where produced, manufactured, or stored. Unless provision for inspection is made in the invitation to bid, costs thereby incurred will be paid by the state.

G. The vendor shall forthwith remove at his expense any item rejected by the state. If the vendor fails to remove such an item, or to forthwith forward shipping instructions to the agency concerned, the state may sell the item and remit the proceeds of sale, less the expense involved, in accordance with law including but not limited to Minn. Stat. § 336.2-603.

H. If the need of a state agency do not permit time to replace rejected merchandise, or if deliveries are not made within the time specified in the contract, the agency may:

1. with the approval of the Director of Procurement, buy on the open market supplies of the nature required; the vendor shall be liable for all additional costs and expenses.

2. If it is determined that an item does not conform strictly to specifications, but can be used satisfactorily, the Director of Procurement may adjust the price with written acquiescence of the vendor, and authorize the agency to keep and use such part of the order when such action is required to sustain continued operation.

I. The Director of Procurement may direct that a laboratory analysis or other tests be made to determine the acceptability of the delivered product(s) and to insure that product(s) meet specifications. In these instances, acceptance by the state shall not occur nor be deemed to have been made, and the discount time shall not begin, until testing is completed and affirmative results are obtained. Vendors shall be notified of unsatisfactory test results.

### 2 MCAR § 1.6508 Failure to perform.

A. If a bidder who is awarded a contract fails to perform as specified, the bid security shall be retained by the state and deposited with the State Treasurer as liquidated damages. The vendor may also be determined not to be a responsible bidder. The state may also pursue all other remedies permitted or provided by law.

B. If the bid security is in the form of a bond, the bonding company shall be notified in writing of the default. A vendor who fails to enter into contract that has been awarded to him may be determined not to be a responsible bidder regardless of whether bid security was required. The

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.6508

state may seek further damages and shall not be limited by the absence or existence of a bond.

C. After the award of a contract, if the vendor fails to furnish satisfactory performance security, if required, the vendor shall be deemed in default and subject to the above provisions.

D. A vendor shall be held in default for failure to conform to bid specifications or standard commercial practices including, but not limited to the following:

1. failure to make deliveries within the time specified in the contract; or
2. deliveries of goods or materials that do not conform to samples or specifications, and are not promptly replaced; or
3. delivery of goods or materials that are repeatedly rejected; or
4. misbranding or materially misrepresenting goods or materials purchased under the contract.

E. In all cases of default, the vendor may be determined not to be a responsible bidder.

### 2 MCAR § 1.6509 Contract cancellation.

A. The Director of Procurement may cancel a purchase entered into under competitive bidding under any one of the following conditions including, but not limited to:

1. the contractor agrees to the cancellation;
2. the contractor has obtained the contract by fraud, collusion, conspiracy, or in conflict with any statutory or constitutional provision of the State of Minnesota;
3. failure to deliver as agreed.

### 2 MCAR § 1.6510 Bidder errors.

A. Prior to the opening of sealed bids, any person may withdraw his bid by notifying the Director in writing of his desire to withdraw, by appearing in person at the Division of Procurement's Office and withdrawing the bid, or by telegraphic writing received by the Director requesting withdrawal of his bid.

B. Subsequent to the opening of sealed bids, a person may withdraw his bid only upon a showing that an obvious unintentional, non-negligent error exists in the bid. The showing and request for withdrawal must be made in writ-

ing to the Director within a reasonable time after the opening of the bids and prior to the state's detrimental reliance on the bid.

### 2 MCAR § 1.6601 Sheltered workshop.

A. Any sheltered workshop wishing to apply to receive notice of available state contracts pursuant to Minn. Stat. § 16.281, shall apply in writing to Director, Minnesota Association of Rehabilitation Facilities, 550 South Snelling Avenue, St. Paul, Minnesota 55116.

**2 MCAR § 1.6701 Scope and purpose.** The following rules are promulgated pursuant to Minn. Stat. §§ 16.081-16.086 for the purpose of establishing procedures relating to the small business and small business owned by socially or economically disadvantaged persons set-aside program administered by the Procurement Division, Department of Administration, 50 Sherburne Avenue, St. Paul, Minnesota 55155. 2 MCAR §§ 1.6501-1.6601 shall also govern procurement under this program. In the event of irreconcilable conflict between the general procurement rules and rules relating specifically to the set-aside program, the rules of the set-aside program shall govern.

### 2 MCAR § 1.6702 Self-certification of eligibility.

A. To become eligible to receive invitations for set-aside bids, each business shall certify and file with the Division of Procurement the following information on the forms provided:

1. name and address of applicant and principal place of business;
2. whether applicant is applying for designation as a small business or a small business owned and operated by a socially or economically disadvantaged person(s); designation shall be made as to the type of business operated and the kinds of service, materials, or supplies which can be delivered;
3. number of employees;
4. gross receipts for each of the past 3 years;
5. whether the business is an affiliate or subsidiary of a dominant business as defined in Minn. Stat. § 16.082;
6. listing of all owners, including percentage of ownership, and all officers of the applicant with full disclosure of all owners' and officers' direct and indirect involvement in other businesses and enterprises which are in the same field of operation as the applicant, unless ownership is by common stock regularly bought and sold through recognized exchanges;

## PROPOSED RULES

7. all other relevant information requested by the Division.

