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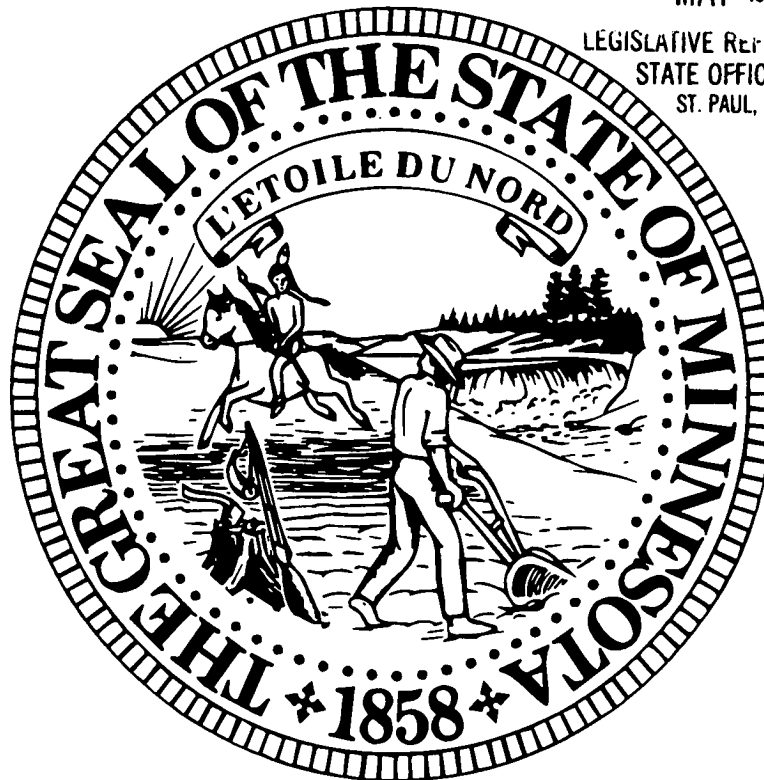
P182

The Minnesota
**State
Register**

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State Register

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

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

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

Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 48	Tuesday 28 May	Monday 13 May	Monday 20 May
# 49	Monday 3 June	Monday 20 May	Friday 24 May
# 50	Monday 10 June	Friday 24 May	Monday 3 June
# 51	Monday 17 June	Monday 3 June	Monday 10 June

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

Perspectives—Publication about the Senate.

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

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

This Week—weekly interim bulletin of the House.

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

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The *Professional-Technical-Consulting Contract Award Reports* is published monthly.
The *State Register Contracts Supplement* with commodities and price contracts advertised by the state is published every Tuesday, Wednesday and Friday. Award results are currently only available from the Materials Management Helpline. Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.
Vendors interested in responding to the commodity and price contracts advertised in the Contracts Supplement should contact the Department of Administration **Materials**

Minnesota Rules: Amendments and Additions

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

* All page numbers with an asterisk represent pages that were incorrectly used in *State Register* Vol. 20 Issue 42 - 15 April 1996 and Vol. 20 Issue 43 - 22 April 1996. Pages were not numbered in correct sequential order resulting in page numbers 2241 - 2314 being used twice in Vol. 20. Because rule cites include the month, day and year of the notice, these page numbers will be left as they are. Correct numbering was resumed with page 2441 of Vol. 20 #44 20 April, 1996.

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Proposed Rules

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

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

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

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

Department of Public Safety

Proposed Permanent Rules Relating to Driver Education

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

Introduction. The Minnesota Department of Public Safety and the State Board of Education intend to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, §§ 14.22 to 14.28 and the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by 4:30 p.m. on June 27, 1996, a public hearing will be in the 5th Floor Conference Room of the Veteran's Service Building, 20 West 12th Street, St. Paul, Minnesota, 55155, starting at 9:00 a.m. on July 22, 1996. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 27, 1996 and before July 22, 1996.

Agency Contact Person. Comments or question on the rule and written requests for a public hearing must be submitted to: Catherine Ann Moore, Department of Public Safety, Room 120, Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota, 55155, by telephone at (612) 296-2608, or by fax at (612) 296-3141.

Subject of Rule and Statutory Authority. The Department of Public Safety and State Board of Education have proposed amendments to *Minnesota Rules*, parts 7411.0100 to 7411.0900, governing Commercial Driver Training Schools and Public School Driver Education Programs. The driver education rules address vehicle requirements, student and course requirements, instructor requirements, program requirements, and licensing and certification provisions with respect to automobile, truck, and motorcycle driver training.

The statutory authority to adopt these rules is found in *Minnesota Statutes* §§ 14.06, 126.115, 171.04, 171.34, 171.41, 299A.01 and 1993 *Minnesota Laws*, Chapter 224, Article 12, Section 35.

A copy of the proposed rule is published in the *State Register*. The subject matter of the rules is described above. A free copy of the rule is available upon request from the agency contact person.

Comments. You have until 4:30 p.m. on June 27, 1996, to submit written comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for your comments, and any changes proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 27, 1996. Your written request for a public hearing must include your name and address. This information should be both legible. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal,

and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Accommodations. If you need an accommodation to make this hearing accessible, please contact the agency contact person at the number listed above.

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

Cancellation of Hearing. The hearing scheduled for July 22, 1996 will be canceled if the department does not receive 25 or more requests that a hearing be held on the rules. If you request a public hearing and one is held, the department will notify you before the scheduled hearing. You may also call the agency contact person after June 27, 1996 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes* §14.131 to 14.20. The hearing will be held on July 22, 1996, in Conference Room D, 5th Floor Veterans Service Building, 20 West 12th Street, Saint Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administration Law Judge. The Administrative Law Judge assigned to conduct the hearing is Judge Allan W. Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota, 55401-2138, or by telephone at 612-341-7609.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 and 14.20. Questions about the procedure may be directed to the administrative law judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment and response period also submit a copy of written views or data to the agency contact person at the address above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

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

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period, the department of public safety and the state board of education may adopt the rule. The rule and supporting documents will be submitted to the Office of Administrative Hearings for review as to legality. You may request to be notified of the date the rule is submitted to the office. If you want to be so notified, or wish to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person at the address listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the Administrative Law Judge's report will be available, and can make this request at the hearing or in writing to the Administrative Law Judge. you may also ask to be

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notified of the date on which the agency adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 13 May 1996

Donald E. Davis, Acting Commissioner
Department of Public Safety

Jeanne Kling, President
State Board of Education

Rules as Proposed

CHAPTER 7411
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION
DRIVER TRAINING EDUCATION
COMMERCIAL DRIVER TRAINING SCHOOLS

7411.0100 DEFINITIONS.

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

Subp. 2a. Approving authority. “Approving authority” means the commissioner of the Department of Public Safety or an authorized agent of the department. The Department of Public Safety may request the assistance of the State Board of Education in the administration and enforcement of this chapter.

Subp. 4. Certificate. “Certificate” refers to the written document issued by the commissioner to a private or parochial college, university, or high school that offers driver training education to persons under 18 years of age as part of the normal program for that institution, indicating the department’s approval of the school’s driver training education under *Minnesota Statutes*, section 171.04, clause (1), and parts 7411.0100 to 7411.0900.

Subp. 5. Certified; certified program. “Certified” and “certified program” refer to a private or parochial college, university, or high school that offers driver training education as part of the normal program for that institution and that holds a current certificate from the commissioner indicating that it complies with department driver training education requirements.

[For text of subps 6 to 8, see M.R.]

Subp. 9. Commercial driver training education school. “Commercial driver training education school” means a business enterprise conducted by an individual, association, partnership, or corporation, that charges a fee to educate and train persons to drive motor vehicles or to prepare an applicant for a driver’s license examination given by the state, and that is required to be licensed by the commissioner under *Minnesota Statutes*, sections 171.33 to 171.41.

[For text of subps 10 and 11, see M.R.]

Subp. 12. Driver training education program; program. “Driver training education program” or “program” means:

- A. a commercial driver training education school;
- B. a certified program; ~~or~~
- C. a private or commercial school or institute offering a two-wheeled vehicle driver’s safety course that is required to be approved by the commissioner under *Minnesota Statutes*, section 169.974, subdivision 2; ~~or~~
- D. a public high school offering, directly or indirectly, a driver education program approved by the State Board of Education.

Subp. 13. Good cause to believe. “Good cause to believe” means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

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

E. facts of which the ~~commissioner~~ approving authority or the ~~commissioner’s~~ approving authority’s employees or agents have personal knowledge.

[For text of subps 14 to 17, see M.R.]

Subp. 18. Instructor. “Instructor” means a person, whether acting as an operator of a driver training education program or as an employee of the program, who teaches or supervises persons learning to drive motor vehicles or preparing to take an examination for a driver’s license, and a person who supervises the work of another instructor.

[For text of subs 19 to 26, see M.R.]

7411.0200 PURPOSE.

The purpose of parts 7411.0100 to 7411.0900 is to carry out the mandate of the legislature in *Minnesota Statutes*, sections 169.974, subdivision 2; 171.04; and 171.33 to 171.41, for regulating and licensing driver training education programs and instructors. Parts 7411.0100 to 7411.0900 also carry out the legislative mandate of Laws 1993, chapter 224, article 12, section 35, which provides that the State Board of Education shall cooperate with the department to develop a single set of rules for driver education programs, whether public, private, or commercial.

