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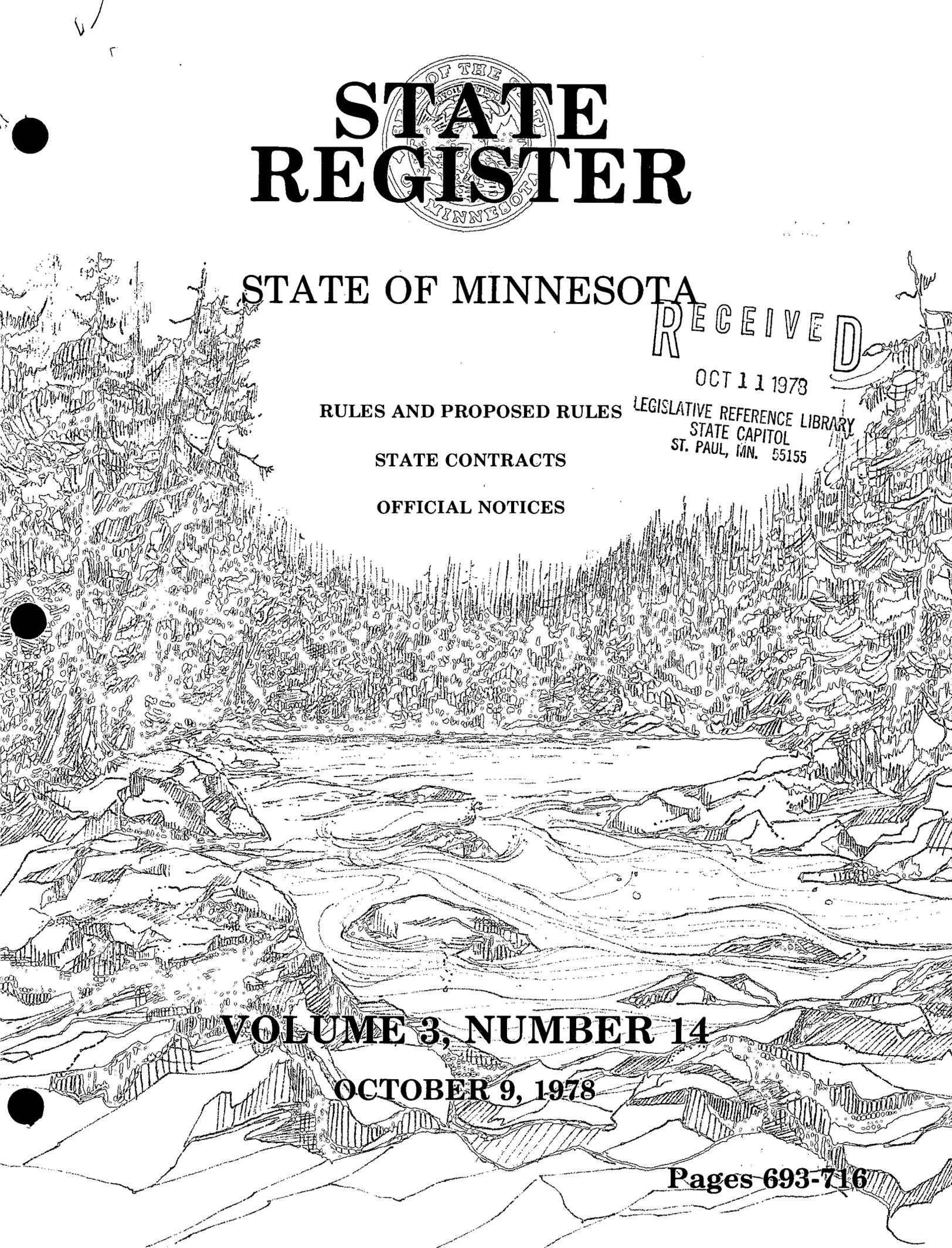
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RULES AND PROPOSED RULES

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VOLUME 3, NUMBER 14

OCTOBER 9, 1978

Pages 693-716



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
SCHEDULE FOR VOLUME 3			
15	Monday Oct 2	Monday Oct 9	Monday Oct 16
16	Friday Oct 6	Monday Oct 16	Monday Oct 23
17	Monday Oct 16	Monday Oct 23	Monday Oct 30
18	Monday Oct 23	Monday Oct 30	Monday Nov 6
19	Monday Oct 30	Friday Nov 3	Monday Nov 13

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

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

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

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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

TITLE 4 COMMERCE

Part 8 Barber Examiners Board

BE 1-78 (adopted) 697

TITLE 7 HEALTH

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7 MCAR § 1.135, MHD 139, (proposed) 699

RULES AND PROPOSED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

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

Board of Barber Examiners Adopted Rules Relating to the Practice of Barbering

Proposed rules BE 1-78 published at *State Register*, Volume 2, number 10, pp. 410-419, September 12, 1977 (2 S.R. 410) are adopted and are identical to their proposed form, with the following amendments:

BE 2 Application — filing dates. An applicant for examination as a registered apprentice shall file his application with the Board not later than the 20th day of the month preceding the month in which the examination is to be given, provided, however, that the Board ~~may, in its sole discretion shall,~~ upon the showing of a hardship, accept applications at a later date.

