

179 Dec. 17

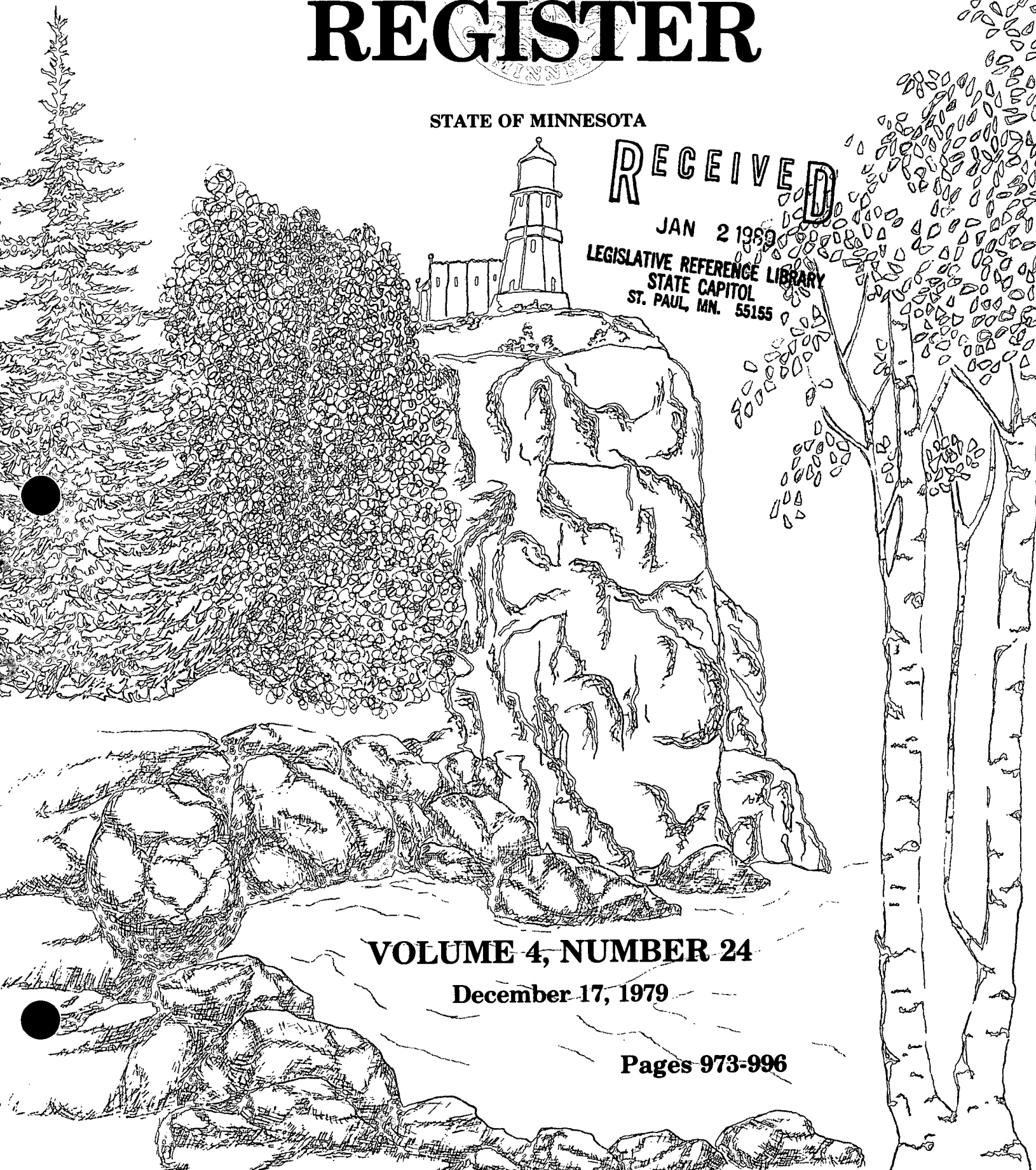
STATE REGISTER

STATE OF MINNESOTA

RECEIVED

JAN 2 1980

LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 4, NUMBER 24

December 17, 1979

Pages 973-996



Volume 4 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 4			
25	Monday Dec 10	Monday Dec 17	Monday Dec 24
26	Monday Dec 17	Friday Dec 21	Monday Dec 31
27	Friday Dec 21	Friday Dec 28	Monday Jan 7
28	Friday Dec 28	Monday Jan 7	Monday Jan 14