7411.0400 VEHICLE REQUIREMENTS.

Subpart 1. **Safety standards.** A vehicle used for driver training education instruction must comply with the federal and state motor vehicle safety standards for the model year of the vehicle. A vehicle must also be maintained in a safe operating condition. The vehicle age limits in subpart 2 do not relieve a program of its responsibility to ensure that a vehicle used by the program is maintained in a safe operating condition. An instructor shall report in writing to the program a mechanical problem affecting the safe operation of a vehicle. The program shall correct the problem before again using the vehicle for driver training education instruction. If a vehicle used for driver training education instruction is not maintained in a safe operating condition, the ~~commissioner~~ approving authority shall prohibit the program from using the vehicle for instruction until the unsafe condition has been corrected. The ~~commissioner~~ approving authority shall also suspend or revoke the license or certificate of the program or instructor, or both, if the ~~commissioner~~ approving authority determines that the unsafe condition could foreseeably be the cause of serious personal injury or property damage and that the program or instructor had notice, or should have had notice through the ordinary discharge of duties, of the unsafe condition of the vehicle.

Subp. 1a. **Equipment required.** A class A, class B, or class C vehicle used for driver training education instruction must have an outside rearview mirror on each side of the vehicle, separate inside rearview or visor mirror for the instructor's use, and seat belts for each occupant of the vehicle as required by law. In addition:

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

Subp. 2. **Vehicle age; exemption.** Except as otherwise provided in this subpart, a program's class C vehicle and a motorcycle used for driver training education purposes may not be used for more than six years from the date it was first put into service and a class A or class B vehicle used for driver training education purposes may not be used for more than ten years from the date it was first put into service. "The date first put into service" means the date the vehicle was first driven more than the limited driving necessary to move or road test the vehicle before delivery to a customer. If a vehicle is used by a dealer as a demonstration model, "the date first put into service" means the date the vehicle was first driven by a potential customer. If records are not available to show this date, then "the date first put into service" means the date of the beginning of the model year of the vehicle.

The following exceptions apply:

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

Subp. 3. [See repealer.]

Subp. 4. **Marking.** While being used for laboratory instruction, class A, class B, and class C program vehicles must have signs conspicuously and legally displayed on ~~front and the~~ rear, with background and letters of contrasting colors stating "Student Driver." On vehicles used for class C driver training education, the lettering must be at least two but not more than five inches in height. On vehicles used for class A and class B driver training education, the lettering must be at least ten inches in height. No other signs or advertising may be displayed without the approval of the ~~commissioner~~ approving authority. The sign, when used for public high schools, must be removed when the vehicle is used for purposes other than driver education instruction.

Subp. 5. **Inspections.** When the ~~commissioner~~ approving authority has good cause to believe a vehicle used for driver training education purposes does not meet the requirements of parts 7411.0100 to 7411.0900, the ~~commissioner~~ approving authority shall inspect or shall require the inspection of the vehicle.

Subp. 6. **Commercial use.** A vehicle may be used for commercial purposes during the training education program only if each of the following conditions is met:

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

B. All use for commercial purposes takes place during the last 50 percent of the total training education program.

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

Subp. 7. **Vehicle supplied by instructor or student.** If the instructor or the student supplies the vehicle to be used for driver training education, the program must verify that the vehicle meets the requirements under subparts 1, 1a, 2, and 4, and program insurance requirements under part 7411.0700, subpart 1, before the vehicle may be used for driver training education. If the student is already in possession of a license to operate the vehicle, the vehicle is exempt from:

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

7411.0510 STUDENT AND COURSE REQUIREMENTS; CLASS A, B, AND C VEHICLES.

Subpart 1. **Scope.** This part applies to driver training education in class A, class B, and class C vehicles and does not apply to driver training education on motorcycles.

Subp. 2. **Required age and qualifications of students.** A driver training education program may not offer class A driver training education to a student who is not at least 18 years old and in possession of at least a class C license.

A program may not offer class B driver training education to a student who is not at least 16 years old and in possession of at least a class C license.

Subp. 3. **Classroom curriculum.** A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The program shall submit the curriculum to the ~~commissioner~~ approving authority for approval. The ~~commissioner~~ approving authority shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and laboratory instruction. The classroom instruction must be conducted in a classroom location complying with part 7411.0700, subpart 2, and the instructor must be physically present with the students during the classroom instruction to instruct as well as to address the questions and comments of the students.

The curriculum ~~must present~~ presented to the student with students must include at least the opportunity to following:

A. the opportunity for students to analyze and assess several decision-making models and factors influencing highway-user decisions;

B. analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance; information on how alcohol and other drugs affect a driver's ability to safely operate a motor vehicle, including:

(1) information on the effects of consumption of alcoholic beverage products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;

(2) the hazards of driving while under the influence of alcohol or drugs; and

(3) the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs;

C. the opportunity for students to analyze and practice making decisions about using occupant restraints;

D. the opportunity for students to identify and analyze a variety of driving decisions about highway users and roadway characteristics;

E. the opportunity for students to analyze and practice making decisions about a vehicle's speed under different driving conditions;

F. ~~know~~ the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;

G. the opportunity for students to identify, analyze, and describe proper procedures for a variety of driving situations;

H. the opportunity for students to gather information and practice making decisions about automobile ownership, leasing, and maintenance;

I. the opportunity for students to identify, analyze, and practice making decisions related to drivers' attitudes and emotions;

J. the opportunity for students to explore alternative ways to become better drivers and to improve the highway transportation system;

K. ~~know~~ the duties of drivers when encountering school buses, the content and requirements of *Minnesota Statutes*, section 169.444, and the penalties for violating that section; ~~and~~

L. ~~know~~ the principles of safe operation of vehicles at railroad-highway grade crossings;

M. the principles and relationships of tires and surfaces when turning, braking, and accelerating; and

N. the characteristics of both conventional and antilock brake systems.

Subp. 4. **Classroom schedule requirements.** A program may offer no more than three hours of classroom instruction per day to a student who has not yet obtained a driver's license.

A program shall provide a driver ~~training~~ education student who is less than 18 years old with a minimum of 30 hours of approved classroom instruction.

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

Subp. 6. **Concurrent classroom and laboratory instruction.** When a program conducts classroom and laboratory phases of instruction concurrently for those wishing to obtain a class C license, the program may not provide laboratory instruction to a student until the student has completed at least 15 hours of classroom instruction. An authorized school operator or instructor may then complete a certificate of enrollment indicating when laboratory instruction will begin. The certificate must specify that the classroom instruction is being conducted concurrently with the laboratory instruction. The department accepts this certificate from the student at driver examination stations when the student is applying for an instruction permit. The program may not provide laboratory instruction to a student who has not obtained the instruction permit.

A program offering class A and class B driver ~~training~~ education must have a concurrent course consisting of at least 40 hours of classroom instruction, 60 hours of laboratory instruction, and 60 hours of observation time for each student.

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

Subp. 8. **Laboratory curriculum.** A written laboratory guide must be available to and used by an instructor conducting laboratory instruction. The program shall submit the curriculum to the ~~commissioner~~ approving authority for approval. The ~~commissioner~~ approving authority shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and laboratory instruction. The curriculum presented to the students must include at least the following:

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

Subp. 9. **Laboratory schedule requirements.** A program:

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

B. shall provide a driver ~~training~~ education student who is less than 18 years old with a minimum of six hours of laboratory instruction;

C. and instructor, except for the ~~training~~ education offered in class A or class B vehicles, shall not give a student more than 30 hours of laboratory instruction without the written authorization of the ~~commissioner~~ approving authority; and

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

Subp. 10. **Laboratory instruction requirements.** The following requirements apply to laboratory instruction:

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

D. The class A vehicle that is provided by the program for driver ~~training~~ education must be one that requires an unrestricted class A license for its operation.

E. The class B vehicle that is provided by the program for driver ~~training~~ education must be one that requires a class B license for its operation.

F. A program offering class A or class B ~~training~~ education shall provide a paved driving range of at least 90,000 square feet. If more than two class A vehicles are to be used on the driving range at the same time, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

G. On-street instruction must be planned to meet the needs of each individual student.

H. A firearm may not be transported in a driver education vehicle. For the purpose of this subpart, "firearm" has the meaning given it in Minnesota Statutes, section 97A.015, subdivision 19.

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

Subp. 12. **Additional ~~training~~ education for license holders.** Except as otherwise provided in subpart 4 or 9, a program may provide hourly ~~training~~ education to increase the proficiency of persons already licensed to operate a vehicle.

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Subp. 13. **Training Education limitations.** After a student receiving class A or class B driver training education has completed 50 percent of the required observation time, the program may offer the student up to 15 hours per day of observation time. If a student receives eight or more hours of observation time in a day, the student may not receive classroom or laboratory training education that day.

Except as otherwise provided in this subpart or in other rule or statute, a program may offer a student who is receiving class A or B driving training education up to a total of eight hours of training education per day.

7411.0550 STUDENT AND COURSE REQUIREMENTS; MOTORCYCLES.

Subpart 1. **Scope.** This part applies to driver training education on motorcycles.