BE 6 Examinations — grading.

C. The Board of Barber Examiners; ~~at its discretion, may shall have discretion to change,~~ supply or reject models for an applicant's use in the practical parts of the examination in order to insure that the practical parts of the examination will be a fair test of the applicant's ability.

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

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

BE 10 Quarterly reports. The requirement of Minn. Stat. § 154.05 (4) regarding the practicing as a registered apprentice for a period of 15 months shall mean licensure for not less than 450 days and not less than 2500 hours of work time.

The registered barber who supervises the practice of a registered apprentice will file a quarterly report during the 15-month apprenticeship period. (See quarterly report.)

BE 27 Examinations — grading.

C. The Board of Barber Examiners; ~~at its discretion, may shall have discretion to change,~~ supply or reject models for an applicant's use in the practical parts of the examination in order to insure that the practical parts of the examination will be a fair test of the applicant's ability.

BE 28 Examinations — filing. An applicant for examination as a registered barber shall file his application with the Board not later than the 20th day of the month preceding the month in which the examination is to be given, provided, however, that the Board ~~may, in its sole discretion shall,~~ upon the showing of a hardship, accept applications at a later date.

~~BE 33~~ **BE 32 Failure to renew certificate within one year period.** A registered barber who has failed to renew his certificate of registration for one year or more from the date

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of expiration, must take and pass the registered barber examination before a certificate of registration may be issued.

~~BE 34-41~~ BE 33-41 Reserved for future use.

BE 42 Applications — filing date. An applicant for examination as a registered teacher or instructor in a barber school shall file his application with the Board not later than the 20th day of the month preceding the month in which the examination is to be given, provided, however, that the Board ~~may, in its sole discretion shall~~, upon the showing of a hardship, accept applications at a later date.

BE 45 Vocational teacher's certificate — procedure.

A. The procedure for a person making application for examination pursuant to Minn. Stat. § 154.065 (2)(c) as a registered teacher in a barber school shall be as follows:

1. The Trade and Industrial Unit of the State Board of Education will verify teacher training credits of individuals contemplating the instructor's exam. It will also require verification of at least three years of practical experience beyond apprenticeship.

2. The Trade and Industrial Unit will issue a memorandum to the Barber Board stating that the individual is (or is not) qualified for a vocational certificate.

3. The Board will then admit the individual for the instructor's examination.

4. Upon passing the examination and when the individual has obtained his job in a school, the Trade and Industrial Unit will issue the regular vocational certificate for which the person has previously qualified providing the proper fee is paid and a recommendation as to character, and competency, etc., is received from the employer.

5. The first certificate will be issued for a period of two years upon evidence of at least 24 clock hours of teacher training. Renewals are for one year and will be renewed only on evidence of additional teacher training from a recognized vocational teacher trainer. The final 5 year renewal is given on completion of 192 clock hours. The teacher training provided by this regulation is subject to requirements imposed by the Minnesota Department of Education; Vocational-Technical Education Division.

6. To qualify for an instructor's vocational certificate in barbering, the applicant, other than temporary teacher, must satisfactorily complete the Board's recommended Course Sequence.

Course Sequence must contain:

EITHER

- VO. ED. 5300 Philosophy and practice of vocational education, or
- IND. 5325 Philosophy and practice of industrial education

And each of the following:

- IND. 5330 Industrial course instruction
- IND. 5301 Tests in industrial subjects
- IND. 5360 Industrial instruction:

Together with at least two of the following alternate choices:

- IND. 3900 Independent study (In barbering)
- IND. 5314 Administration of industrial education
- IND. 5303 Industrial aids
- IND. 5306 Industrial education workshop
- IND. 5600 Instruction materials laboratory, or

(Any other course ~~approach~~ approved in writing by the Board)

BE 58 License — location.

B. The licensee may, by written application to the Board, request a hearing for transfer of a license, change of location of the barber school facility, or expansion of the school. Upon receipt of such an application, the Board shall conduct a public hearing in accordance with Minn. Stat. ch. 15, and ~~regulations~~ rules promulgated thereunder. The criteria for determining the application for a transfer, change of location, or expansion shall be the same standards applicable to the issuance of an original license.

BE 61 License — public hearing.