B. If the applicant is certifying itself for designation as a business owned and operated by socially or economically disadvantaged persons, the applicant shall also provide information indicating the basis of claim for designation under the standards established by Minn. Stat. § 16.082, subd. 5, for each officer and owner of the business.

C. To assist in verification of the self-certification, the Commissioner of Administration may require each business to submit a copy of its income statement for the three preceding fiscal years as well as a statement of the number of employees.

If a business does not have three years' experience, it shall indicate the date the business was organized and provide income statements since that time, including a current income statement.

D. The Director of the Procurement Division shall be notified in writing of any and all changes in the applicant's business which may alter the information provided above within thirty (30) days of such change(s).

E. Applicants shall be notified in writing only if the Procurement Division rejects an applicant's self-certification. Applications shall be rejected on any of the following grounds:

1. Applicant is dominant in its field or is an affiliate or subsidiary of a dominant business, as prohibited by Minn. Stat. § 16.082, subd. 2; or given figures provided pursuant to 2 MCAR § 1.6702 C.1., applicant is dominant in its field or operation for the period of operation.

2. Applicant has failed to provide all relevant required information.

3. Where applying for designation as a business owned and operated by socially or economically disadvantaged person(s), applicant failed to establish that majority ownership and operating control are held by socially or economically disadvantaged person(s).

4. Applicant has failed to comply with laws and rules of the state relating to procurement.

5. Applicant's failure to comply with the requirements of these rules or Minn. Stat. § 16.083, *et seq.* or bad faith in application for inclusion in this program.

## 2 MCAR § 1.6704

### 2 MCAR § 1.6703 Establishment of set-aside.

A. A list of set-aside contractors, properly certified pursuant to 2 MCAR § 1.6702, shall be established and maintained by the Division.

B. Determination of contracts for set-aside. When a requisition is received by the Division of Procurement and is placed on the list of set-aside contracts, the contract shall be offered and awarded as follows:

1. First attempt at purchase shall be made from a small business owned by a socially or economically disadvantaged person(s). When feasible, competitive bids shall be obtained; if not, a price may be negotiated.

2. For all such requisitions, the Division of Procurement shall establish an estimated price for the goods or services.

3. No award shall be made when the low bid or the negotiated price is more than 5% over the estimated price.

4. Acceptable bids shall be recorded and the award made to the lowest responsible bidder.

5. Where there are no bids or no acceptable bids, unsatisfactory bids, if any, will be recorded and the requisition shall thereafter be rebid through normal procurement procedures.

6. If it is necessary to reject original bids and the bid specifications are substantially changed or were in error, specifications shall be revised and the project rebid under set-aside rules.

7. If an acceptable bid is received and awarded under normal procurement procedures, the cost or price shall be recorded for report purposes.

### 2 MCAR § 1.6704 General terms and conditions.

A. A business which, if offered an award but finds that it cannot produce, supply or construct according to the bid terms and conditions shall, within seven (7) calendar days after receipt of notice as low bidder, notify the Division of Procurement in writing of the reasons therefor.

B. When the Commissioner of Administration finds that the low bidder is unable to perform, the Department of Economic Development shall be notified by the Division of

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 2 MCAR § 1.6704

Procurement in accordance with Minn. Stat. § 16.084, so that the Deputy Commissioner of Economic Development can assist the small business in attempting to remedy the causes of the inability to perform.

C. Failure to enter into the contract or to accept an offered award will not automatically disqualify a business from further bidding or negotiation.

D. The records of the Procurement Division shall show the reason(s) for such failure.

E. Failure to satisfactorily complete and meet the terms and conditions of a bid after an award has been made and accepted shall disqualify a business from further bidding or negotiation until assurance of ability to perform is provided, documenting the corrections made to assure performance of future contracts. Such assurances shall be given in writing to the Director, Procurement Division.

F. The Commissioner of Administration may divide bid invitations by dollar amounts, units of production, or duration of contract to facilitate awarding contracts to business in the set-aside program.

G. No contractor awarded a contract under the set-aside program shall subcontract fifty (50%) percent or more of the work under such contract. In construction contracts, the amount of specialty subcontracting shall be excluded in determining the total amount of permissible subcontracting.

**2 MCAR § 1.6801 State-funded partial indemnification of small businesses and small businesses owned by economically and socially disadvantaged persons.** Pursuant to Minn. Stat. § 574.262 (1977), 2 MCAR §§ 1.6801-1.6804 establish procedures relating to state funding of partial indemnification for certain state contractors which are small businesses and small businesses owned by economically and socially disadvantaged persons. Rules establishing eligibility standards are exempted from the provisions of Minn. Stat. ch. 15.

**2 MCAR § 1.6802.** Any person, corporation, or other legal entity wishing to apply for partial indemnification shall contact the Division of Procurement, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, 55155. The application for determination of eligibility shall include the following:

1. a current certified financial statement;
2. reasons for requesting partial indemnification;
3. a list of all bonding companies contacted;

4. copies of all denials of application(s) for bonding received from bonding companies or bonding agencies;

5. a summary of all other efforts undertaken to obtain bonding;

6. all other relevant information requested.

**2 MCAR § 1.6803.** Upon receipt of an application for determination of eligibility, the Commissioner shall make an eligibility determination and notify the applicant within a reasonable time. A determination shall be made based upon consideration of the following factors:

a. good faith effort of contractor to obtain bonding from private bonding agencies or bonding companies;

b. qualification of the contractor to do business in the State of Minnesota under the laws of the State of Minnesota and the rules of the procuring agency(ies).