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

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

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

The *State Register* is published by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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

Albert H. Quie
Governor

Carol Anderson Porter
Editor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Paul Hoffman, Robin PanLener, Jean M. Walburg
Editorial Staff

Stephen A. Ordahl
Manager
Office of the State Register

Roy Schmidtke
Circulation Manager

David Zunker
Information Officer

Cindy Riehm
Secretarial Staff

CONTENTS

MCAR AMENDMENTS AND ADDITIONS976

RULES

Board of Chiropractic Examiners
Adopted Rules for Continuing Education977

PROPOSED RULES

Department of Labor and Industry
Prevailing Wage Division
Proposed Rules Governing Prevailing Wage Determinations977

SUPREME COURT

Decisions Filed Friday, December 7, 1979991

STATE CONTRACTS

Department of Agriculture
Shade Tree Program
Notice of Request for Proposals for Telephone Survey Services992

OFFICIAL NOTICES

Department of Labor and Industry
Prevailing Wage Division

Notice of Prevailing Wage Rates for Highway Construction992

Board of Private Detective and Protective Agent Services

Notice of Meetings992

Department of Public Welfare
Mental Health Bureau

Notice of Intent to Solicit Outside Opinion for Amendments to Rule Governing Administration of Community Mental Health993

Department of Public Welfare
Social Services Bureau

Notice of Intent to Solicit Outside Opinion Concerning the Adoption of Revised Rule on Standards for Adult Foster Homes993

Water Planning Board

Notice of Meeting993



DAKOTA BRAVES provided food and clothing for their families as well as robes and pelts to barter with the fur traders. This oil painting by John M. Stanley, painted in 1845, depicts a brave on the annual hunt. (Courtesy of the Minnesota Historical Society and the Smithsonian Institution, Washington, D.C.)

MCAR AMENDMENTS AND ADDITIONS

All adopted rules published in the *State Register* and listed below amend rules contained in the Minnesota Code of Agency Rules (MCAR). 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.

The *State Register* publishes partial and cumulative listings of all proposed and adopted rules on the following schedule: issue 1-13, inclusive; issues 14-25, inclusive; issue 26, cumulative for 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51, inclusive; and issue 52, cumulative for 1-52. The listings are arranged in the same order as the table of contents of the MCAR.

TITLE 2 ADMINISTRATION

Part 2 Personnel Department

2 MCAR §§ 2.009-2.010, 2.018-2.019, 2.024-2.029, 2.031, 2.039, 2.045-2.046, 2.061-2.065, 2.067, 2.086-2.087, 2.091, 2.097, 2.099, 2.108-2.110, 2.118-2.119, 2.131, 2.133-2.136, 2.138, 2.141, 2.181-2.182, 2.201-2.203, 2.226, 2.232, 2.240-2.241, 2.244 (adopted) 905

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0112-1.0113 (adopted temporary) 845
3 MCAR §§ 1.0112-1.0113 (proposed) 889

TITLE 4 COMMERCE

Part 1 Commerce Department

4 MCAR §§ 1.9285-1.9288, 1.9290-1.9294 (proposed temporary) . . 953

Part 4 Cable Communications Board

4 MCAR §§ 4.001-4.046, 4.061-4.239 (proposed) 912

Part 6 Accountancy Board

4 MCAR § 6.110 (adopted temporary) 736

TITLE 5 EDUCATION

Part 1 Education Department

EDU 641 (proposed) 573
5 MCAR §§ 1.0100-1.0105, 1.01051, 1.0106-1.0118, 1.01101-1.01102 (proposed) 708
5 MCAR §§ 1.0104, 1.01051 (adopted temporary) 753
5 MCAR §§ 1.0800, 1.0805 (proposed temporary) 707
5 MCAR §§ 1.0900-1.0904 (proposed) 573

Part 3 Teaching Board

5 MCAR §§ 3.001, 3.060, 3.102-3.103, 3.108, 3.114 (proposed) 543
5 MCAR § 3.002 (withdrawn) 572
5 MCAR § 3.106 (adopted) 540
5 MCAR § 3.142 (adopted) 572