Subp. 2. **Classroom curriculum.** A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The driver training education program shall submit the curriculum to the commissioner approving authority for approval. The commissioner approving authority shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and laboratory instruction. The classroom instruction must be conducted in a classroom location complying with part 7411.0700, subpart 2, and the instructor must be physically present with the students during the classroom instruction to instruct as well as to address the questions and comments of the students. The curriculum ~~must present a student with the opportunity to~~ presented to the students must include at least the following:

- A. ~~become familiar with~~ the purpose, content, and procedures for classroom instruction;
- B. ~~learn~~ the location and operation of motorcycle controls and indicators;
- C. the opportunity for students to identify, analyze, and practice making decisions about proper protective gear;
- D. ~~identify and become familiar with~~ the procedures for starting, riding, and stopping a motorcycle;
- E. ~~learn the~~ procedures for turning, changing gears, and using both brakes to stop a motorcycle;
- F. ~~identify the identification of~~ basic riding strategies and ~~prepare preparation~~ to ride safely in traffic;
- G. ~~become familiar with~~ the various methods used to ~~minimize, separate, and compromise~~ reduce the risks of riding hazards;
- H. ~~learn the~~ procedures for passing, group riding, and night riding;
- I. ~~prepare preparation~~ for handling unusual or emergency situations;
- J. the opportunity for students to gather information and practice making decisions about selecting, insuring, and maintaining a motorcycle;
- K. ~~understand how alcohol and other drugs affect a motorcyclist's ability to ride safely; information on how alcohol and other drugs affect a driver's ability to safely operate a motor vehicle, including:~~
 - (1) information on the effects of consumption of alcoholic beverage products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;
 - (2) the hazards of driving while under the influence of alcohol or drugs; and
 - (3) the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs;
- L. ~~have~~ having the student's knowledge evaluated in the classroom;
- M. ~~know~~ the duties of drivers when encountering school buses, the content and requirements of *Minnesota Statutes*, section 169.444, and the penalties for violating that section; and
- N. ~~know~~ the principles of safe operation of vehicles at railroad-highway grade crossings.

Subp. 3. **Classroom schedule requirements.** A program shall provide a driver training education student who is less than 18 years old with a minimum of seven hours of approved classroom instruction.

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

Subp. 5. **Laboratory curriculum.** A written laboratory curriculum guide must be available to and used by an instructor conducting laboratory instruction. The program shall submit the curriculum to the commissioner approving authority for approval. The commissioner approving authority shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and laboratory instruction. The curriculum presented to the students must include at least the following:

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

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B. mounting, dismounting, starting, and stopping, and walking the engine; moving the motorcycle; understanding the ~~clutch~~ friction zone; and riding in a straight line;

C. ~~riding in circles, weaving, making sharp turns, and straight-line turning to include: slow, tight turns and higher speed turns,~~ shifting;

D. ~~braking, turning, adjusting speed, shifting, and accelerating in a turn to include: braking technique for stopping in a straight line and in a curve, emergency straight line braking, and emergency braking in a curve;~~

E. scanning techniques for recognizing and responding to ~~obstacles~~ hazards;

F. controlling rear wheel skids ~~and quick stops~~;

G. changing lanes ~~and stopping on a curve~~;

H. ~~selecting a safe speed in cornering maneuvers~~;

I. countersteering and changing lanes quickly; and

J. L. formal skills evaluation, self-evaluation, and planning for future improvement.

Subp. 6. **Laboratory schedule requirements.** A program shall provide a ~~driver training~~ rider education student who is less than 18 years old with at least eight hours of approved laboratory instruction.

A program may use machines that simulate motorcycle ~~driving riding~~ but may not substitute simulator ~~training education~~ for the required eight hours of laboratory ~~training education~~.

Subp. 7. **Laboratory instruction requirements.** The following requirements apply to motorcycle laboratory instruction:

A. The student-instructor ratio may not exceed three students per instructor for on-street instruction and eight students per instructor for ~~driving riding~~ range instruction.

B. A program that includes laboratory instruction shall conduct that instruction on a planned practice ~~driving riding~~ route. The planned practice ~~driving riding~~ route must not include routes used for state driver's license road tests, except when unavoidable due to lack of alternatives.

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

D. Before giving laboratory instruction on a ~~driving riding~~ range that does not include a public street or highway, an instructor shall ensure that a student is in immediate possession of a valid standard Minnesota driver's license or a valid motor vehicle instruction permit.

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

F. A ~~driving riding~~ range used for laboratory instruction must be at least 160 feet long and 60 feet wide. No more than eight students may receive instruction at one time on a range of this size. Up to 12 students may receive instruction at one time if the dimensions of the ~~driving riding~~ range are at least 220 feet by 120 feet. There must be at least 20 feet of level runout space around the outside of the range and between an intended path of travel and the nearest obstacle. The ~~driving riding~~ range area must be paved. The ~~commissioner approving authority~~ shall waive the requirements for the minimum dimensions of the ~~driving riding~~ range if a suitable paved area is not available and if the program demonstrates that the required laboratory curriculum objectives can be met on the proposed ~~driving riding~~ range without compromising the safety of the students. The program shall obtain the waiver before instruction begins.

G. A student wishing to take the motorcycle ~~training education~~ course shall enroll for both the classroom and laboratory portions of the course.

H. On-street instruction must be planned to meet the needs of each individual student.

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

Subp. 9. **Consecutive classroom and laboratory instruction.** When a program conducts the two phases of the ~~training education~~ course in two separate time periods, a student shall successfully complete the classroom phase before beginning the laboratory phase. The two phases of the program must not be separated by more than one month.

[For text of subp 10, see M.R.]

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Subp. 11. **Additional training education.** A program may provide hourly training education to a person older than 18 years of age to increase the proficiency of a person who has already obtained a motorcycle endorsement or to prepare the person to take the test to obtain a motorcycle endorsement.

Subp. 12. **Training Education limitations.** A program may offer a student no more than a total of eight hours of motorcycle training education per day.

7411.0610 INSTRUCTOR REQUIREMENTS.

Subpart 1. **License required.** Each instructor for a commercial driver training education school and each instructor of a two-wheeled vehicle safety course shall obtain an instructor's license under part 7411.0800. Each instructor for a certified driver training education program and public high school shall fulfill the licensure requirements of ~~parts part~~ part 8700.4901 and 8700.4902 or successor rules.

Subp. 2. **General.** A commercial program instructor must:

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

Subp. 3. **Certified copy of driving record.**

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

B. A new instructor at a certified program or public high school shall submit a certified copy of the instructor's driving record to the program.

C. An instructor who does not have a Minnesota driver's license shall submit a certified copy of the instructor's driving record to the ~~commissioner~~ approving authority at the time of becoming an instructor and annually after that time. For a licensed instructor, the annual certified copy must be submitted with the instructor's license renewal application. For an instructor at a certified program or public high school, the annual certified copy must be submitted with the program's annual application for renewal of its certificate or approval.

D. A certified copy of a driving record submitted under this subpart must be dated not earlier than 30 days before the date the program or the ~~commissioner~~ approving authority receives it.

Subp. 4. **Driving record.** An instructor shall notify the ~~office of the driver training coordinator of the department~~ approving authority, in writing, if the instructor is convicted of a traffic violation or is involved in a reportable motor vehicle accident as required under Minnesota Statutes, section 169.09, subdivision 7. The written notification must be submitted to the ~~office of the driver training coordinator of the department~~ approving authority within ten days from the date of the conviction or the accident. The ~~commissioner~~ approving authority shall review the driving records of each applicant for an instructor's license and of each new instructor at a certified program. The ~~commissioner~~ approving authority shall also annually review the driving record of each instructor. A person is ineligible to be ~~an a~~ commercial instructor if:

A. the person's driver's license has been revoked or suspended for a traffic violation other than an insurance-related traffic violation ~~within the preceding three years and one year has not elapsed since the last conviction;~~

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

Subp. 5. **Health.** When the ~~commissioner~~ approving authority has good cause to believe that an instructor has a physical or mental disability that will interfere with the safe operation of a motor vehicle, the ~~commissioner~~ approving authority shall require a physician's statement as often as necessary for the ~~commissioner~~ approving authority to monitor the instructor's condition. The physician's statement must be submitted no later than 30 days after the examination on which the statement is based.

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

Subp. 7. **Criminal history.** Each applicant for a new commercial instructor's license and each new instructor at a certified program shall ~~provide the commissioner with one passport-type photograph and~~ authorize an investigation to determine if the applicant or instructor has a criminal record. The ~~photograph and~~ authorization must be submitted with the application for an instructor's license or with the program's annual application for renewal of its certificate. ~~A new passport-type photograph must be submitted with an instructor's annual renewal application every five years after the original application.~~ If a person has been convicted of a gross misdemeanor or felony, then that person is ineligible to be an instructor unless:

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

Subp. 8. **Training Education for truck, bus, and automobile instructors.** The training education requirements for an instructor who teaches a class A, class B, or class C vehicle driver training education course are contained in this subpart. A licensed instructor must have satisfactorily completed a 40-hour course of driver and traffic safety education approved or supervised by the department or have satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902. An instructor for a certified program or public high school must have satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902. The department shall require instructors, except public high school instructors, to complete driver and traffic safety education peri-

odically when these courses are approved or supervised by the department. A simulator instructor shall complete a course in simulation approved by the ~~commissioner~~ approving authority.

Subp. 9. **Tests for truck, bus, and automobile instructors.** The test requirements for an instructor, except a public high school instructor, who teaches a class A, class B, or class C vehicle driver training education course are contained in this subpart.

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

F. When the commissioner has good cause to believe that an instructor is not able to properly teach driver training education courses or safely operate a motor vehicle, the commissioner shall require a licensed instructor to submit to a reexamination, consisting of all or part of the tests specified in parts 7411.0100 to 7411.0900, or to a review of the instructor's teaching methods and ability while actually instructing students.