A. Upon receipt of an application for the establishment of a barber school, the Board shall conduct a public hearing in accordance with Minn. Stat. ch. 15, and ~~regulations~~ rules promulgated thereunder. The applicant shall show at such hearing, by competent evidence, the factual basis of the assertions of his application and his qualifications as required by Minn. Stat. ch. 154, and the rules ~~and regulations~~ of the Board. The applicant shall further show his financial qualifications and it shall be a sufficient reason for denial of the application that the Board considers the financial resources of the applicant to be insufficient to maintain and operate a barber school and assure the graduation of students who are registered in such school and have paid their tuition.

BE 64 Hours of instruction. The course of instruction required by Minn. Stat. § 154.07 shall include a training day including both classroom and practical instruction. Practical instruction shall not be given for more than 6-½

RULES AND PROPOSED RULES

hours per day. Classroom instruction shall be given for 1-½ hours each day for each 8 hour day and 1 hour for each 6-½ hour day.

BE 77 Sanitary rules and regulations governing barber shops and barber schools in the State of Minnesota.

~~Rule 4- A.~~ Walls, ceiling, floor and furniture. The walls, ceilings, floor and furniture in every barber shop or barber school shall be kept clean and in good repair. Floors of barber shops or barber schools shall be covered with hardwood, linolium, composition tile, or some other washable and nonporous material. These requirements shall include the proper cleaning of floors, shelves, cabinets, chairs, trays ~~or face must be thoroughly cleaned and equipment.~~ and other barber shop or barber school equipment.

~~Rule 4- D.~~ Water supply. The water supply, sewage disposal system, and toilet facilities shall comply with the requirements of the Minnesota State Board of Health. Water heating equipment capable of supplying ample hot water of at least 160 degrees Fahrenheit shall be provided. At least one sink or lavatory shall be provided in each room, booth, stall, compartment or ~~other the immediate area in which barbers work.~~ If more than two barber chairs are in any room, booth, stall or compartment, at least one sink or lavatory will be provided for each two barber chairs at which barbers are currently working, with each barber having free access to such sink or lavatory without obstruction from other chairs, partitions, wall dividers or other barriers. The failure to provide a sink or lavatory as herein provided is prima facie evidence that proper sterilization and hand washing does not occur.

~~Rule 4- M.~~ Establishment. For the purpose of this Act, no establishment shall be open for service to the public until all sanitary provisions of this Act have been complied with. These Rules ~~and Regulations~~ pursuant to Minn. Stat. § 154 have been approved by the Minnesota Board of Barber Examiners and the Minnesota Board of Health. A violation of any of these Rules ~~and Regulations~~ shall be a ~~misdeemeanor and punishable by a fine not less than \$10 nor more than \$100 or imprisonment for not less than 10 days nor more than 90 days and shall be cause for suspension or revocation of a certificate of registration or shop registration card.~~

BE 78 Inspection — procedure.

C. Any and all violations of MSA 154 shall be submitted to the Board by the inspectors. Thereafter, the Board may,

at its discretion, take appropriate action regarding such violations in accordance with Minn. Stat. ch. 15 and ~~regulations~~ rules promulgated thereunder.

Department of Health Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on November 8, 1978 commencing at 3:00 p.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed new rule and amendments to existing rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to George Beck, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55014, telephone (612) 296-8108, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

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PROPOSED RULES

If adopted, the proposed rules and amendments would result in the changes shown below. Statutory authority of the Commissioner* of Health to promulgate rules and revisions is shown in parentheses.

MHD 139. Limit to two years the time within which an expired plumber's license may be renewed without examination and require payment of back fees (Minn. Stat. § 326.42 (1976)) and set a fee of \$25.00 for master plumbers who wish to post a single performance bond with the state (Laws of 1978, ch. 604 § 1).

A new rule is proposed, 7 MCAR § 1.135, regarding the licensing of water conditioning contractors and installers, imposing certain installation procedures and requiring compliance with the Minnesota Plumbing Code. (Minn. Stat. §§ 326.57-326.66 (1976))

Copies of the proposed rules and amendments are now available and at least one free copy may be obtained by writing to the Minnesota Department of Health, Division of Environmental Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Minnesota Department of Health and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiner at a minimal charge.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Laws of 1978, ch. 463, § 11 as any individual:

*Laws of 1977, ch. 305, § 39, transfers to the Commissioner of Health all of the rulemaking authority formerly held by the Board of Health.

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

September 21, 1978

Warren R. Lawson, M.D.
Commissioner of Health

Rules as Proposed

MHD 139 Plumbing.

(a) Plans and specifications.

(1) Prior to the installation by any person, corporation, or public agency, of a system of plumbing that serves the public or that serves any considerable number of persons, or any plumbing system that shall affect the public health in any manner, complete plans and specifications, together with any additional information that the State Board of Health may require, shall be submitted to the Board in duplicate and approved by them. The appraisal of the Board shall reflect the degree to which these plans and specifications affect the public health and conform to the provisions of the Minnesota Plumbing Code. No constructions shall proceed except in accordance with approved plans. Any material alteration or extension of the existing system shall be subject to these same requirements. This regulation shall not apply to cities of the first class, except those plumbing installations in hospitals or in building in these cities owned by the federal or the state government.