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department

6 MCAR §§ 1.0057-1.0058, 1.5030-1.5034 (adopted) 685
6 MCAR §§ 1.5050-1.5057 (proposed) 854
6 MCAR §§ 1.5400 (adopted) 753

Part 2 Energy Agency

6 MCAR §§ 2.2101-2.2102, 2.2104, 2.2110, 2.2115, 2.2120 (adopted) 801

Part 4 Pollution Control Agency

SW 11 (proposed) 579
6 MCAR §§ 4.0033, 4.0040 (proposed) 622
6 MCAR §§ 4.8051-4.8052 (adopted) 883
SW 51-61 (adopted repeal) 883

TITLE 7 HEALTH

Part 1 Health Department

7 MCAR §§ 1.210-1.211, 1.217-1.224 (adopted) 601
7 MCAR §§ 1.327-1.328 (proposed) 577
7 MCAR §§ 1.536-1.538 (proposed) 719

Part 2 Chiropractic Board

7 MCAR § 2.005 (adopted) 977

TITLE 8 LABOR

Part 1 Labor and Industry Department

MOSHC 1 (adopted) 883
8 MCAR §§ 1.8001-1.8015, 1.8017 (proposed) 977

TITLE 9 LAW

Part 1 Ethical Practices Board

9 MCAR §§ 1.0100-1.0111 (adopted) 753

TITLE 10 PLANNING

Part 1 State Planning Agency

10 MCAR §§ 1.300-1.305 (adopted) 541
10 MCAR §§ 1.401-1.404 (proposed) 849

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR §§ 1.0188-1.0196 (adopted) 699
11 MCAR §§ 1.4051-1.4056, 1.4061-1.4062 (proposed) 757

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

12 MCAR § 2.014 (proposed temporary) 802
DPW 43 (12 MCAR § 2.043) (adopted) 845
12 MCAR § 2.047 (adopted temporary) 701
12 MCAR § 2.047 (proposed) 737
12 MCAR § 2.049 (adopted) 703
12 MCAR § 2.163 (adopted temporary) 848
12 MCAR §§ 2.204, 2.207 (proposed) 759
12 MCAR §§ 2.490a, 2.491a (proposed temporary) 759

Part 3 Housing Finance Agency

12 MCAR §§ 3.002, 3.052, 3.063, 3.070-3.074 (proposed) 704

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR §§ 1.0001-1.0007 (TaxAdVal 1-7) (adopted) 756
13 MCAR § 1.6020 (proposed) 771

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.3001-1.3043 (proposed) 628
14 MCAR §§ 1.5050 (proposed) 775

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 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 Chiropractic Examiners

Adopted Rules for Continuing Education

The rules proposed and published at *State Register*, Volume 4, Number 3, pp. 66-69, July 23, 1979 (4 S.R. 66) are now adopted with the following amendment:

Amendment as Adopted

7 MCAR § 2.005 B.10. Waiver or deferment of continuing education requirements. The Board ~~may~~ shall waive or defer compliance with some or all annual continuing education requirements for any licensee presenting satisfactory written evidence to the Board of illness or hardship making it impossible or highly impractical for the licensee to attend or to have attended a sufficient number of approved continuing education class hours.

PROPOSED RULES

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

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

Department of Labor and Industry

Prevailing Wage Division

Proposed Rules Governing Prevailing Wage Determinations

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room D, Veterans Service Build-

ing, 20 West 12th Street, St. Paul, Minnesota, 55155, on January 17, 1980, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter C. Erickson, Hearing Examiner, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104 (612) 296-8118, 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 twenty (20) calendar days. It is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common

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

PROPOSED RULES

viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interest. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners. The proposed rules are subject to change as a result of the rule hearing process. The agency, therefore, strongly urges those who are potentially affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

The proposed amendments, if adopted, would make substantial changes in the procedures utilized in making prevailing wage determinations. Wage rates determined as a result of the survey procedures are those wage rates which must be paid on state funded building and highway projects pursuant to Minn. Stat. § 177.41-.44. A summary of the proposed amendments are as follows:

8 MCAR § 1.8001:

The present rule will be deleted in its entirety and in its place § 1.8001 will simply state the authority under which the amendments are proposed;

8 MCAR § 1.8002:

The definitions contained under the present rule will be deleted in their entirety. The proposed amended rule will define such terms as "highway and heavy construction," "commercial construction," "residential construction," "project," "state project" and "metropolitan area;"