**2 MCAR § 1.6804.** Participation in partial indemnification pursuant to these rules shall be restricted or limited as set forth in Minn. Stat. § 574.262, subd. 2.

## Department of Commerce Banking Division Proposed Rules Relating to Electronic Funds Transfer Terminals

### Order for Hearing

It is hereby ordered that a public hearing on the above captioned rules be held in the State Office Building, Room 83, St. Paul, Minnesota, on July 12, 1978, commencing at 9:00 a.m., and continuing until all persons have had an opportunity to be heard.

It is further ordered, that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who registered their names with the Secretary of State for that purpose.

It is further ordered, that the Notice of Hearing be published in the *State Register*.

Robert A. Mampel  
Commissioner of Banks

May 26, 1978

# PROPOSED RULES

## 4 MCAR § 1.0226

### Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held in the State Office Building, Room 83, St. Paul, Minnesota 55155, on July 12, 1978, commencing at 9:00 a.m., and continuing until all representatives of associations or interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. George A. Beck, State Office of Hearings Examiner, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8108, the Hearing Examiner appointed to hear this matter, either before the hearing or within five (5) working days after the close of the hearing unless the Hearing Examiner orders a longer period of time which may not exceed twenty (20) days.

The proposed rules, if adopted, would establish procedures for the application, approval and use of electronic financial terminals as follows:

1. Rule 4 MCAR § 1.0226, authority, scope and purpose declaration.
2. Rule 4 MCAR § 1.0227 is proposed to provide definition of terms.
3. Rule 4 MCAR § 1.0228 is proposed to provide the manner in which applications for electronic financial terminal authorization shall be made as well as the information required from the applicant following authorization.
4. Rule 4 MCAR § 1.0229 is proposed to provide operation standards necessary to the approval of applications for electronic financial terminal authorizations and their subsequent use.
5. Rule 4 MCAR § 1.0230 is proposed to provide the information to be disclosed to customers using electronic financial terminals and the manner in which it shall be disclosed.
6. Rule 4 MCAR § 1.0231 is proposed to require that each customer using an electronic financial terminal be given a prescribed periodic record of transactions.

Copies of the proposed rules in their entirety are now available and one free copy may be obtained by writing to the Banking Division, Fifth Floor, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

Additional copies of the rules will be available at the door on the day of the hearing.

These rules are proposed pursuant to the authority vested in the Banking Division by the provisions of Laws of 1978, ch. 469, § 11. A "Statement of Need" explaining why the Commissioner feels the proposed rules are necessary and a "Statement of Evidence" outlining the testimony that will be introduced will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after commencing lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spend more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone number (612) 296-5615.

Robert A. Mampel  
Commissioner of Banks

May 26, 1978

### Rules as Proposed

Proposed Rules 4 MCAR §§ 1.0226 to 1.0231 relate to the operation of electronic funds transfer terminals, the manner and information required in the submission of applications for authorization, establish minimum technical operation standards, and require disclosure of information to customers using such terminals. The following rules are proposed for adoption pursuant to the authority contained in Laws of 1978, ch. 469, § 11.

**4 MCAR § 1.0226 Authority, scope and purpose.** Laws of 1978, ch. 469, authorizes the Commissioner of Banks to promulgate rules as are reasonably necessary to carry out and make effective the provisions and purposes of the Act relating to the establishment and operation of electronic financial terminals. The Act requires that rules be promulgated to govern application forms and requires that technical standards be established. These rules establish an application procedure and guide to standards considered reasonable to accomplish the purposes of the Act. Further, the Act mandates the promulgation of rules to inform, guide and

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 4 MCAR § 1.0226

protect the consumers, retailers and financial institutions in the utilization of electronic financial terminal systems. These rules further set out specific requirements concerning the issuance of cards, disclosure of pertinent required information and reporting of data relating to financial transactions initiated at electronic financial terminals.

**4 MCAR § 1.0227 Definitions.** All terms herein which are defined in Laws of 1978, ch. 469, shall have the meanings attributed to them therein. For the purpose of Laws of 1978, ch. 469, and these rules, terms defined herein shall have the meanings given to them.

A. "Account holder" means "customer."

B. "Act" means Laws of 1978, ch. 469, as enacted and subsequently amended.

C. "Card" means the device used to activate an electronic financial terminal, including a credit card or debit card.

D. "Card Issuer" means a financial institution or a person in conjunction with a financial institution providing the use of a terminal under a pre-authorized contractual agreement with a customer to be activated by a card.

E. "Control" means:

1. person having greater than 50 percent ownership interest in the terminal or terminals applied for;
2. any leasee of the terminal or terminals; or
3. any managing agent appointed by those persons having ownership or leasehold interests in the terminal or terminals.

F. "Customer" means any person who has established a contractual relationship with a financial institution whereby that person is authorized to initiate any of those functions permitted to be performed under the Act at an electronic financial terminal.

G. "Operator" means any provider or retailer who initiates or assists in the initiation of electronic financial terminal transactions on behalf of a customer. Operator does not include an employee of a financial institution, financial institution holding company or subsidiary thereof or the account holder. For purposes of 4 MCAR § 1.0228 C., operator does not include individual employees of a provider or retailer.

H. "Person" means any individual, bodies politic or corporate, partnerships or other unincorporated associations, including a financial institution as defined in the Act.

I. "Personal Identification Number" is the confidential code provided to the account holder which is necessary to the completion of a transaction at an electronic financial terminal.