(2) There shall be no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use. There shall be no apparatus through which unsafe water may be discharged or drawn into a safe water supply system.

(b) Examination and licensing of plumbers.

PROPOSED RULES

(1) Examinations for journeyman and master plumber licenses shall be held in March and September of each year. Applications for the March examination shall be filed not later than February 15 and for the September examination not later than August 15.

(2) In addition to satisfactorily passing an examination given by the plumber's examiners, the applicant for a journeyman plumber's license shall have had not less than 4 years of practical plumbing experience and the applicant for a master plumber's license shall have had not less than 5 years of practical experience.

(c) Examination, initial and renewal license fees; license expiration dates; late fee; master's bond and insurance fees.

(1) Fees for examination. Applications to take the journeyman or master plumbers examination shall be submitted to the State Board of Health on forms provided by it together with a fee of \$25.00.

(2) Fees for license. Any applicant who receives a passing grade on the examination may submit an application for license on forms provided by the State Board of Health. The application shall be accompanied by a fee of \$15.00 for a journeyman plumbers license or \$40.00 for a master plumbers license.

(3) Expiration date.

(aa) Initial and renewal journeyman and master plumbers licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Any journeyman or master plumber who submits his renewal application after December 31 shall not work as a journeyman or master plumber until he has submitted an application, fee, and penalty fee.

(bb) Any licensee who does not renew his license within one two years ~~may have his license renewed is no longer eligible for renewal. only upon the recommendation of the Plumbing Examiners which must be based upon a showing by the licensee that he has maintained his plumbing skills since the expiration of his license so that reexamination would not be necessary to demonstrate a present acceptable level of competency. Until such showing is made and the renewal license issued, the license shall not work as a master or journeyman plumber. Such person must retake and pass the examination before a new license will be issued.~~

(4) License renewals. Application for license renewal shall be submitted to the State Board of Health on forms provided by it no later than December 31 of the year preceding the year for which application is made. The application shall be accompanied by a fee of ~~\$8.00~~ \$15.00 for a journeyman plumber and \$40.00 for a master plumber.

(5) Fees for late renewals. Journeyman and master plumbers who submit their license renewal applications after the time specified in MHD 139 (c) (4) but within two years after expiration of the previously issued license shall pay all past due renewal fees plus an additional \$8.00.

(6) Fee for filing bond and insurance. Master plumbers who file a bond and evidence of liability insurance with the Secretary of State, pursuant to Laws of 1978, ch. 604, § 1, shall pay an additional fee of \$25.00.

7 MCAR § 1.135 Water conditioning contractors and installers.

A. Scope and applicability. This rule prescribes minimum standards and procedures for all water conditioning installations and servicing. Any person who installs or services water conditioning equipment, whether or not such person is licensed pursuant to Minn. Stat. Chap. 326 (1976), must comply with the standards and procedures prescribed in this rule, and with the applicable provisions of the current version of the Minnesota Plumbing Code.

B. Definitions.

1. "Water conditioning equipment" (equipment) means any appliance, appurtenance or fixture designed to treat water, so as to alter, modify, add or remove any minerals, chemicals or bacteria contained in water.

2. "Installation" as defined in Minn. Stat. § 326.61, subd. 1 (1976) includes:

a. the connection of any water conditioning equipment to an existing water system,

b. the connection of the line carrying conditioned water to a water distribution system, or raw water to points not needing conditioned water,

c. the connecting of drain and overflow lines which drain the equipment, and

d. the providing of an air gap between the drain and overflow lines and the receiving building receptor.

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PROPOSED RULES

3. "Commissioner" means the Commissioner of Health.

4. "Disinfect" means to destroy pathogenic bacteria and other harmful organisms.

5. "Servicing" means repairs or adjustments to any water conditioning installations.

6. "Water conditioning contractor" means the person in a firm or corporation who has demonstrated skill in planning, superintending, installing and servicing water conditioning installations.

7. "Water conditioning installer" means a person, other than a water conditioning contractor, who has demonstrated practical knowledge of water conditioning installation and servicing.

8. "Receptor" means an open, accessible, individual waste sink, floor drain, or other fixture which is trapped and vented in accordance with the Minnesota Plumbing Code.

9. "Raw water" means water which has not passed through any water conditioning equipment.

C. Procedure.

1. Any water conditioning equipment may be installed only in connection with a water distribution system which has already been constructed. Such connection may be made either by cutting into a cold water line or by connecting to a joint specifically installed for the purpose.

2. In connecting the equipment the contractor or installer may use only the type of pipe material which is permitted in the Minnesota Plumbing Code.

3. Every installation shall include the installation of a by-pass valve which would allow the equipment to be serviced or removed without the need for shutting off the water service completely.