8 MCAR § 1.8003:

The present rule which pertains to classes of labor will be deleted in its entirety. The proposed amended rule will set forth how often the department will make "highway and heavy construction," "commercial construction," and "residential construction" determinations, the time period included in each survey determination, and the manner by which wage determinations will initially be issued for the metropolitan area;

8 MCAR § 1.8004:

The general guidelines for survey determinations contained under the existing rule will be deleted in its entirety and the proposed amended rule will provide the basis upon which each survey determination will be made. The proposed rule will provide that prevailing wage rates will be based on a county by county basis and will clarify the instances where wage rate determinations may be based upon "adjacent county" data;

8 MCAR § 1.8005:

The present rule which sets forth the basic steps for determinations based on physical surveys will be deleted in its entirety and the proposed amended rule will direct itself to classes of labor and the department's obligations with respect to determining those classes of labor;

8 MCAR § 1.8006:

The present rule which directs itself to the specific procedures for survey determinations will be deleted in its entirety and the proposed amended 8 MCAR § 1.8006 will specifically set forth the survey procedures. Those procedures will include maintain-

ing lists of contractors who will be mailed contractor reporting forms, the data that will be collected based upon those forms and those instances where the department will make on-site visits to the offices of contractors for the purposes of collecting project data or for auditing payrolls;

8 MCAR § 1.8007:

The present rule which relates to contractors' duties will be deleted in its entirety and the proposed amended § 1.8007 will direct itself to the manner in which the department will determine the "largest number of workers" and the individual prevailing wage rates. The proposed rule contemplates grouping workers according to wage rates paid; counting workers only once in making those determinations; and basing the new prevailing wage rate upon wage rates actually paid within the time period of the survey;

8 MCAR § 1.8008:

The present rule which directs itself to determinations made without surveys is deleted in its entirety. The proposed amended § 1.8008 directs itself to the wage rates which must be paid apprentices on state projects;

8 MCAR § 1.8009:

This rule is proposed to be deleted in its entirety and § 1.8009 reserved for future use;

8 MCAR § 1.8010:

The present notice provisions will assure that certification date will coincide with the date of publication;

8 MCAR § 1.8011:

The present rule directs itself to the utilization of additional information by the department. The department proposes deleting this rule in its entirety and reserving the section for future use;

8 MCAR § 1.8012:

The present rule directs itself to apprentices and trainees and how they are to be treated in making prevailing wage determinations. The proposed § 1.8008 directs itself to this subject matter and thus, § 1.8012 will be deleted and reserved for future use;

8 MCAR § 1.8013:

No changes are proposed to this section which directs itself to the procedures for petitions for reconsideration of prevailing wage rates;

8 MCAR § 1.8014:

The present rule will be deleted and the new § 1.8014 will provide for an adjustment to wage determinations based on the annual increase in the average weekly wage rate;

8 MCAR § 1.8015:

The section will be revised by eliminating a number of work classifications;

8 MCAR § 1.8016:

The department does not propose any changes or amendments

PROPOSED RULES

to this section of the rules which directs itself to the posting of wage rates on project worksites.

8 MCAR § 1.8017:

This section will provide that old wage rates will remain in effect until new surveys are made.

Copies of the proposed amendments are now available and one free copy may be obtained by writing to the Department of Labor and Industry, 500 Space Center Building, 444 Lafayette Road, St. Paul, Minnesota, 55101. Additional copies will be available at the door on the day of the hearing.

Please be advised that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all 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 Examiners at a minimal charge.

The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 175.171, subd. 2 (1978).

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association, and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, (612) 296-5615.

Notice: 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 (5) 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).

December 3, 1979

Harry D. Peterson
Commissioner of Labor and Industry

Rules as Proposed

8 MCAR § 1.8001 Authority, scope and purpose.

A. These rules are promulgated pursuant to the authority provided to the Minnesota Department of Labor and Industry by the provisions of Minn. Stat. § 175.171, subd. 2 (1974) and the requisites of Minn. Stat. § 15.0412, subd. 3 (Supp. 1975). Their purpose is to provide procedural guidelines for prevailing wage determinations.