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

Subp. 10. **Training Education for motorcycle instructors.** The training education requirements for an instructor, except a public high school instructor, who teaches a two-wheeled vehicle safety course are contained in this subpart. An instructor must have satisfactorily completed a motorcycle instructor's course that has been approved by the commissioner. The motorcycle instructor's course must consist of a minimum of ~~68~~ 47 hours of instruction. The course of instruction must include the following minimum requirements:

A. ~~eight 8-1/2~~ hours of ~~in-classroom~~ classroom instruction ~~in riding skills to include:~~ classroom teaching techniques and classroom course content;

B. ~~12~~ 11-1/2 hours of laboratory instruction ~~in teaching techniques;~~

C. ~~nine 11~~ hours of ~~participation in a classroom~~ peer teaching situation, with each instructor-student acting as both an instructor and a student to other instructor-students in the class; and

D. ~~ten 16~~ hours of participation in a beginner's motorcycle instruction in course, with each instructor-student teaching a portion of both the classroom and laboratory skills; phases of motorcycle instruction.

E. ~~14~~ hours of participation in a laboratory peer teaching situation, with each instructor-student acting as both an instructor and a student to other instructor-students in the class; and

F. ~~15~~ hours of participation in a beginner's motorcycle instruction course, with each instructor-student teaching a portion of both the classroom and laboratory phases of motorcycle instruction.

Subp. 11. **Test for motorcycle instructors.** The test requirements for an instructor, except a public high school instructor, who teaches a two-wheeled vehicle safety course are contained in this subpart.

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

D. When the commissioner has good cause to believe that an instructor is not able to properly teach driver training education courses or safely operate a motor vehicle, the commissioner shall require a licensed instructor to submit to a reexamination, consisting of a road test or to a review of the instructor's teaching methods and ability while actually instructing students.

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

Subp. 12. **Other requirements for motorcycle instructors.** A motorcycle instructor must have a driver's license with a motorcycle endorsement. Further, an instructor, except a public school instructor, shall teach at least three two-wheeled vehicle safety courses during each three-year period.

Subp. 13. **Exemptions.** The department shall waive the following instructor requirements, as indicated:

A. The department shall waive the training education requirements for an instructor contained in subpart 10 if the instructor was licensed and qualified to teach a two-wheeled vehicle safety course before May 14, 1990, and has maintained the instructor's license continuously since that time.

B. The department shall waive the testing requirements for a new instructor contained in subpart 11, if the person has met the training education requirements for an instructor contained in subpart 2 before May 14, 1990, and has taught at least two two-wheeled vehicle safety courses in the two-year period immediately preceding that date.

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7411.0700 PROGRAM REQUIREMENTS.

Subpart 1. **Insurance and safety.** Insurance and safety requirements are as follows:

A. The program, except public high schools, shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in Minnesota. Programs must maintain insurance in the amounts of at least \$100,000 because of bodily injury to, or death of, any one person in any one accident; at least \$300,000 because of bodily injury to, or death of, two or more persons in any one accident; at least \$50,000 because of damage to, or destruction of, property of others in any one accident. Also, at least \$20,000 for medical expenses; and at least the minimum amount of uninsured motorist coverage, when any portion of the education is done on public streets.

B. The program, except public high schools, shall furnish evidence of coverage to the commissioner in the form of an original certificate of insurance from the insurance company demonstrating the required amount of insurance under item A and demonstrating that the insurance may not be canceled or terminated, except upon 30 days' prior written notice to the commissioner.

C. If the insurance is canceled, the commercial program's license or certificate terminates automatically on the date the insurance cancellation becomes effective. Vehicles used in the operation of the program may not be used for program purposes unless the program obtains adequate insurance coverage and notifies the commissioner of the coverage, and the commissioner notifies the program in writing that the license or certificate has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is canceled, the vehicle must immediately be removed from the program's approved list as filed with the commissioner or the program's license or certificate terminates automatically. Program licenses or certificates terminated under this item must be surrendered to the commissioner within ten days from the date the insurance was canceled. A program whose license or certificate has been canceled may reapply for a license or certificate upon meeting the insurance requirements under this part.

D. The commercial driver training education school owner or operator shall secure and submit with the application a continuous surety company bond in the principal sum of \$10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in Minnesota. The aggregate liability of the surety for all breaches of the bond must not exceed the principal sum of \$10,000. The school shall furnish satisfactory evidence of coverage to the commissioner. The concerned surety company may cancel the bond upon giving 30 days' written notice to the commissioner. The surety company is relieved of all liability for the breach of a condition of the bond occurring after the effective date of cancellation. If the bond is canceled, the program's license terminates automatically on the date the bond cancellation becomes effective. Program licenses terminated under this item must be surrendered to the commissioner within ten days from the date the insurance was canceled. A program whose license or certificate has been canceled may reapply for a license or certificate upon meeting the bond requirements under this part.

Items B, C, and D are not required for public high school driver education programs.

Subp. 2. **Location of program.** Location requirements are as follows:

A. A commercial driver training education program must have a permanent location in Minnesota with adequate office facilities and equipment and available classrooms of at least 300 square feet. The program must have continuous and exclusive control of the permanent location either through ownership or a lease for a period of one year or more. The program must have a program license or certificate for its permanent location. Records required by subpart 3 must be stored in Minnesota. If the program stores records at a location other than at a licensed or certified location, the program shall notify the commissioner.

B. A commercial program must have a separate program license or certificate for each additional location in which the program has exclusive use of classroom or laboratory space for a continuous period of 90 days or more.

C. A commercial program may obtain classroom and laboratory facilities at temporary locations. The program shall notify the commissioner of each temporary location before using it for instruction.

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

E. A commercial program may not change a licensed or certified location without previous approval of the commissioner.

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

G. No licensed, certified, or temporary program location may be within 150 feet of a building where any part of a driver's license examination is administered. However, this requirement does not apply to a previously licensed or certified program operating at the same location before the driver's license examination station was established.

This subpart does not apply to public high school driver education programs.

Subp. 3. **Records.** The program shall maintain the following records for ~~the current year and three preceding~~ a minimum of five years:

A. The program shall keep an instruction record of every person enrolled, whether or not the person was given instruction or other services relating to classroom or laboratory instruction in operating a motor vehicle. The record for each person must contain the person's legal name, including first, middle, and last names, address, date of birth, contract number, date and number of hours of

all instruction, and type of instruction. For a student who has completed a phase of the driver ~~training~~ education instruction, the record must also contain the completion date of the phase of the instruction and the name of the instructor.

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

~~C. The program shall keep a current vehicle file listing the vehicles used by the program for driver training purposes. The vehicle file must contain the inspection and maintenance records for each vehicle listed.~~

The records described in items A to C must be maintained in a businesslike manner. Only standard abbreviations are to be used. The records are subject to inspection by the commissioner during reasonable business hours. The loss, mutilation, or destruction of records required to be maintained by the program must be reported immediately to the commissioner by affidavit, stating the date the records were lost, destroyed, or mutilated; the circumstances involving the loss, destruction, or mutilation; the names of the law enforcement officer or fire department official to whom the loss was reported; and the date of the report.

Item B does not apply to public high school driver education programs.

Subp. 4. **Advertising.** A driver ~~training~~ education program shall not:

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

E. advertise or intimate that an instructor's license or program's license or certificate, except for public high schools, encompasses licensing by the Minnesota Department of Children, Families, and Learning;

F. advertise the address of a location other than a licensed or certified location or a temporary location ~~of which the commissioner has been notified, if applicable;~~

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

Subp. 5. **Agreements and contracts.** Contractual requirements are as follows:

A. A contract between a commercial program and a student must be on a form approved by the commissioner.

B. A commercial driver ~~training~~ education school shall not give a person instruction or other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

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

E. A contract must be limited to a maximum of ten hours of laboratory instruction, except for class A or class B driver ~~training~~ education courses provided in item F. A contract may be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for laboratory instruction, the instructor shall evaluate with the student the progress made and determine how much further ~~training~~ education, if any, is necessary.

F. A contract for a review course in a class A or class B vehicle must be limited to 20 hours of laboratory instruction. Contracts for complete ~~training~~ education courses in class A or class B vehicles must state that at least 40 hours of classroom ~~training~~ education, 60 hours of laboratory ~~training~~ education, and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a class A or class B ~~training~~ education course after 40 hours of ~~training~~ education, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the program shall notify the commissioner in writing and may continue ~~training the education of~~ that student only if authorized to do so in writing.

G. Contracts must not contain the term "No Refund."

Items A to F do not apply to public high school driver education programs.

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

Subp. 7. **Use of driver ~~training~~ education vehicle for test.** An instructor shall accompany an applicant appearing for the state driver's license road test when a driver ~~training~~ education vehicle is to be used. The instructor must be employed by the program that owns or leases the vehicle.

Subp. 8. **Authorized official; certificates.** A program shall designate one authorized official per program. The authorized official for a public school need not be licensed under part 8700.4900, unless that person also is an instructor in the program. The

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Proposed Rules

program must provide written notification to the ~~commissioner~~ approving authority of the name of the authorized official and any change in the designation of an authorized official. The authorized official shall perform the following duties:

A. The authorized official shall furnish the student:

[For text of subitem (1), see M.R.]

(2) a verification statement of completion form, as approved by the department, of classroom instruction within 15 calendar days after the student completes the required course of classroom instruction and notifies the program that the student intends to complete laboratory instruction with another program.

B. The authorized official shall notify the department's driver and vehicle services division within a reasonable period of time of when a student who is 15, 16, or 17 years of age fails to continue or complete the required automobile driver training education course, including laboratory instruction.