J. "Provider" means the person or persons having control over an electronic financial terminal under the Act.

K. "Terminal" means an electronic financial terminal as defined in the Act.

L. "Transaction" means each separate, identifiable, financial function performed at an electronic financial terminal as authorized under the Act.

### 4 MCAR § 1.0228 Electronic financial terminal application for authorization; notification requirements.

A. Any person seeking approval to act as a provider of a terminal or terminals shall, not less than 45 days before the establishment of the terminal or terminals, file with the Commissioner a written application on a form provided by the Commissioner entitled Electronic Financial Terminal Authorization Application. Such application shall include, but need not be limited to, the following request for information:

1. name and principal address of the person filing the application, together with such person's financial statement for the most recently closed fiscal year;
2. the name and principal address of the person or persons having control thereof, if other than the applicant, together with such persons' financial statements for the most recently closed fiscal year;
3. descriptive information including:
  - a. the number of terminals applied for;
  - b. the retail location of each terminal by street address or other designation, including city and county;
  - c. the manufacturer, model number and type of the terminal;
4. whether the terminal will be attended or unattended and, if attended, by whose employees or agents as operators;
5. the functions to be performed at the terminal;
6. schedule of charges to be paid to the provider by those financial institutions sharing the terminal or terminals;
7. a complete description of the physical and technical operation standards pertaining to the terminal, including information and specifications necessary to enable a financial



## PROPOSED RULES

institution which is eligible to share the terminal to obtain interface with the terminal.

8. Operational information shall include:

- a. the manner in which the terminal is activated;
- b. anticipated hours of use;
- c. anticipated date of first use of the terminal following approval by the Commissioner;
- d. name and principal address of any financial institution, other than the provider, which is permitted or is seeking permission from the provider to share the terminal;

9. all agreements used or intended to be used relating to the ownership, operation and control of the terminal, including agreements with and disclosures to account holders;

10. a description of the safeguards to be used to meet the terminal security requirements of Section 8 of the Act;

11. a description of the procedures to be used to meet the customer privacy requirements of Section 9, subd. 1, of the Act;

12. a description of the procedures to be used to minimize losses due to unauthorized withdrawals from customer accounts by use of a terminal as required by section 9, subd. 3, of the Act;

13. evidence of the bond or other means adopted to comply with the provisions of section 4, subd. 5, of the Act;

14. certification under oath by the applicant that all requirements of the Act and of these rules shall be met and shall be observed.

B. The Commissioner shall be given written notice by the applicant within 30 days following the contracting by a provider with additional financial institutions which have been permitted to share the terminal or terminals.

C. The Commissioner shall be given written notice by the applicant not less than 30 days prior to the change of control or change of the operator of any terminal or terminals.

D. The Commissioner shall be given written notice by the applicant of the termination of the use of a terminal not more than 10 days after termination.

## 4 MCAR § 1.0229

### 4 MCAR § 1.0229 Technical operation standards.

A. For purposes of approval by the Commissioner of applications for the establishment and use of terminals, the following technical operation standards and requirements shall be deemed reasonable:

1. physical specifications for cards are those established by the American National Standards Institute, Inc., ANSI X4.13-1971, corrected edition, as approved April 28, 1971, as to its paragraphs 2 through 5.3, inclusive;

2. special physical characteristics applicable to magnetic stripped encoded cards are those characteristics established by the American National Standards Institute, Inc., ANSI X4.16-1976, as approved February 24, 1976, as to its paragraphs 2 through 5.6.5, inclusive.

3. The receipt or record provided to the customer for each transaction initiated at a terminal shall contain the following information:

- a. date and time of the transaction;
- b. amount of the transaction;
- c. description of the transaction which may be in clear and understandable abbreviations;
- d. identity of any financial institution with whom funds are electronically transferred.

4. All financial transactions performed at a terminal as authorized by section 3 of the Act shall be processed as if the transactions were conducted at the principal office of the financial institution having due regard for the banking day or the established hours and days the financial institution is open for carrying on substantially all of its functions.

5. A personal identification number shall be utilized as a means of verification of the authenticity of transactions to be completed at a terminal. The personal identification number shall not be distributed until the financial institution issuing the card has received the customer's signed contract.

B. In lieu of compliance with subdivisions A.1. and A.2. of this section, an applicant seeking approval for the establishment and use of a terminal or terminals may adopt alternative physical specifications and physical characteristics for cards upon a showing that the proposed alternative speci-

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 4 MCAR § 1.0229

fications and characteristics meet or exceed the requirements set forth in subdivisions A.1. and A.2. in providing the following:

1. protection to the customer and sharing financial institutions against misuse or unauthorized use of cards;
2. reliability of accurate processing of information regarding transactions performed through the use of the cards; and
3. fair and equitable access to the terminal by other potential sharing financial institutions.