~~B. Minn. Stat. § 177.43 (Supp. 1975) requires the Department of Labor and Industry to ascertain the prevailing wage rates for all trades and occupations required in any contemplated state project. Thereafter, the state agency contemplating the project must include those rates in their proposed contracts.~~

~~Minn. Stat. § 177.44 (1974) requires the Department of Labor and Industry to conduct investigations and hold public hearings necessary to define classes of laborers and mechanics, and to inform itself as to the wage rates prevailing in all areas of the state for all classes of laborers, workmen and mechanics commonly employed in highway construction. The Commissioner must determine and certify those prevailing wage rates at least once a year and those rates must be contained in all highway construction contracts to which the state is a party.~~

~~These rules and regulations apply to all wage rate determinations made pursuant to Minn. Stat. §§ 177.43 and 177.44.~~

~~Minn. Laws 1976, Chapter 331, §§ 37 and 38 (1976) provide that an aggrieved party may request a reconsideration of any wage rate determination. These rules are intended to implement those provisions and shall apply to all future requests for wage rate reconsiderations.~~

~~C. These rules implement and make specific the procedures to be utilized in determining prevailing wage rates for each "area" as that term is defined in Minn. Stat. § 177.42 (1974). Their purpose is to provide consistent guidelines in making those determinations and to assure that the wages of laborers, workmen and mechanics engaged in state projects are comparable to wages paid for similar work in the community as a whole, consistent with the purpose and intent of the prevailing wage law.~~

~~D. These rules may be cited as the Rules and Regulations of the prevailing Wage Division, § 1.8001 through § 1.8016.~~

8 MCAR § 1.8002 Definitions. For purposes of all wage rate determinations, the following definitions shall apply:

A. Area means the county or other locality from which labor for any project would normally be secured. (Minn. Stat. § 177.42, subd. 3 (1974)).

B. Wage rate means the basic hourly rate of pay plus any contribution for health and welfare benefits, vacation benefits,

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

PROPOSED RULES

pension benefits or any other economic benefit paid for work done.

~~C. Prevailing wage rate means the wage rates paid to the largest number of workmen within a given class of labor.~~

~~D. Largest number of workmen means the largest number of workmen engaged in the same class of labor within the area considered as determined in accordance with these rules.~~

~~E. Project means erection, construction, remodeling or repairing any public building or other public work financed in whole or part by state funds.~~

A. Highway and heavy construction. All construction projects which are similar in nature to those projects based upon bids as provided under Minn. Stat. § 161.32 for the construction or maintenance of highways or other public works and includes roads, highways, streets, airport runways, bridges, power plants, dams and utilities.

B. Commercial construction. All building construction projects which are similar in nature to state building construction projects exclusive of residential construction.

C. Residential construction/agricultural construction. All construction, remodeling or repairing of single or two family homes and structures appurtenant thereto including agricultural or farming buildings appurtenant to private farm residences when utilized to carry on primary farming operations.

D. As utilized in these rules the term "project" means the erection, construction, remodeling or repairing of commercial, residential or public building or any highway and heavy construction.

E. State project. Those projects which are subject to the requirements of Minn. Stat. § 177.41-44.

F. Metropolitan area. Hennepin and Ramsey Counties.

8 MCAR § 1.8003 Classes of Labor.

~~A. In each area to be considered, a prevailing wage rate shall be determined for each individual class of labor within the following general classifications:~~

~~1. Laborers: each class of labor customarily used on highway and other construction projects within this general classification shall constitute a separate class of labor.~~

~~2. Power equipment operators: each class of power equipment operators customarily used on highway and other construction projects within this general classification shall constitute a separate class of labor.~~

~~3. Truck drivers: each class of driver based upon the nature of the vehicle driven shall constitute a separate class of labor.~~

~~4. Special crafts: the following crafts shall constitute separate classes of labor; Bricklayers, Carpenters, Cement Masons, Linemen, Electricians, Iron Workers, Painters, Pipefitters, Plumbers, Plasterers, Roofers, Sheet Metal Workers, and other labor or work which is customarily considered as an individual trade or craft based upon its character and skills required.~~

~~B. The classifications and classes of labor described herein are for illustrative and guidance purposes only and are not intended to limit or extend the number of classes requiring wage rates in a particular area.~~

8 MCAR § 1.8003 Prevailing wage determinations.

A. The department shall, at least once each calendar year, determine and certify prevailing wage rates applicable to state projects which are similar in nature to highway and heavy construction projects.