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

Subp. 9. **Instruction requirements.** The program shall ensure that the following instruction requirements are complied with:

A. Instruction may be given only by those instructors in possession of a valid and properly endorsed driver's license and either a Minnesota instructor's license if instructing at a commercial driver training education school or a Minnesota teaching license if instructing at a certified program or public high school. The documents must be applicable to the type of vehicle for which instruction is being given.

B. An instructor may not instruct for a program unless the instructor's license application was signed by the owner of the program or the owner's agent or unless the instructor is listed in the program application. This item does not apply to public high school driver education programs.

[For text of subp 10, see M.R.]

Subp. 11. **Certified programs; licensure and age conditions.** A certified or public high school program shall not employ a person as an instructor unless the person has satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902.

A certified program shall not offer a course in driver education to a student unless the student is not more than 18 years of age and the student is taking the course to qualify for a class C instruction permit or driver's license or unless the program is conducted by a college, university, or high school as part of the normal program for that institution.

Subp. 12. **Annual report.** A program shall submit an annual report to the ~~department~~ approving authority concerning the number of students who received instruction and the number of courses offered during the previous year. The report must be submitted on forms supplied by the ~~department~~ approving authority.

Subp. 13. **Situations requiring notification.** A program shall notify the ~~driver training office of the department~~ approving authority, in writing, if one of its instructors is convicted of a traffic violation or is involved in a reportable motor vehicle accident as required by law.

A program shall notify the ~~driver training office of the department~~ approving authority, in writing, if one of its students, while receiving instruction, is involved in a motor vehicle accident. The written notification must be submitted to the office within ten days from the date of the accident. The program shall also inform the student of the student's obligation to submit an accident report to the commissioner and provide the student with the information concerning the motor vehicle or insurance that is required to be on the accident report.

A program shall notify the ~~commissioner~~ approving authority if one of its instructors has violated a statute or rule or committed an act that would cause the instructor to be unfit to continue working as an instructor.

This subpart does not apply to a program unless the program has notice, or should have notice through the ordinary discharge of its duties, of the violation, motor vehicle accident, or act. Further, this subpart does not apply to a program unless the motor vehicle accident is one that must be reported to the commissioner under *Minnesota Statutes*, section 169.09, subdivision 7.

Subp. 14. **Types of instruction.** A commercial program shall offer a driver training education student under 18 years of age the required course of classroom instruction and the required course of laboratory instruction.

Subp. 15. **Exemption for experimental program.** A public high school desiring an exemption from this chapter must follow the procedures contained in part 3500.1000.

7411.0800 LICENSING AND CERTIFICATION PROVISIONS.

Subpart 1. **Legal requirements.** The issuance of a license or certificate is subject to the applicant's conformance with *Minnesota Statutes*, sections 169.974, 171.04, and 171.33 to 171.41, and parts 7411.0100 to 7411.0900. This part does not apply to public high school driver education programs.

Subp. 2. **Program application; duplicate license or certificate.** Application for a new or renewal license or certificate for a driver training education program must be made on forms prescribed by the commissioner. Owners, partners, corporate directors, and officers must be named, with their titles, on each program application. The application must be signed by one of the owners, partners, directors, or officers. Program applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee or certificate holder, when the changes in the fee schedules are filed with the commissioner at least ten days before they become effective. A program application must identify the authorized official and must contain an exemplar of the authorized official's signature. A certified program application must also identify the instructors who will be teaching students and each instructor's driver's license number. In addition, a certified program application must be accompanied by the information and documents concerning the program's instructors required to be submitted to the commissioner by part 7411.0610. If the program changes location or the license or certificate is lost within the year of issuance, a duplicate license or certificate for the program may be issued by the commissioner. The fee for issuing a program's duplicate license is \$25.

[For text of subps 2a to 7, see M.R.]

Subp. 8. **Suspension and revocation.** The license or certificate of a program or the license of an instructor may be revoked, suspended, or refused renewal under any of the following conditions:

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

D. There is evidence that intoxicating beverages have been present or consumed on the program premises or in its training education vehicles.

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

F. The program, the instructor, or both have delayed the start or completion of training education without good reason.

G. The program or instructor has conducted business in a way that substantially departs from commonly accepted practices as used by other driver training education programs and instructors.

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

Subp. 8a. **Administrative review.** When the commissioner notifies a program or instructor of a revocation, suspension, or refusal to renew, the program or instructor may proceed under item A or B. A revocation, suspension, or refusal to renew is not effective until the time for requesting a review or hearing under items A and B has lapsed or, if a review or hearing is requested under items A and B, until completion of these proceedings. The notice of revocation, suspension, or refusal is adjudged received three days after mailing to the last known address of the program or instructor as listed by the records of the driver training education office of the department.

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

[For text of subps 8b and 8c, see M.R.]

Subp. 9. **Fees payable to commissioner.** Fees for original, renewal, duplicate, and replacement licenses must be made payable to the commissioner of public safety.

Subp. 10. Suspension and revocation. A public high school teacher license shall be revoked or suspended pursuant to part 8700.7500 or successor rules or Minnesota Statutes, sections 125.09 and 125.185.

7411.0900 EXEMPTION.

Subpart 1. **Limited instruction.** Regarding conditions for limited operations, an applicant for a license to operate a commercial driver training education school for behind the wheel instruction only will not be required to conduct classroom instruction or furnish office space, providing the following conditions are met:

A. the commercial driver training education school must have been in operation on May 3, 1982, but not providing classroom instruction; and

B. the applicant complies with all other requirements of this part as they apply to persons engaged in operation of a school conducting driver training education instruction for a fee, or instructing for a fee.

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

REPEALER. Minnesota Rules, parts 3500.5000 and 7411.0400, subpart 3, are repealed effective August 1, 1996.

EFFECTIVE DATE. These amendments to Minnesota Rules, chapter 7411, are effective August 1, 1996.

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Adopted Rules

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

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

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

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

Higher Education Services Office

Adopted Permanent Rules Relating to the Work Study Program

The rules proposed and published at *State Register*, Volume 20, Number 31, pages 2055-2057, January 29, 1996 (20 SR 2055), are adopted with the following modifications:

Rules as Adopted

4830.2300 WORK-STUDY GRANTS.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must meet the requirements of part 4830.0100, subpart 5, items B, C, D (as defined in *Minnesota Statutes*, section 136A.101, subdivision 7b), E, and F. ~~The student must also be in good standing and making satisfactory academic progress, as defined by the school.~~ Priority must be given to students enrolled for at least 12 credits. A student employed during periods of nonenrollment must sign a statement of intent to enroll at least half-time for the next term or provide proof of registration for the next term.

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

Department of Revenue

Revenue Notice #96-6: Sales and Use Tax: Exempt Entities

1. Intergovernmental immunity. The doctrine of intergovernmental immunity, developed by the federal courts in their construction of the federal constitution, precludes the state of Minnesota from imposing a tax upon the federal government, its agencies and instrumentalities.

- A. The following corporations are examples of entities whose purchases are exempt from Minnesota sales and use tax: Agricultural Credit Association, American Red Cross, Banks for Cooperatives, Commodity Credit Corporation, Export—Import Bank, Farm Credit Bank, Farm Security Administration, Farmers Home Administration, Farmers Home Corporation, Federal Credit Union, Federal Crop Insurance Corporation, Federal Deposit Insurance Corporation, Federal Farm Mortgage Corporation, Federal Home Loan Bank, Federal Land Bank Association, Federal Land Credit Association, Federal National Mortgage Association, Federal Reserve Bank, Federal Savings and Loan Insurance Corporation, Government National Mortgage Association, National Bank for Cooperatives, Production Credit Association, Reconstruction Finance Corporation, Tennessee Valley Authority, United States Housing Authority, and United States Maritime Commission.
- B. A federally chartered bank or savings and loan association is not a federal instrumentality or corporation. (See Section 3).
- C. The fact that the expenses of an individual or organization are reimbursed wholly or in part by the federal government does not exempt the taxable items from sales or use tax. Purchases must be billed to and paid for directly by the federal government in order to be exempt. For example, meals and lodging billed to and paid for by the federal government are exempt. Meals and lodging billed to and paid for by a federal employee who is subsequently reimbursed by the federal government are taxable.
- D. The federal government is not required to apply for a certificate of exempt status in order to make exempt purchases. Purchase orders, payment vouchers, or other evidence which clearly establish governmental status are sufficient to authorize an exempt purchase.

2. Foreign consuls. Neither sales nor use tax applies to the sale or use of tangible personal property sold to foreign consular officers, employees, or members of their families, to the extent that such persons are immune from the tax. Only sales tax exemption cards issued by the United States Department of State, Office of Foreign Missions, must be accepted and no other proof of exemption may be honored. A vendor making tax exempt sales to a consular official must enter the name of the purchaser and the number of the identification card on the invoice. This evidence must be retained by the retailer to support any deduction claimed on a sales tax return for sales to foreign consuls.

The extent of the exemption is determined by the exemption the consular official's country provides to United States personnel stationed there. A vendor making a sale must verify that the purchase qualifies for the exemption by checking the information given on the back of the card which indicates the extent of the exemption.

3. Credit unions, banks, and savings and loans.

- A. Purchases made by federal credit unions are exempt from sales and use tax. Purchases made by federally chartered banks and savings and loans are subject to sales and use tax. Sales made by both federal credit unions and federally chartered banks and savings and loans are taxable under the provisions of the sales and use tax law.
- B. Purchases made by state chartered credit unions, banks, and savings and loans are subject to sales and use tax. Sales made by state chartered credit unions, banks, and savings and loans are taxable under the provisions of the sales and use tax law.