4. If the homeowner so requests, the installer or contractor is permitted to install a line which by-passes the water conditioning equipment and to connect this raw water line to any existing service outlet.

5. Equipment drain. The equipment drain line shall drain into the existing receptor such as a floor drain or laundry tub. No drain or overflow line leading from the equipment shall be directly connected to any receptor. Between the delivery end of the drain or overflow line and the receptor, there must be an air gap which is at least two times the diameter of the drain or overflow line, but in no case shall the air gap be less than 1.5 inches. This air gap distance shall apply above the flood level rim of the receiving

fixture to provide the required air gap. If flexible drain line is used, it must be secured in some manner to prevent its being accidentally moved.

6. Restoring structural integrity. In the process of installing or servicing any water conditioning equipment, the finished floors, walls, ceiling, tile work or any other part of the building or premises which may be affected by such installation or servicing must be reconstructed or replaced in a manner which complies with applicable provisions of the State Building Code.

7. Location. Any water conditioning equipment and the piping necessary to install such equipment shall not be placed in such a location or manner so as to interfere with the normal operation of existing windows, doors or other exits or openings, nor shall it be located in such a place so as to make other existing equipment inaccessible.

8. Regeneration sanitation procedures. All new or used water conditioning equipment shall be disinfected before being installed. All portable exchange water conditioning equipment shall be disinfected during every regeneration. Disinfection shall be achieved by the application of chlorine or a chlorine compound such as sodium or calcium hypochlorite, during the fresh water rinse, to provide an effluent minimum chlorine residual and time combination as given in the following table:

Minimum Time Minutes	Minimum Chlorine Residual — parts per million
4	20
5	15
10	7.5
15	5.0
20	4.0

9. If an installation cannot be made in conformance with the Minnesota Plumbing Code or with the provisions contained in this rule, the water conditioning contractor or installer shall consult with the appropriate plumbing inspector, and obtain a variance from the state rules before the installation may proceed. Such a variance can be granted only if the nonconforming alternative will not create a risk to health.

D. Equipment and materials used in installations.

1. Where applicable, the following shall conform to the Minnesota Plumbing Code:

- a. all materials and connections used in the installation or water conditioning and treatment equipment;
- b. all attachments to the building.

2. In accordance with the Minnesota Plumbing Code:

PROPOSED RULES

a. the by-pass valve assembly shall be full-way and the same size as the line in which it is installed;

b. joints and connections which are made in the course of installing water conditioning and treatment equipment shall be tested for water tightness;

c. copper tube joints shall be soldered or brazed;

d. soft copper tubing joints may be flared or soldered;

e. vertical piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe;

f. horizontal piping shall be supported at sufficiently close intervals to keep it in alignment and prevent sagging.

E. Licensing.

1. Examination.

a. A written examination for the licensing of water conditioning equipment contractors and installers shall be given at least once per year.

b. The examination for the installer's license shall be given only to persons who have had at least 6 months' experience in the field of water conditioning installation and servicing.

c. The examination for the contractor's license shall be given only to persons who have had at least 12 month's experience in planning and supervising the installation and servicing of water conditioning equipment.

d. A person applying to take an examination shall

complete an application supplied by the Minnesota Department of Health and return the completed application along with the appropriate examination fee.

e. Only fees from persons who do not qualify for examination will be returned.

f. A grade of 70% shall be considered a passing grade.

g. The applicant shall be notified of the results of the examination.

2. License. A license shall be issued to an applicant who has passed the examination upon receipt of the appropriate license fee.

F. Fees.

1. The fee for application for examination or re-examination shall be \$25.00.

2. The fee for a new license or for renewal of an existing license shall be as follows:

Water Conditioning Installer	\$10.00
Water Conditioning Contractor	\$25.00

G. Renewal. A license shall expire on December 31 of the year for which it was issued. An application for renewal of a license must be received by the Minnesota Department of Health no later than December 31. Any person who submits an application for license renewal after December 31 shall pay a penalty of \$5.00 in addition to the annual license fee. One who does not renew a license issued pursuant to these rules, within two years of the date on which the former license expired, is no longer entitled to a renewal license. Such person must apply for re-examination and a new license.

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

STATE CONTRACTS



The Sibley House in Mendota is the oldest stone dwelling in Minnesota. It was built in 1835 by fur trader, politician and soldier Henry Hastings Sibley — with help from local hunters, trappers and Indians — in the area then called St. Peter. It was sold to St. Peter's church in 1862 and was used as a school and convent for 11 years. Several tenants followed, but the house eventually was abandoned and fell into ruin. In 1909 St. Peter's donated the house to the Minnesota Daughters of the American Revolution, who renovated it and opened it to the public in 1910. (Courtesy of the Sibley House Association, Minnesota Society D.A.R., and Minnesota Historical Society)

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Department of Administration Information Systems Division

Notice of Request for Proposals for Consultant Services

Notice is hereby given of a Request for Proposals from qualified consultants for modification of a computer system to account for game and fish license monies.