B. The department shall, once each calendar year, attempt to determine and certify prevailing wage rates applicable to state projects which are similar in nature to commercial construction projects. In fulfilling its responsibilities for these building determinations, the department shall give prior consideration to those projects contemplated or planned by state agencies or other governmental entities, the contract bidding dates for such projects and its pending workload.

C. Prevailing wage rates applicable to state projects which are similar in nature to residential construction projects will be made only as the need arises as determined by the commissioner or by the commissioner's approval of a request made by a governmental official involved in the bidding process for a state project who desires such rates for insertion in a specific contract proposal.

D. Each wage survey shall be based upon work performed in the preceding calendar year and the resulting wage determinations will be certified as soon as possible following the close of the survey.

E. Except as provided in subparts F. and G. herein, all prevailing wage determinations shall be based upon the survey procedures contained in these rules.

F. In lieu of these survey procedures, the department may, at any time, conduct public hearings to determine county wage rate determinations. Such hearings shall be conducted within the county for which wage rates are being determined.

G. For purposes of determining highway and heavy and commercial wage rates for the metropolitan area, the department shall conduct a public hearing at which all interested persons may present evidence or testimony with respect to the applicable wage rates. The first such hearings shall be held within nine months following adoption of this rule. Rates determined as a result of that hearing(s) shall be in effect until such time that subsequent hearings are held and determinations issued.

8 MCAR § 1.8004 General guidelines for all determinations.

~~A. Each prevailing wage rate shall be determined at least once a year and shall be based upon work performed within the preceding one year period. If in the opinion of the commissioner, a change in the certified prevailing wage rate is required, the commissioner may at any time certify that change in accordance with the requisites of these rules.~~

PROPOSED RULES

~~B. For purposes of determining individual prevailing wage rates, each county shall comprise a separate "area" and each prevailing wage rate shall be based solely upon work done in that county except as provided under subparts 1 and 2 herein.~~

~~1. Where the work done or wage rates paid in a given county are insufficient to determine the prevailing wage rate or where an individual classification is insufficient, the prevailing wage rate(s) for that county shall be based upon wage rates paid within the adjacent counties.~~

~~2. Data shall be considered insufficient where the work done in a county for the prior year consists of less than \$25,000 in total project cost.~~

~~C. All individual prevailing wage rates shall be based solely upon work performed within the corresponding class of labor.~~

~~D. All prevailing wage rates for each class of law shall reflect the wage rate paid to the largest number of workers.~~

~~1. The largest number of workers shall be determined for each class of labor within each county or area under consideration. Thus where the same worker performs work on more than one project or in more than one classification within the area, he shall be counted only once.~~

~~2. Where a project involves work in more than one county, the county where the greater part of the work was performed shall be determined. The project shall only be utilized in determining wage rates for the county where the greatest part of the work was performed.~~

~~E. All initial determinations made in accordance with these rules shall be based upon a physical survey of the county or area under consideration except for those determinations which may be made in accordance with § 1.8008. Thereafter, additional wage determinations may be made in accordance with § 1.8008.~~

8 MCAR § 1.8004 Basis for each determination.

A. Individual prevailing wage rates shall be made on a county by county basis and each prevailing wage rate shall be based upon work performed solely within the applicable class of labor.

B. For each county survey, the department shall issue wage determinations for all classes of labor commonly or customarily used in similar construction projects.

1. Where work has been performed in a class of labor in the county during the time period of the survey, the wage determination for that class of labor shall be based solely upon that work.

2. Where work was performed in any other classes of labor in two or more of the Minnesota counties physically adjacent to the county being surveyed, the department shall consider those classes of labor as ones which are customarily or

commonly used in construction projects and determine wage rates for those classes in accordance with paragraphs 4 and 5 herein.

3. Where no work was performed in a class of labor either in the county being surveyed or in two of the adjacent Minnesota counties, the previously determined wage rate for that class of labor shall remain in effect, subject to section 1.8014.

4. In looking to adjacent counties for determining additional classes of labor for which prevailing wage rates should be made, only those adjacent Minnesota counties for which surveys are either in progress or for which wage rates have been determined by survey within the preceding 12 months shall be utilized.

5. In determining a wage rate for a class of labor based upon work performed in adjacent counties, all workers in the class of labor in all the adjacent counties shall be counted and the wage rate shall be based upon the wage rate paid to the largest number as determined in accordance with these rules.