4. Sales by federal government. Sales of tangible personal property or taxable services by the federal government are subject to tax, except as they may otherwise be exempted. Purchasers of tangible personal property or services from the federal government must report and remit use tax on taxable purchases if the sales tax was not collected.

Dated: 28 May 1996

Patricia Lien
Assistant Commissioner for Tax Policy

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.101, 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.

Executive Council and State Board of Investment and Land Exchange Board and Investment Advisory Council

Meeting Notices

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, June 5, 1996 at 8:30 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, June 4, 1996 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

Department of Human Services

Division of Licensing

Notice of Formation of Advisory Committee to Make Recommendations on Child Care Regulation

Laws of Minnesota 1995, Chapter 158, section 7 directs the Commissioner of Human Services to review and make recommendations to the legislature regarding what programs should be regulated that provide child care for children, and the manner in which these programs should be regulated.

The Department of Human Services, Division of Licensing, is seeking volunteers to serve on an advisory committee to assist it in the development of recommendations concerning the regulation of child care programs. The committee will make recommendations on what types of child care should be regulated and the level of that regulation. The Department expects to report its findings to the legislature during the 1998 legislative session.

The Department will attempt to recruit child care license holders, early childhood administrators, health consultants, educators, parents with children in child care, county child care supervisors and licensors, unlicensed child care providers, and child care advocates to serve on the advisory committee. The advisory committee will meet for four one-half day sessions between July and December 1996. In addition to the full committee meeting, there will be a number of subcommittee meetings. The full committee will also meet an undetermined number of times in the spring and summer of 1997. Please note: Participants will not be reimbursed for serving on the advisory committee.

Individuals wishing to serve on the advisory committee must contact Dennis Curran, Department of Human Services, Division of Licensing, by June 21, 1996. To contact Mr. Curran, call (612) 296-4144 or write to the Department of Human Services, Division of Licensing, 444 Lafayette Road, St. Paul, Minnesota 55155-3842. Requests to serve on the committee may also be faxed to Mr. Curran by calling (612) 297-1490.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 28, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: U.S.T. Replace at Sandburg Middle School-Anoka; U.S.T. Replacement at Roosevelt Middle School-Blaine; U.S.T. Replacement at Coon Rapids Middle School-Coon Rapids.

Blue Earth: 1996 Reroofing Crawford C-Wing Mankato State Univ-Mankato.

Carlton: Fond Du Lac Tribal Center-Cloquet.

Goodhue: Ag Shop Make Up Air Unit-Goodhue; Retubing of Boiler at Redwing MCF-Red Wing.

Hennepin: Henry School Asbestos Abatement Project-Minneapolis; South Shore Senior Community Center-Shorewood; Ridgedale Facility Expansion-Minnetonka.

Kandiyohi: Ridgewater College Willmar Campus Shops Remodeling-Willmar.

Lake: Lake County Sheriffs Office and Jail-Two Harbors.

Mille Lacs: Princeton High School Pool Accessibility Project-Princeton.

Morrison: Construction of Combined Support Maintenance Shop (CSMS) Phase I-Little Falls (Camp Ripley).

Ottertail: 6 Unit "T" Hangar Site Preparation Perham Municipal Airport-Perham.

Pine: HVAC Upgrades Pine Technical College-Pine City; ADA Compliance Arch, Mech & Elect Remodel and Addition to the Administration Building-Willow River.

Ramsey: 1996 Reroofing at St Anthony Park Elementary School-St Paul; St Paul Public Schools Exterior Door Replacement-St Paul; Pneumatic Temperature Control System Improvements at St Paul Schools/Scattered Sites-St Paul; Swimming Pool Replacement John Glenn Middle School-Maplewood.

Stearns: Atwood Center Revisions-St Cloud; New Sally-Port/Ent Canopy MCF St Cloud-St Cloud.

Wabasha: Lake City Public Schools Performance Contract-Lake City.

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

Gary W. Bastian, Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Highway and Heavy Prevailing Wage Rates Certified 10/16/95 have been adjusted for various Labor Codes due to errors in calculation in the following County:

Dakota: (413 Lineman)

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, Minnesota 55155-4306, or calling (612) 296-6452.

Gary W. Bastian, Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Highway and Heavy Prevailing Wage Rates Certified 10/17/94 have been adjusted for various Labor Codes due to errors in calculation in the following County:

Dakota: (413 Lineman)

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, Minnesota 55155-4306, or calling (612) 296-6452.

Gary W. Bastian, Commissioner

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of The Board of Trustees of the Hamline University, a Minnesota nonprofit corporation (the "University"), as owner and operator of Hamline University, an institution of higher education, at the Alumni Guest House at Carleton College, Northfield, Minnesota on June 19, 1996 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$22,000,000 to finance a project generally described as (a) the construction, furnishing and equipping of an approximately 73,000 square foot fieldhouse, including gym, offices, locker rooms, lounge, storage and areas for track and field practice, sports medicine, teaching and strength and fitness training (the "Fieldhouse"), (b) the construction, furnishing and equipping of an approximately 42,000 square foot four-level addition to the law and graduate school building, including library, faculty offices, classrooms and meeting rooms (the "Addition"), (c) site acquisition and construction of approximately 220 surface parking spaces on north and south sides of the campus ("Parking Lots"), (d) renovation of computer offices and equipment rooms ("Renovation") and (e) the refunding of the Authority's Series Three-A Bonds and the Series Three-K Bonds (The "Refunding" and collectively, the "Project"), owned or to be owned and operated by the University and located on its main campus, the principal street address of which is 1536 Hewitt Avenue, St. Paul, Minnesota, 55104-1284.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 20 May 1996

By Order Of The Minnesota Higher
Education Facilities Authority
J. Luther Anderson
Executive Director

Department of Natural Resources

Bureau of Real Estate Management

Notice of Proposed Conveyance for the Purpose of Correcting Legal Descriptions of Boundaries Affecting the Ownership Interests of the State and Adjacent Landowners

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to correct a boundary discrepancy which affects land presently owned by the State and land owned by E.F. Hals' Sons, Inc. (*Minnesota Statutes* 84.0273, 1993). The State originally acquired its property by Warranty Deed recorded in the Office of the Chisago County Recorder December 18, 1980 as Document No. 169779. The State will exchange quit claim deeds with the adjacent owner in order to resolve the boundary discrepancy. The deed from the State to E.F. Hals' Sons, Inc. will contain the following legal description:

All that part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Thirty-six (36), Township Thirty-six (36) North, Range Twenty (20) West, Chisago County, Minnesota, described as follows:

Beginning at the southwest corner of the Southwest Quarter of said Section 36; thence North along the west line 587 feet; thence North 59 degrees 45 minutes 00 seconds East, 540 feet to a point; thence North 76 degrees 28 minutes 00 seconds East, 343 feet to a point; thence South 939 feet to a point on the south line of said Southwest Quarter; thence West along the south line of said Southwest Quarter 800 feet to the point of beginning.

For further information, contact Martha Bonneville at the Bureau of Real Estate Management, DNR, 500 Lafayette Road, St. Paul, MN 55155, (612) 296-0636.

Department of Transportation

Petition of Stearns County for a variance from State Aid requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Stearns County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed resurfacing project on County State Aid Highway No. 2, between a point approximately 520 feet south of 214th Street in Cold Spring, Minnesota and the South County Line.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9925, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 33 mph vertical curve, in lieu of the required 40 mph design speed on the proposed resurfacing project on County State Aid Highway No. 2.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 15 May 1996

Patrick B. Murphy
Division Director
State Aid for Local Transportation

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Human Services

Family and Children's Services Division

Notice of Request for Proposals for Crisis Nursery Services from Existing and Potential Crisis Nursery Programs in Minnesota

The Minnesota Department of Human Services, Family and Children's Services Division, is seeking proposals from existing and potential crisis nursery programs for expansion to serve culturally diverse communities and underserved geographic communities, and to enhance current or new programs by adding a more family-focused service component.

State funds for this purpose are authorized by the legislature and described in *Minnesota Statutes* 256F.11, subdivision 7, under Crisis Nursery Grants and the Crime Omnibus Bill 2856. Effective July 1, 1996, \$700,000 in State funds is available during SFY 1997 for Crisis Nursery Expansion/Development and Program Enhancement grants. A total of \$250,000 in funding is available for current or new providers to expand or develop an early intervention crisis nursery program for a population not currently served. A total of \$450,000 in funding is available for current or new programs to enhance crisis nursery services beyond basic program components to better meet the needs of families served. A minimum of a 33% match, at least 20% cash with a maximum of 13% in-kind, is required. Funding is expected to begin August 1, 1996 and programs completed by June 30, 1997.