STATE CONTRACTS

An amount not to exceed \$20,000 is available for this project. All proposals must be received by October 17, 1978 by the close of business.

For additional information, contact:

Phil Allison
Information Systems Division
5th Floor Centennial Building
St. Paul, MN. 55155
(612) 296-6341

Department of Education Instruction Division

The deadline for submitting proposals for the contracts listed below is November 6, 1978. All proposals and inquiries should be directed to:

Barbara Kalina
Minnesota Department of Education
682 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-4055

Notice of Request for Proposals for Assessment of the Nutrition Education and Training Needs of Children, Teachers and Food Service Personnel

The Minnesota Department of Education is seeking proposals for an assessment of the nutrition education and training needs of children (preschool — 12th grade), teachers, and food service personnel in schools and child care institutions. The assessment is to include: the dietary habits, nutrition knowledge and attitude of children; nutrition knowledge and competencies of teachers in teaching nutrition; and nutrition knowledge and food service skills of food service personnel. Progress and final reports are required.

The estimated amount of the contract is \$35,000.

Notice of Request for Proposals for Evaluation of the Nutrition Education and Training Program for FY79

The Minnesota State Department of Education is seeking proposals for an evaluation of the Nutrition Education and

Training activities for FY79. The evaluation is to determine cognitive, attitudinal and behavioral changes of program participants and the cost effectiveness of nutrition education techniques and approaches. Progress and final reports are required.

The estimated amount of the contract is \$20,000.

Notice of Request for Proposals for Developing and Conducting Nutrition Education and Training In-Service for Teachers and Selected School Staff

The Minnesota Department of Education is seeking proposals for developing and implementing a nutrition education and training in-service for teachers and selected school staff. The in-service training is to include nutrition principles and teaching methods and strategies for teaching nutrition in health, home economics, science, social studies, math, foreign languages, and elementary education. In-service training shall be for food service personnel, school nurses, administrators and teachers. Progress and final reports are required.

The estimated amount of the contract is \$62,000.

Notice of Availability of Contract for Developing a 30-Hour School Fund Service Management Course

Notice is made of availability of a contract for developing and writing a 30-hour school food service management course and conducting the course on a pilot basis.

The course curriculum shall include menu planning, time and resource management, food purchasing, food service operation management and personnel management.

The estimated amount of the contract is \$30,000.

Notice of Availability of Contract for Developing a Sanitation Course for School Fund Service Personnel and Conducting an Instructor's In-Service Workshop

Notice is made of availability of a contract for developing

STATE CONTRACTS

and writing a school food service sanitation course and conducting a sanitation instructor's in-service workshop.

The estimated amount of the contract is \$4,000.

Notice of Availability of Contract for Developing a Nutrition Course for School Food Service Personnel and Conducting an Instructor's In-Service Workshop

Notice is made of availability of a contract for developing and writing a nutrition course for school food service personnel and conducting a nutrition instructor's in-service workshop.

The estimated amount of the contract is \$4,000.

Department of Economic Security CETA/CSA Fiscal Services Division

Notice of Request for Proposals for Auditing Services in Regard to CETA Subgrants

1. Agency name and address: Minnesota Department of Economic Security, CETA/CSA Fiscal Services Division, 690 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101.

2. Contact Person: Certified Public Accounting Firms wishing to receive this Request for Proposals Package, or additional information may write the contracting officer, James A. Markoe, at the above address or call (612) 296-6069.

3. Description: A notice for RFP has been issued on October 9, 1978, for the purpose of contracting auditing services of CETA subgrants by the Prime Sponsor (MN Dept. of Economic Security).

4. Cost: One or more awards will be granted, estimated to exceed \$100,000 in aggregate.

5. Final proposals submission date: Proposals must be received by 4:30 p.m., October 30, 1978.

Department of Health Hospital Rate Review Program

Notice of Request for Proposal for Consultant Services for Financial Ratio Analysis

Project Description: Financial ratio analysis of approximately 175 hospitals in the State of Minnesota for the fiscal years 1977 and 1978

Estimated Cost: \$7,000

Final Submission Date of Completed Proposal: October 30, 1978

Contact: Fredric L. Sattler
Minnesota Department of Health
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440
(612) 296-5572

Iron Range Resources and Rehabilitation Board

Notice of Request for Proposals for Design of Logos and Brochures

The Iron Range Resources and Rehabilitation Board's Iron Range Interpretative Program is seeking proposals from qualified firms to design three logos and eight informational brochures promoting components of the Iron Range Interpretative Program.

It is estimated that the total cost of this project will not exceed \$10,000.00.