### 4 MCAR § 1.0230 Customer disclosure requirements.

A. Pursuant to section 9 of the Act, the following information shall be disclosed by the card issuer to its customer at the time the card is issued:

1. the types of financial transactions available through the use of the terminal;
2. the schedule of charges made by the financial institution for the customer's use of the terminal and for each type of terminal-connected activity for which charges are made;
3. any restrictions or limits on the number of transactions or dollar value limits which may be imposed upon the customer by the card issuer;
4. the schedule for sending periodic transaction statements to the customer;
5. a statement notifying the customer of the procedure to be used to give notice of error to the issuer; said disclosure shall include the manner in which notice of error is to be filed and with whom it is to be filed, and shall include the mailing address and telephone number of the person to whom notice may be given;
6. the specific manner in which the agreement under which a card was issued may be terminated, either by the issuer or by the account holder;
7. where payment for goods or services is made by a transfer of funds through a terminal:
  - a. the customary time needed to complete the transaction with the financial institution;
  - b. whether the transaction may be reversed by the customer;

c. the procedure by which the transaction may be reversed; and

d. a statement that the payment for goods or services made in this manner shall not affect any of the rights, protections or liabilities in existing law concerning a cash or credit sale made by means other than through the use of a terminal;

8. a statement that the financial institution shall be liable for all unauthorized withdrawals unless the unauthorized withdrawal was:

a. due to the negligent conduct or the intentional misconduct of the operator of an electronic financial terminal or his agent in which case the operator of an electronic financial terminal or his agent shall be liable;

b. due to the loss or theft of the customer machine readable card in which case the customer shall be liable, subject to a maximum liability of \$50, for those unauthorized withdrawals made prior to the time the financial institution is notified of the loss or theft; an unauthorized withdrawal is a withdrawal by a person other than the customer who does not have actual, implied or apparent authority for such withdrawal, and from which withdrawal the customer receives no benefit;

9. a statement that any customer may bring a civil action against any person violating the consumer privacy and unauthorized withdrawal provisions of the Act and may recover, in addition to actual damages, or \$500, whichever is greater, punitive damages, together with the court costs and reasonable attorney's fees incurred.

B. All information required to be disclosed by subd. A. of this Section shall be printed in not less than eight-point type, .075 inch computer type, or elite-size typewritten characters.

C. A directory listing as permitted under the Act shall be made available at the retail location of the terminal identifying the financial institutions using its services.

### 4 MCAR § 1.0231 Transaction statement.

A. A financial institution shall provide each account holder with a periodic transaction statement following each month in which a transaction occurs or quarterly, whichever is more frequent. The statement shall clearly indicate each transaction conducted at a terminal and shall include the following:

1. date of transaction;
2. amount of each transaction;

## PROPOSED RULES

3. description of each transaction with sufficient specificity to permit verification by the account holder without supporting documentation;

4. location at which each transaction occurred;

5. identity of any financial institution with whom funds were electronically transferred.

4 MCAR §§ 1.0232-1.0239 Reserved for future use.

### Peace Officer Standards and Training Board Proposed Temporary Rules Governing the Selection, Training and Licensing of Peace Officers and Constables

#### Notice of Opportunity for Public Comment

The Minnesota Board of Peace Officer Standards and Training (POST Board) has proposed the following temporary rules pursuant to Minn. Stat. § 15.0412, subd. 5 (Supp. 1977). These temporary rules are proposed for the purpose of effectively implementing the provisions of Minn. Stat. §§ 626.843, subd. 1, and 626.846 (Supp. 1977), as amended by Laws of 1978, ch. 681, §§ 9, 10, 17, 18 and 23.

All interested parties are hereby afforded the opportunity to submit data and comments on these proposed temporary

#### 4 MCAR § 13.006

rules for 20 days after publication of this material in the *State Register* by writing to: Mark K. Shields, Executive Director, POST Board, 5th Floor, Metro Square Building, St. Paul, Minnesota 55101.

Any written material received by the POST Board shall become part of the hearing record in the final adoption of the temporary rules.

#### Rules as Proposed

The following amendment is proposed to the proposed temporary rules that were published at *State Register* Volume 2, Number 45, pp. 2026-2031, May 15, 1978 (2 S.R. 2026).

#### 4 MCAR § 13.006 Licensing of peace officers.

N. A peace officer who prior to July 1, 1978, is employed by and receiving direct compensation from any state, county, municipality, or joint or contractual combination thereof with a population of more than 1,000 according to the last federal census, but who has not met the requirements of Minn. Stat. § 626.841 to 626.855 in effect on June 30, 1977, shall be licensed by the board provided that:

1. he successfully completes the licensing examination no later than January 1, 1981; and
2. complies with § 13.020 of these rules; and
3. qualifies in the use of firearms according to the board's guidelines; and
4. has obtained board approved first aid training.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# STATE CONTRACTS

---

---

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

---

---

## **Department of Corrections Minnesota Correctional Facility — Lino Lakes**

### **Notice of Availability of Contract for Psychological Evaluation Services**

The program at the Minnesota Correctional Facility at Lino Lakes requires the services of a licensed consulting psychologist. This person will provide psychological evaluation of selected inmates. Such evaluations are used by the classification teams and by the Minnesota Corrections Board to assess an inmate's progress in the program and his readiness for parole. The consultant is also involved in prescribing treatment for inmates displaying behavior problems or who are in emotional conflict. Two consulting sessions of 5 hours apiece are required, preferably on Tuesdays and Thursdays. Payment is \$150 per 5 hour session. Annual cost limited to \$13,500. For further information contact:

Mr. William J. McGrath, Business Manager  
Minnesota Correctional Facility — Lino Lakes  
7525 Fourth Avenue  
Lino Lakes, MN 55014  
Telephone (612) 786-2800, Ext. 117

The final submission date is June 26, 1978.

## **Department of Economic Development Publicity and Publications Division**

### **Notice of Request for Proposals for Technical and Creative Communications Assistance**

Proposals are being accepted for provision of special technical and creative assistance of a professional communications nature for fiscal 1979.