Proposals will be reviewed and recommended for funding by an advisory committee. Selection of proposals will be made based on the following criteria (all having equal value):

1. Understanding of the project goals and tasks, including a description of the process of obtaining crisis nursery services (entry to exit) from the families point of view. Experience and qualifications related to the project, and population group project intends to serve.
2. Reasonableness of work plan, including the development of a model that reflects the demographics of the area to be served, rural vs. urban, and the use of available community or regional resources.
3. Description of anticipated job tasks and recruitment of volunteers for the program including the ability to adequately and appropriately meet the goals and requirements of the RFP.
4. Description of the initial and on-going training plan and supervision for service providers and volunteers.
5. Cultural sensitivity of program, cultural competence of agency, and description of how services will be provided to families of diverse backgrounds within the context of their cultural needs.
6. Demonstration of an understanding ability to provide family focused early intervention services to families, including the family members participation in the program.
7. Demonstration of how the service will impact the community and families served. Include anticipated number of families and children to be served over the term of the contract.
8. Description of outcomes expected due to the expansion or the inclusion of an evaluation component in the proposal to measure the outcome.
9. Documentation of the required match, budget and description and a strategic plan for on-going funding of the project.
10. Documentation of community and family support, especially the agencies representing specific cultural populations, county child protection teams and local children's trust fund advisory council, if one exists, and other local agencies or teams. Joint agency applications are encouraged.

For complete information regarding the Request for Proposals, contact Carla Brown, Crisis Nursery Program Consultant, at (612) 297-3634, Department of Human Services, Family and Children's Services Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3832.

Proposals must arrive in the issuing office no later than 4:00 P.M., Monday, June 17, 1996.

Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Administration

Materials Management Division

Request for Proposal for Consultant Services to Evaluate the State of Minnesota Prison Industry Program

The State of Minnesota, Department of Administration, is soliciting proposals from qualified consultants to evaluate the State's Prison Industry Programs, develop a five year business plan for the programs and to report the contents of the plan to the Governor of the State of Minnesota and select members of the Legislature by February 1, 1997. Consultants shall assume that a private corporation will be operating prison industries.

This Request for Proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. The Department has estimated that the cost of this contract will not exceed \$130,000.00. All proposals are to be submitted no later than June 20, 1996, 2:00 p.m.

For a copy of a more detailed explanation of this request for proposal, please contact:

Patricia Anderson
Department of Administration
Materials Management Division
112 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
FAX: 612-297-3996

In compliance with *Minnesota Statutes* 16b.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Department of Agriculture

Agricultural Certification Division

Notice of Request for Proposal for Advertising Services

The Agricultural Certification Division, Minnesota Department of Agriculture is seeking a consultant to provide advertising services under contract to develop and implement, upon review and approval of the department, an advertising campaign to promote Minnesota certified seed potatoes and thus increase the demand and sales of same.

Prospective responders who have any questions regarding this request for proposal may call or write:

Willem Schrage, Potato Program Manager
Minnesota Department of Agriculture - Potato Program
312 4th Avenue NE
East Grand Forks, MN 56721
Phone: (218) 773-3346

All proposals must be sent to above address and received by: **2:30 p.m., June 21, 1996.**

The department has estimated that the cost of this project shall not exceed \$35,000.00 for professional services and expenses including advertisement placement.

Professional, Technical & Consulting Contracts

Department of Health

Request for Proposals (RFP) for Medical Education Cost Estimate and Design Consulting Services

The State of Minnesota is seeking proposals from qualified individuals and firms to provide consulting services on the topic of the economic costs and benefits of specific aspects of medical education in Minnesota. The contract for services will be limited to \$50,000.

The primary goals of the Contract are related to the Medical Education and Research Costs (MERC) study and ongoing work by MDH in this area, and include:

- Part 1) Assist MDH in the development of a Minnesota-specific conceptual model (based on information and data from Minnesota teaching institutions) for monitoring the effects of increased competition in the health care market on teaching institutions over time, including the identification of key factors involved.
- Part 2) Review work to-date by the MERC Advisory Task Force and related subcommittees in estimating the costs of medical education. Identify strengths and weaknesses of that data collection effort and provide suggestions for improvement in the current data strategy or propose an alternate data strategy, taking into consideration the limitations of current data collection authority.
 - a) Assist MDH in the definition and identification of the costs (both direct and indirect) of medical education to teaching institutions in Minnesota.
 - b) Provide a preliminary aggregate estimate of those costs as well as a methodology for ongoing data collection and cost estimation.
- Part 3) Assist MDH in the identification of financial benefits accruing to individual teaching institutions in Minnesota from medical residents, and assist MDH in the development of a methodology to estimate the magnitude of those financial benefits.
- Part 4) If feasible, provide a preliminary aggregate estimate of those benefits to teaching institutions in Minnesota.

Details are contained in a request for proposals which may be obtained by contacting:

Denese McAfee
Minnesota Department of Health
121 E. Seventh Place, Suite 400
P.O. Box 64975
St. Paul, MN 55164-0975
Telephone: (612) 282-6349
Fax: (612) 282-5628

Proposals must be received by the Minnesota Department of Health no later than 4:00 PM, June 24, 1996. Late proposals will not be accepted.

House of Representatives

Request for Bid for Customized Software Training

The Minnesota House of Representatives is requesting proposals from qualified vendors to provide customized software training to House Staff for the period June 17, 1996 to October 1, 1996. This training must be held at the vendor's location in St. Paul, Minnesota with class size limited to 12 students. Softwares to be covered are: Microsoft Windows, Wordperfect 6.1 for Windows, Quattro Pro 6.0, Paradox 5.0, Internet, Novell Netware v4.x Administration, and Novell GroupWise 4 Administration.

The deadline for receipt of proposals is 4:30 p.m., June 11, 1996. Copies of the RFB are available from:

Minnesota House of Representatives
Room 198 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1298
(612) 297-7502
Attention: Laurie Lashbrook

Lakewood Community College Northeast Metro Technical College

Proposals Sought for Food Service

Century Community and Technical College is seeking a provider for a quality food service program with a reasonable priced menu for students and staff on both the East and West campuses. The service will also include catering of special college related events.

Prospective responders may request a complete copy of the Food Service Specifications from:

Gail Westby, Director of Institutional Services
Century Community and Technical College
3401 Century Avenue North
White Bear Lake, MN 55110
Telephone: (612) 779-3344
FAX: (612) 779-3470

Other state personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

Proposals are to be mailed to Gail Westby at the above address, on or before 10:00 AM on June 10, 1996. Late proposals will not be accepted.

Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Also note on the outside lower left hand corner "Food Service Proposal". The proposal must be signed in ink by an authorized member of the firm.

Proposers may visit both campuses of Century College on Thursday, May 30, 1996, between 1:00 and 3:00 PM. This will be the only opportunity for a conducted tour of the two facilities.

Office of the Revisor of Statutes

Proposals Sought Request for Indexing Services

NOTICE IS HEREBY GIVEN that the Office of the Revisor of Statutes is seeking the following indexing services for the period July 1, 1996 to June 30, 1997:

1. Indexing of 1996 legislative material for publication of *Minnesota Statutes 1996*.
2. Indexing for the *Minnesota Rules* publication.
3. Indexing of Court Rules for publication in *Minnesota Statutes*.

Statutory indexing experience and computer keyboarding facility are prerequisites to performing the services. Where current contractors have at least equal qualifications, they will be given preference in order to maintain program consistency and stability. Responses must be received by the Office of the Revisor of Statutes by Tuesday, June 18, 1996. Direct inquiries and responses to:

Lorna Breiter
Office of the Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155
(612) 296-2778
TDD use State Relay Services: Metro MN 297-5353
Greater MN 1-800-627-3529

Department of Trade and Economic Development

Minnesota Small Business Development Centers

Proposals Sought to Conduct Financial Audits of Regional Centers

The Small Business Development Center (SBDC) program of the Department of Trade and Economic Development is soliciting proposals from certified public accountants and certified public accounting firms to audit up to eight regional SBDCs and one specialized SBDC for calendar year 1995. Regional SBDCs are located in Duluth, Brainerd, Moorhead, St. Cloud, Marshall, Mankato, Rochester, and Minneapolis. The specialized SBDC also is located in Minneapolis.

Professional, Technical & Consulting Contracts

The objective of the audit is to assure that the SBDCs have maintained a system of internal control over the receipt and expenditure of funds sufficient to assure that claims for federal and state assistance were proper and supportable and that adequate control has been maintained for the receipt and expenditure of program income. The auditor's report is expected to include opinions on these items.

Proposal Elements

Proposals must contain the following elements:

- 1) A detailed statement of the proposed scope of work, including discussion of the auditing standards that will be applied (e.g., auditing standards of the U.S. General Accounting Office, Audit Guide of the U.S. Small Business Administration for the Small Business Development Center program), and a description of the contents of the auditor's report that will be issued, including the nature and type of opinions that will be included.
- 2) A detailed schedule for conducting the work, to begin upon execution of the contract by all parties and encumbrance of funds or July 15, 1996, whichever is later. All work must be concluded by December 31, 1996, regardless of start date.
- 3) A detailed cost proposal, including the number of audits proposed, the hourly rate for each individual assigned to the project, and the frequency of invoices.
- 4) A description of the proposer's qualifications to conduct the audit, including resumes of individuals who will be assigned to the project and a description of their past government auditing work.

Proposers may include additional tasks or activities if such tasks or activities will substantially improve the results of the project.

Estimated Cost

The estimated total cost of the project is not expected to exceed \$4,000 per center, including direct costs, allowable indirect costs, and reimbursement of travel, subsistence, and other out-of-pocket costs. Reimbursement for travel and subsistence must not exceed the amount provided in the current "Commissioners Plan" promulgated by and available from the Commissioner of Employee Relations, and must be shown separately from fees for professional services on the contractor's invoices. No out of state travel will be authorized as part of this contract.

Proposal Selection

Proposals will be evaluated by the state director of the Small Business Development Center program and other personnel within the Department of Trade and Economic Development. The contractor will be selected based on the reviewers' judgment of the responsiveness to this request for proposals and the reasonableness of the cost proposal. The decision of the reviewers will be final. Proposers whose proposals are not accepted will be notified, but a statement of the reasons and factors involved in final selection will not be provided.