For formal REQUEST FOR PROPOSAL document, interested parties should contact:

Richard A. Nordvold, Information Officer
Iron Range Resources & Rehabilitation Board
Iron Range Interpretative Center
Post Office Box 392
Chisholm, Minnesota 55719

Closing date for submission of proposals: 4:30 P.M. October 24, 1978.

State University Board
Notice of Availability of Contract
for Space Analysis Consultant

Description: Notice is hereby given that the State University Board on behalf of Winona State University intends to enter into a consultant contract in the area of facilities space analysis. The consultant will be accountable to the Vice Chancellor for Finance and Winona State University President in preparation of the space analysis. Consultant must have prior experience in conducting such studies.

Contact Person: Mr. C. Raymond Calhoun
Vice Chancellor for Facilities Management
407 Capitol Square Building
550 Cedar
St. Paul, MN 55101
Telephone: (612) 296-2028.

Estimated Cost: Approximately \$15,000.

Submission Deadline: Interested parties must submit information to Mr. Calhoun by 4:30 p.m., October 20, 1978.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Ethical Practices Board Finding of a Complaint Against the Heinan for Legislature Committee Approved September 27, 1978

On September 18, 1978, a complaint was filed by Roger A. Fischer, Treasurer, Berkelman For Legislature Committee, alleging that the Heinan For Legislature Committee, Jennings F. Johnson, Treasurer, failed to disclose expenditures in excess of \$100.

On September 19, 1978, a copy of the complaint was forwarded to Jennings F. Johnson, Treasurer, indicating the complaint was being submitted to the Board.

On September 25, 1978, a letter from Andrew R. Larson, Legal Counsel, Heinan For Legislature Committee, was received. The letter responded to the allegations.

BOARD REPORT

On September 27, 1978, in executive session, the complaint, the letter from Mr. Larson and information contained in the public record (the Report of Receipts and Expenditures, filed September 6, 1978), was reviewed by the Board.

The Board did not authorize an audit or order an investigation and dismisses the complaint without further action, since in the opinion of the Board the Heinan For Legislature Committee, Jennings F. Johnson, Treasurer, did disclose expenditures in excess of \$100 as required by law.

B. Allen Clutter, Executive Director

Advisory Opinion #55

Approved by the Ethical Practices Board on September 27, 1978



Charles A. Lindbergh (1902-1974) was born in Detroit, Michigan, and moved to Little Falls, Minnesota, at the age of 2 months. Though "The Lone Eagle" is best known for his 33½-hour nonstop transatlantic flight in 1927, he also wrote four books and received the Pulitzer Prize for an autobiography, *The Spirit of St. Louis*. Lindbergh was rejected for military service in World War II because he had strongly opposed U.S. involvement in the war. He served as a civilian technical advisor, helping design safer aviation equipment. (Minnesota Historical Society)

Issued to:

Representative Gaylin Den Ouden
State House of Representatives
385 State Office Building
St. Paul, Minnesota 55155

Re: Post General Election Expenses

SUMMARY

55. The costs of thank you notes, newspaper advertisements, radio spots, questionnaires, and mailings to constituents from the general election to the beginning of the term of office in an election year are non-campaign disbursements.

The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5148.

OFFICIAL NOTICES

Request for Advisory Opinion Regarding Campaign Finance — Automobile Expense

3140 Chowen Ave. S.
Minneapolis, Minnesota 55416

September 29, 1978

TO: Allen Clutter, Executive Director
Ethical Practices Board

FROM: Arne H. Carlson
Assistant House Minority Leader

By way of this letter I would formally request the Ethics Commission to give an advisory opinion on the following problem:

Candidate A drives 600 miles per day for five straight days and reports this on his campaign expense sheet as a campaign expense at the rate of 16¢ a mile.

Candidate B drives 600 miles per day for five straight days but pays for the gasoline and automobile expense out of his own pocket. He does not report this as a campaign expense and therefore does not believe it goes towards his campaign spending limits.

Because the mileage is only 600 miles per day, the actual gasoline expenses are less than \$20 per day.

What I would like to know from the Commission is whether or not candidate B is violating the law or not. If there is any problem in understanding what I am getting at with this request, please feel free to call me at 296-4328 or 633-8468.

I very much appreciate your help in this matter.

Respectfully submitted,
Arne H. Carlson

Request for Advisory Opinion Regarding Campaign Financing — Registration Requirement

2300 First National Bank Bldg.
Minneapolis, MN 55402

September 29, 1978

Mr. B. Allen Clutter
State Ethical Practice Board
41 State Office Building
St. Paul, Minnesota 55155

Dear Mr. Clutter

We are writing in response to your letters to Mr. David Donnelly dated September 25 and September 26, 1978, making the request that the Minnesota State Bar Association register with the Ethical Practices Board under Minnesota Statutes, Section 10A.14, subd. 1 and 4. Please find enclosed the Association's completed form, registering as a "political fund", which is filed under vigorous protest, since the Association is clearly neither a "political committee" nor a "political fund". We are registering conditionally at this time only to make it clear that no penalties are involved, and to give you an opportunity for reconsideration of this matter.