This support service is needed to review, analyze and make recommendations on existing communications efforts of the department as a whole and for special projects within individual divisions. These services need then be implemented and executed in conjunction with and coordinated through existing departmental communications programs and personnel.

Those interested in submitting a proposal should contact Steve Kane, Deputy Commissioner, Minnesota Department of Economic Development, 480 Cedar St., St. Paul, MN 55101, (612) 296-2755. Proposals will be accepted until 4 p.m., July 3, 1978.

## **Minnesota Department of Economic Development Area and Community Development Division**

### **Notice of Request for Proposals for Study of U. S. Hockey Hall of Fame at Eveleth, Minnesota**

The Minnesota Department of Economic Development, 480 Cedar Street, Saint Paul, Minnesota, 55101, Deputy Commissioner Steve Kane, is requesting proposals for a study of the U. S. Hockey Hall of Fame at Eveleth, Minnesota.

The Department is interested in an analysis of the present marketing, financial and public image of the institution. The study shall include future marketing, management and financial plans for the U. S. Hockey Hall of Fame.

## STATE CONTRACTS

---

The Department estimates the cost of such a study to be \$15,000.

Proposals must be submitted no later than July 3, 1978. Further information is available from Deputy Commissioner Steve Kane by writing or calling (612) 296-3924.

### **Notice of Request for Proposals for Study of Amtrak Passenger Service**

The Minnesota Department of Economic Development, 480 Cedar Street, Saint Paul, Minnesota, 55101, Deputy Commissioner Steve Kane, is requesting proposals for a study of Amtrak Passenger Service to North Central and Northeast Minnesota.

The Department is interested in an analysis of the present economic and social impacts of passenger service as well as projections of those impacts. The study shall include commuter and tourism impacts and secondary impacts on commercial and retail activities along the line, such as energy consumption and limited operation impacts as well as the advisability of promotional support.

The Department estimates the cost of such a study to be \$25,000.

Proposals must be submitted by July 3, 1978. Further information is available from Deputy Commissioner Steve Kane by writing or calling (612) 296-3924.

## **Department of Education Vocational-Technical Education Division**

### **Notice of Request for Proposals for Operation of the Minnesota Vocational Follow-up System (Post-secondary)**

A Request for Proposals (RFP) was issued by the Program Improvement and Information Section, Division of Vocational-Technical Education, Minnesota Department of Education on June 7, 1978, for the operation of the Minnesota Vocational Follow-up System (MVFS). The MVFS is an operating system for gathering and reporting data on students who enroll in and terminate from area vocational-technical institutes and who are followed up, along with

their employers, one year after program completion. Enrollment information is gathered on approximately 31,000 students; termination information is gathered on approximately 25,000 students; and follow-up information is gathered on approximately 15,000 program completers and their employers. Report requirements and data needs of area vocational-technical institutes, the Division of Vocational-Technical Education, and selected federal agencies will be obtained from system output.

The contract is estimated to be in the amount of \$220,000. Proposals must be received by 4:00 p.m., July 7, 1978. For a copy of the RFP contact: Dr. Melvin E. Johnson, Director, Program Improvement and Information Section, Division of Vocational-Technical Education, Minnesota Department of Education, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Telephone (612) 296-2421.

A conference for applicants interested in responding to the RFP will be held at 9:30 a.m., June 21, 1978, in Room 716B of the Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, for the purpose of providing information about the MVFS and answering questions concerning its operation. Respondents planning to attend this conference should notify the contact person of their intention.

## **Board of Electricity Notice of Request for Proposals for Electrical Inspectors**

The State Board of Electricity, 1954 University Avenue, St. Paul, Minnesota 55104 is seeking services of contract electrical inspectors, who must hold a Class A Journeyman or Class A Master electrician's license in Minnesota, to make electrical inspections in designated geographical areas. Compensation is based upon 85% of the inspection fee paid by installer of wiring when inspections are completed.

All expressions of interest must be submitted to the person named below by July 1, 1978. Contractors will be selected from individuals expressing interest based on qualifications and appropriate experience. All persons inquiring will be sent a Request for Proposal which will give more specifics.

John Quinn  
Assistant Executive Secretary  
State Board of Electricity  
1954 University Avenue  
St. Paul, Minnesota 55104

**Department of Health  
Personal Health  
Services-Section of  
Chronic Diseases**

**Notice of Request for Proposal for  
Training of Medical Personnel**

A Request For Proposals (RFP) was issued by the Chronic Disease Section, Department of Health, on June 5, 1978, for the purpose of training a minimum of 200 nurses and/or other medical personnel to provide follow-up care, support, and education needed to motivate hypertensive patients to comply with their therapeutic regimen. As many as two grants not to exceed \$24,000 may be awarded to develop and carry out this training program. Proposals must be received prior to 4:30 p.m. June 28, 1978. Persons or organizations wishing to receive this RFP should contact Gerald Twogood, Chronic Disease Section, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, (612) 296-5216.

**Department of Natural  
Resources  
Bureau of Land**

**Notice of Openings for an  
Appraiser and a Negotiator**

One Appraiser is required to appraise lands required on a statewide basis. One Negotiator is needed to carry out negotiations in the Department's Northwest Region. The appraisals and negotiations must be in accordance with federal requirements, state laws, and Department policies. Contract period — July 1, 1978 thru June 30, 1979.