The State may select more than one proposal or reduce the number of audits if the State determines such action is in its best interest.

This request for proposals does not obligate the State of Minnesota or the Department of Trade and Economic Development to complete the proposed project, and the State reserves the right to cancel this solicitation at any time. Costs involved in preparing proposals are not recoverable.

The successful proposer will be required to submit acceptable evidence of compliance with Minnesota workers' compensation insurance coverage requirements prior to execution of the contract.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. The response of any state employee will be evaluated along with other responses to this Request for Proposals.

State Contract Language

Proposers should be aware that the State's contract language includes the certain terms and conditions (summarized here) governing invoicing and payment.

- (1) Compensation will be for all services performed, unless a specific payment schedule is mutually agreed upon. The State does not make regular payments based on the passage of time, it only pays for services performed or work delivered after the services are performed or the work is accomplished.
- (2) Payment is only made after the submission of a complete invoice to the State. The State does not make payment from statements. The State must pay its invoices within 30 days of receipt, unless they are formally contested.
- (3) No more than ninety (90) percent of the full amount due under a contract may be paid until the final product(s) of the contract have been reviewed by the agency head, and the agency head has determined that the contractor has satisfactorily fulfilled all the terms of the contract.

Proposal Submission

Proposers must submit three copies of their final proposal by the proposal submission deadline. Each copy must be signed in ink by an authorized representative of the proposing entity. Proposals must completely respond to the proposal format requirements, but need not be lengthy. Proposers are discouraged from attaching third party endorsements. Such endorsements will not be considered in the evaluation process. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

Non-State Public Bids, Contracts & Grants

Proposal Submission Deadline

Complete proposals must be received no later than 4 p.m. Friday, June 28, 1996. Late proposals will not be accepted. Address proposals to Mary J. Kruger, State Director, Minnesota Small Business Development Center Network, 500 Metro Square, 121 7th Place East, St. Paul, MN 55101-2146. Faxed proposals will not be accepted.

Treatment of Proposal Information

Information provided pursuant to this request for proposals will be considered public information under the Minnesota Government Data Practices Act, *Minnesota Statutes* Chapter 13.

Communications Concerning Request for Proposals

All questions and other communications concerning this request for proposals should be directed to Mary Kruger, State Director of the Minnesota Small Business Development Center network, address 500 Metro Square, 121 7th Place East, St. Paul, MN 55101, telephone (612) 297- 5773 or Charles Schaffer, Director of the Minnesota Small Business Assistance Office, at the same address, telephone (612) 296-0617. No other individuals within the Department of Trade and Economic Development are authorized to answer questions regarding this request for proposals.

Veterans Homes Board

Veterans Home - Hastings

Proposals Sought for Health Care Services

The Minnesota Veterans Home-Hastings (MVH-H) wishes to retain a contractor to provide health care services to the residents at the Minnesota Veterans Home-Hastings facility, in accordance with health regulations. Specific contractor duties include:

Staffing a medical clinic (generally 2-4 hours per week) for management of acute and chronic problems at the Minnesota Veterans Home annual and admission physicals for residents; maintenance of complete and appropriate records of all residents examined and treated; and provision of "on call" service to meet medical needs of residents.

All responses to the Minnesota Veterans Home Administrator which is listed below and must be received no later than 4:30 p.m., on June 28, 1996.

Catherine Johnson, Administrator
Minnesota Veterans Home
1200 E. 18th Street
Hastings, MN 55033
Phone: 612-438-8547
TDD: Minnesota Relay Service 612-297-5353 Twin Cities and
1-800-627-3529 Outside Metro Area.

Non-State Public Bids, Contracts & Grants

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

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

Metropolitan Airports Commission

Proposals Sought for Preparation of Federal and State Environmental Statements

The Metropolitan Airports Commission invites a submittal of qualifications for the preparation of a Federal Environmental Assessment and State of Minnesota Environmental Impact Statement for projects at the Flying Cloud Airport, Eden Prairie, MN.

Deadline for receipt of the Qualifications Submittals is June 10, 1996.

A copy of the invitation is available from Mark J. Ryan, Metropolitan Airports Commission, 6040 28th Ave. So., Minneapolis, MN, 612-726-8129.

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Notice of Requests for Proposals (RFPs) for *Arbitrage Support Services*

The Metropolitan Council solicits a proposal for entering into a contract for the performance of arbitrage support services.

The Council is in the process of moving its arbitrage rebate calculations in house. However, due to the complexities of Arbitrage Rebate Regulations, the Council will need a resource available for consultation during the course of performing rebate calculations and reporting.

During the term of the contract, the selected firm will respond within a reasonable period of time to whatever inquiries the Council addresses to them regarding arbitrage, and deliver to the Council whatever work is appropriate under the circumstances, including calculation verification, written guidance, oral advice, or formal legal opinions.

A copy of the RFP may be obtained from:

Steven Sielaff, Treasury Analyst
Metropolitan Council
Mears Park Centre
230 East Fifth St.
St. Paul, Minnesota 55101-1634
(612) 291-6629
(612) 291-6550 Fax
(612) 291-0904 TDD/TTY

All written proposals responding to this Request for Proposal must be received at the Metropolitan Council's Mears Park Centre offices in St. Paul, Minnesota by 4 p.m., Friday, June 7, 1996.

University of Minnesota

Business Services

Proposals Sought for Annual Audit and Examination Services

The University of Minnesota requests proposals for annual audit and examination services to the University of Minnesota for a term of up to five years, from July 1, 1996 to June 30, 2001.

The annual audit and examination services include at least the following:

- independent audits of the financial statements, exhibits and supporting schedules for a) the year-end University of Minnesota Financial Report for all funds and b) the Regents of the University of Minnesota Insurance Company.
- an audit to satisfy the provisions of Office of Management and Budget Circular No. A-133, *Audits of Institutions of Higher Education and Other Nonprofit Institutions*.
- an audit to meet the "Minimum Agreed-Upon Procedures" described in the NCAA *Financial Audit Guidelines* for men's and women's athletics on the Twin Cities campuses.
- an examination of a) the schedule of Detail of Holdings for the major investment pools, b) the schedule of Other University Assets - Summary of Holdings of the University of Minnesota, and c) Summary of Compounded Annual Investment Performance of the University of Minnesota.

Additional audit and other consulting services are described further in the University's detailed Request For Proposal.

Copies of the Request For Proposal can be solicited by mail or phone from: Robert A. Super, Acting Controller, University of Minnesota, 1300 South Second Street, Suite 650, Minneapolis, Minnesota 55454, phone 612-624-4367.

A public meeting to discuss the Request For Proposal will be held on June 13, 1996, 8:30 a.m. - 12:00 p.m., Room 140, 1300 South Second Street, Minneapolis, Minnesota. Proposals to the University must be submitted by July 8, 1996. Final selection of an audit firm will occur at the November meeting of the University of Minnesota Board of Regents.

New Edition
Minnesota Guidebook to State Agency Services
1996-1999

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Your "one-stop" service center and personal guide to state government. A treasure-trove of useful and valuable information. It will help you at work, in your business, in school, for recreation and travel, in your community and organization memberships, for your own personal use at home and for your family.

The guidebook directs you to videos, publications, audio tapes, maps, guides, reports, grants, scholarships, low-interest loans, housing and family assistance, business and community development programs, museums, historical sites, libraries, health care activities, animal care, agricultural services, arts information, schools and education programs, travel and tourism services, plus:

- key contact people, phones, e-mail, addresses and Internet numbers for each agency
- applying for grants, bidding on state contracts, making solid business connections
- participating in state policy-making and citizenship task forces and councils
- access and link-up with government services and service-delivery systems
- obtaining maps, videos, reports, statistics, publications, guides, and information resources
- license requirements, fees, renewal information and continuing education programs
- state parks, trails, canoe routes and campgrounds - hunting, fishing, boating, snowmobiling, RV licenses

In addition, you'll have at your fingertips the most complete listing of licenses and permits required in Minnesota, for professions and occupations, as well as for recreation and enjoyment of the state's natural resources.

Reserve your copy now, at the special pre-publication discount of 10%. Individual copies of this handy 450+ page desk reference, 8-1/2"x11" book will normally sell for \$29.95. You can order copies at the pre-publication price of \$26.95. Expected date of publication: mid-May (all check and credit card orders will be held until publication date).

A supplement with updated information is planned about midway between the next edition. Contact Minnesota's Bookstore in you are interested in receiving notification of the guidebook supplement availability.

A CD-ROM version in will be available about 12 weeks after publication. If you are interested in the CD version, please indicate your interest below -- ***this in no way obligates or commits you to a purchase***. Simply return this form to us to be notified when the CD version is available. Packages planned to be available are:

	Yes, I'm interested	Number of copies
single-user CD (\$59.95)	_____	_____
single-user CD plus one hard copy (\$74.95)	_____	_____
multiple-user license (2-10 persons)	_____	_____
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Please send me _____ hard copies of the **1996-1999 Minnesota Guidebook to State Agency Services**. I want my copies in the _____ spiral bound/ _____ three-hole loose-leaf version (does not include binder) of the guidebook. Enclosed is my check/credit card information, and mailing address.

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Address _____

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Return orders to: Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155, or call (612) 297-3000, or toll-free in Minnesota 1-800-657-3757, or FAX to (612) 297-8260. Hours 8a.m.-5p.m.