We understand your position to be that the Supreme Court Plebiscite which we are now conducting among our membership involves expenditures in excess of \$100 to influence the election of a candidate. This position is incorrect and we hereby ask you to withdraw our filing upon reconsideration. The sole purpose of the Plebiscite is to inform the electorate of lawyers' views of the qualifications of candidates for the Supreme Court. It is not the purpose of the Plebiscite to influence the election of any candidate. Nor does the Plebiscite involve "expenditures" within the meaning of Minnesota Statutes, Section 10A.01, Subd. 10, as the incidental costs such as postage and labor have explicitly been regarded by the Minnesota Supreme Court as not even indirectly being "payments" or "things of value". *La Belle v. Hennepin County Bar Ass'n., et al.*, 288 N.W. 788, 792 (1939). The Plebiscite aids in fulfilling the duty of attorneys, as stated in the Code of Professional Responsibility, to inform the public regarding judicial candidates. *La Belle, supra*, accurately and definitively characterizes such plebiscites as permissible activities. The Plebiscite is also clearly free speech, as guaranteed by the United States Constitution, and is of more limited scope than the election activities of such unfettered publications as public opinion polls, League of Women Voters statements and news media recommendations and opinions.

Should you not agree to withdraw the filing, we hereby request an advisory opinion from the Ethical Practices Board, under Minnesota Statutes, Section 10A.02, Subd. 12, to help guide our further conduct in this matter. Specifically, that opinion should address the question whether Minnesota Statutes, Sections 10A.14 and .20 apply to this Association. We would expect an opportunity to present a full statement of facts and legal arguments to the Board, to provide further information on the nature of the Plebiscite and to receive an opinion prior to any report filing deadline that might apply to a political committee or political fund.

We are submitting the enclosed conditional registration only to allow you and the Board enough time for a more orderly and well-considered judgment regarding the questions you raised initially. If a judgment favorable to us is

OFFICIAL NOTICES

reached, we assume that you will assent to withdrawal of our registration.

Please get in touch with the undersigned if you have any question about our position herein.

Very truly yours,
David R. Brink, President, Minnesota State Bar Association

Department of Health Commissioner of Health Notice Regarding Adoption of Increased Plumbers License Fees

The notice of adoption of increased journeyman plumbers' fees which appeared at 2 S.R. 1200 (December 19, 1977) should have read as follows:

"The amendments to rules as proposed at 2 S.R. 674 (September 26, 1977) are adopted and are identical to their proposed form, with the following changes:

MDH 139 (c)(2): Fees for License. Any applicant who receives a passing grade on the examination may submit an application for license on forms provided by the ~~State Board~~ Commissioner of Health. The application shall be accompanied by a fee of ~~\$8.00~~ \$15.00 for a journeyman plumbers license or \$40.00 for a master plumbers license.

MHD 139 (c)(4). License renewals. Applications for license renewal shall be submitted to the ~~State Board~~ Commissioner of Health on forms provided by him no later than December 31 of the year preceding the year for which application is made. The application shall be accompanied by a fee of ~~\$8.00~~ \$15.00 for a journeyman plumber and \$40.00 for a master plumber."

Office of the Secretary of State

Administration Division

Open Appointment Process: Notice of Openings on State Agencies — Application Procedures

Pursuant to Laws of 1978, ch. 592, the legislature has implemented an Open Appointment process by which the public is informed of openings on state multi-member agencies (boards, commissions, councils) created by statute and having statewide jurisdiction.

Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155, (612) 296-3266. Contact the Secretary of State for the Open Appointment Process information brochure and specific agency related information.

Deadline is October 27, 1978

BUILDING CODE STANDARDS COMMITTEE: One vacancy for someone from the 6th Congressional District. Open immediately.

BOARD OF DENTISTRY: One vacancy for a public member to fill an unexpired term.

HOSPITAL ADMINISTRATOR REGISTRATION PROGRAM ADVISORY COUNCIL: One vacancy for a public member.

MINNESOTA HUMANE SOCIETY: One vacancy for a public member interested in animals and animal care.

SOIL AND WATER CONSERVATION BOARD: One vacancy for a public member from DNR Region 5 (Rochester area).

OFFICIAL NOTICES

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(Required by 39 U.S.C. 3685)		
1. TITLE OF PUBLICATION State Register	A. PUBLICATION NO. 3 2 6 6 3 0	2. DATE OF FILING Sept. 28, 1978
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MANAGING EDITOR (Name and Address) Carol Anderson Porter, Suite 415 Hamm Building, 408 St. Peter St., St. Paul, MN 55102		
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NAME State of Minnesota	ADDRESS Suite 415 Hamm Building 408 St. Peter St., St. Paul, MN 55102	
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