The estimated cost, including travel and subsistence, is \$50,000. Stenographic assistance will be provided. Resume to be submitted to:

Bureau of Land  
Acquisition and Exchange Section  
444 Lafayette Road  
St. Paul, Minnesota 55101

Merton V. Christian, (612) 296-7949, may be contacted for further details. Final submission date — July 3, 1978.

**Department of Natural  
Resources  
Bureau of Planning  
and Research**

**Notice of Availability for a  
Negotiated Contract to Update  
County Land Ownership  
Records**

All proposals must be sent to and received by:

Department of Natural Resources  
Bureau of Planning and Research  
Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Att'n: Tom Balcom

not later than 4:30 p.m., June 19, 1978.

Prospective responders who have any questions regarding the contract or the proposed task should call:

Mr. Tom Balcom, Land Use Planner  
Phone No.: (612) 296-2790

County ownership data in the DNR Land Ownership/Classification System is at least five years old and needs to be updated immediately for use in projects to be presented to the 1979 Minnesota Legislature. The project involves contacting county land record keeping personnel in 15 northern counties (those with considerable tax-forfeited acreage), comparing county land records against county ownership data in the DNR Land Ownership/Classification System, and making changes to the data in the system where necessary to bring it up to date.

The Department needs this project completed by the end of July, 1978 and has estimated that the cost should not exceed \$3,500 for professional services and expenses.

**Department of Natural  
Resources  
Parks and Recreation  
Division  
Notice of Availability for a  
Negotiated Contract for an  
Interpretive Center Display at  
St. Croix Wild River State Park**

All proposals must be sent to and received by:

Department of Natural Resources  
Division of Parks & Recreation  
Box 39, Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
ATTN: Dave Flipp

not later than 4:30 p.m., June 26, 1978.

Prospective responders who have any questions regarding this request for proposal may call or write:

Mr. Dave Flipp, Upper St. Croix Coordinator  
Phone No.: (612) 296-8289

Construction of the Interpretive Center at St. Croix Wild River State Park is near completion. A negotiated contract is requested for the construction and installation of interpretive display facilities at the center.

Construct and install:

- current events board
- map board
- fabricate nine display cabinets
- redo existing art work for displays
- silk screen art work and copy
- construct 18 park activity panels
- construct and install weather station
- audio/visual system (rear screen project system)
- construct five rol-o-dex display units
- construct eight plexi-glas display cases

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

The Department has estimated that the cost of this project

should not exceed \$25,000.00 for professional services and expenses.

**State University Board  
Revised Notice of Availability of  
Labor Relations Consultant  
Contract (Original Notice  
Published May 29, 1978)**

Description: Notice is hereby given that the State University Board intends to enter into a consultant contract in the area of labor relations. The consultant will be accountable to the Chancellor of the State University System for assisting in contract negotiations with possible arbitration. Consultant must have prior experience in negotiating collective bargaining agreements for institutions of higher education.

Contact Person: Lance Teachworth, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-3846.

Estimated Cost: Approximately \$15,000.

Submission Deadline: Interested parties must submit information to Lance Teachworth by 4:30 p.m., June 19, 1978.

**Revised Notice of Intent to  
Contract for Staffing Study at  
Metropolitan State University  
(Initial Notice Published May  
30, 1978)**

Description: The State University Board hereby gives notice of its intent to enter into a consultant contract for the purpose of conducting a staffing study of Metropolitan State University.

Contact Person: Lance Teachworth, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-3846.

Estimated Cost: Approximately \$12,000.

Submission Deadline: Interested parties must submit information to Lance Teachworth by 4:30 p.m., June 19, 1978.

# OFFICIAL NOTICES

---

---

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, 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.

---

---

## **Housing Finance Agency Notice of Intent to Solicit Outside Opinion for Rules Governing Housing Programs for Urban American Indians**

Notice is hereby given that the Minnesota Housing Finance Agency is seeking information or opinions from sources outside the Agency in preparing to propose the adoption of rules governing housing programs for urban Native Americans. These rules are authorized by Laws of 1978, ch. 670.

To facilitate the gathering of information, informational meetings will be held at various locations throughout the state. The first such meeting will be held in Duluth, Minnesota at the American Indian Fellowship Association, 8 East Second Street, on June 15, 1978 at 4:00 p.m. Any interested persons may submit data or reviews on this subject in writing or orally at this meeting.

Written material may also be submitted to:

May Hutchinson  
Minnesota Housing Finance Agency  
200 Nalpak Building  
333 Sibley Street  
St. Paul, MN. 55101

Any written material received shall become a part of the hearing record in the event rules governing the subject matter are promulgated.

James J. Solem  
Executive Director

## **Pollution Control Agency Notice of Intent to Solicit Outside Opinion Regarding Proposed Changes to the Existing State Air Quality Implementation Plan**

Notice is hereby given that the Minnesota Pollution Control Agency will be revising its existing State Air Quality Implementation Plan to achieve National Ambient Air Quality Standards. The revisions to the plan will require new regulations to be developed and some existing regulations may be amended.

The Pollution Control Agency is interested in soliciting comments on the adequacy of the existing State Implementation Plan and suggestions for improvements.

All interested or affected persons or groups are requested to participate. Statements of information or comments may be made orally or in writing. Written statements of information and comments may be addressed to:

Edward M. Wiik, Director  
Division of Air Quality  
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, Minnesota 55113

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-7358.

Any written material received by the Agency shall become part of the hearing record during adoption or revision of regulations.

## **Department of Human Rights Settlement Agreements and Predetermination Agreements for the Period Beginning May 1, 1978 and Ending June 2, 1978**

### **Settlement Agreements**

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.



## OFFICIAL NOTICES

2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

**Department of Human Rights, Complainant, vs. Standard Conveyor Company, Respondent, E3183.**

Charge.

A union (hereinafter "charging party") filed a charge alleging that Standard Conveyor Company (hereinafter "respondent"), of North St. Paul discriminated against male employees on the basis of their sex with respect to their privileges of employment under a pension plan. The charging party alleged that the respondent's policy of paying pension income under the normal retirement allowed male participants approximately 73.3% of their income while female participants were allowed approximately 84.8%.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed that its pension plan in computing benefits payable under any form of joint and survivor annuity option would be computed without regard to the sex of either the employee participant or the spouse of the employee participant.

2. The respondent agreed to make the plan adopted under this conciliation to be retroactive to two years to April 30, 1976.

3. The respondent agreed that the plan adopted under this conciliation would be at once established and made available to all present employees of the respondent.

4. The respondent agreed to serve written notice to all employees of the plan adopted under this conciliation.

### **Predetermination Agreements**

A predetermination agreement is an agreement reached before the Commissioner has determined whether or not there is reason to believe that a discriminatory practice occurred. It is signed by the charging party, the respondent, and the Commissioner. By entering into a predetermination agreement, a respondent makes no admission that a discriminatory practice has occurred. Predetermination agreements were reached between the department, charging parties, and the following respondents:

**American Hardware Mutual Insurance Company, E5007**

**Anoka County Department of Parks and Recreation, E4991**

**Cargill, Incorporated, E4944**

**Hills Brothers Coffee, Inc., E4977**  
**Howard Johnson's, E4955**  
**Independent School District #47, E3757**  
**J. N. Johnson Company, Inc., and J. L. Industries Division, E3647**  
**KUXL Radio Station, E4341**  
**McCulloch Industries, Inc., E4779**  
**Minnesota Department of Commerce, Insurance Division, PS194**  
**Northwestern Bell Telephone Company, E3969**  
**Purolator Courier Corporation, E4876**  
**Sperry Univac, E4827**  
**SuperValu Stores, E4900**  
**Team Central, Incorporated, E4932**  
**Young Women's Christian Association, E4780**

## **Energy Agency Policy Analysis Division Notice of Technical Conference on Electrical Forecasting**

This conference will cover the various approaches to electrical forecasting and consider various problems that are inherent in such forecasts.

The conference is being held on June 15, 1978, 500 Rice Street, from 10:00 a.m. to 4:30 p.m., and is open to interested parties.

## **Department of Commerce Insurance Division Notice of Annual Meeting**

Minnesota Comprehensive Health Association  
Thursday, June 22, 1978  
10:00 a.m.  
State Office Building  
Room 83  
St. Paul, Mn.

## **Errata**

1. At 2 S.R. 2120, the last sentence of 4 MCAR § 2.1003 F. should read: "Applicants not receiving tuition grants subsidies who choose not to withdraw from the eligible institution shall be responsible for all tuition which accrued during the application process."

2. The adopted rules MEQB 71-82, published at 2 S.R. 2145, should have included the following citation:

## OFFICIAL NOTICES

---

---

“The rules published at State Register, Volume 2, Number 11, p. 501, September 19, 1977 (2 S.R. 501), are now adopted and are identical to their proposed form, with the following amendments.”

The Minnesota Environmental Quality Board rules are not part of the State Planning Board rules.

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
408 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-8239

**ORDER FORM**

**State Register.** Minnesota's official weekly publication for agency rules, notices and executive orders.

- \_\_\_\_\_ Annual subscription \$110.00
- \_\_\_\_\_ Additional subscription \$85.00
- \_\_\_\_\_ Single copy \$2.25 each

**State Register Binder.** Durable 3½ inch, forest green binders imprinted with the State Register logo.

- \_\_\_\_\_ State Register Binder \$5.00 + \$.20 (sales tax) = \$5.20\* each

**Guidebook to State Agency Services.** The 53rd issue of the State Register, a how-to-get-it guide to state services. Detailed information about every service available to the public, in clear, simple English.

- \_\_\_\_\_ Single copy \$5.95 + \$.24 (sales tax) = \$6.19\*
- \_\_\_\_\_ Ten copies or more \$5.00 + \$.20 (sales tax) = \$5.20\*

**Minnesota Code of Agency Rules (MCAR).** The permanent, 15 volume set of state agency rules. An indispensable reference work for the practice of administrative law.

- \_\_\_\_\_ 15 volume set \$325.00, includes the annual update service subscription for the year of order (a \$105.00 value) and a set of MCAR binders.

**MCAR Binders.** A set of 15 sturdy, three inch, three-ring binders in attractive forest green, imprinted with the MCAR logo.

- \_\_\_\_\_ 15 volume set \$35.00 + \$1.40 (sales tax) = \$36.40\*

\*To avoid Minnesota sales tax, please include below your tax exempt number.

Please enclose full amount of items ordered. Make check or money order payable to "Minnesota State Treasurer."

Name \_\_\_\_\_

Attention to: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Tax Exempt Number \_\_\_\_\_

Legislative Reference Library  
Attn: Stephen Plumb  
Room 111 State Capitol  
INTEROFFICE

I