C. Following certification of wage rates for a county, no wage rates for additional classifications of labor shall be made for that county until such time that a subsequent survey of the county demonstrates utilization of those additional classes of labor.

8 MCAR § 1.8005 Determinations based upon physical surveys. Where the prevailing wage rates are based upon a physical survey of the county, that survey shall include the following procedures:

A. Contacting county, state district, and city engineers for information pertaining to projects upon which work was performed in the county and the names of contractors who performed work on those projects.

B. Contacting each accessible contractor who performed work in the county and auditing his payroll records relating to that work.

C. Collecting and retaining verified "Project Worksheets" for each project.

8 MCAR § 1.8005 Classes of Labor. Each class of labor shall be based upon the particular nature of the work performed with consideration given to those trades, occupations, skills or work generally considered within the construction industry as constituting distinct classes of Labor. Wage determinations will be issued for those separate classes of labor which fall under the following general classes:

1. Laborers.

2. Power Equipment Operators

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

PROPOSED RULES

3. Truck Drivers

4. Special crafts. The following crafts shall constitute separate classes of labor: bricklayers, carpenters, cement masons, linemen, electricians, iron workers, painters, pipefitters, plumbers, plasterers, roofers and sheet metal workers, and other labor or work which is customarily considered as an individual trade or craft based upon its character and skills required. Workers reported as helpers shall be considered to be skilled laborers when making determinations.

5. In determining particular classes of labor, the department may consider work classifications contained in collective bargaining agreements, apprenticeship agreements on file with the department and customs and usage applicable to the construction industry.

6. Primary responsibility for classifying individual workers shall be upon the contractor.

7. Where a worker performs work in more than one class of labor, he shall be counted only once and placed in the class in which he worked the greatest number of hours.

8. The contractor reporting shall have the responsibility to determine the class in which the worker has worked the greatest number of hours.

9. Workers employed within a class of labor as apprentices or trainees at reduced wage rates will not be included or counted within that class of labor.

8 MCAR § 1.8006 Specific procedures for survey determinations.

A. ~~The labor investigator shall contact each contractor believed to have performed work within the county and shall request identification of all projects on which work was performed and the payroll records relating thereto.~~

1. ~~Where a particular contractor having worked in the county during the applicable time period cannot be located or where his records are not available for inspection, a certified form approved by the department shall be left at his main office or shall be sent by certified mail. The form shall contain appropriate instructions to be completed by the contractor or his representative and returned to the department via certified mail.~~

2. ~~Where forms so left by the department are not returned within 30 days, the work or projects for which they were intended to document wage rates shall not be considered in that current determination for that area.~~

B. ~~A "Project Worksheet" shall be compiled for each project upon which work was performed.~~

1. ~~The worksheet shall identify the contractor and the project, its location, the dates of the project and its total dollar cost.~~

2. ~~Based on the payroll records for the project, the worksheet shall list each class of labor within which work was performed, the names of all workers who worked on that project within that class of labor and the wage rates paid to those workers.~~

3. ~~On each project, the department shall determine the number of workers who were subject to collective bargaining agreements and so designate on its worksheet for that project.~~

4. ~~The worksheet shall contain appropriate language for the contractor or its representative to sign and acknowledge indicating that he has reviewed the contents of the worksheet and that to the best of his knowledge and belief, its contents are true and correct. The project worksheet shall be signed by the contractor and a copy left with him.~~

5. ~~All completed worksheets shall be separated into two categories one representing work performed on highway and heavy construction and one representing work performed on other projects. Wage determinations for one category shall not be based upon projects performed within the other category.~~

C. ~~The number of workers in each class of labor and their respective wage rates shall be determined from all project worksheets and reflected on a "County Survey Report."~~

D. ~~Except as provided in F through C herein, the prevailing wage rate shall be based upon the wage rate paid to the largest number of workers in each class of labor.~~

E. ~~Where an equal number of workers worked at different wage rates, the prevailing wage rate shall be based upon the highest wage rate paid.~~

F. ~~In each survey conducted pursuant to § 1.8005, where it appears that the largest number of workers in a given class of labor are subject to a collective bargaining agreement which provides for a different rate of pay than that required to be paid under the previously determined prevailing wage rate, and which would have been paid in the absence of the previously determined wage rate, the new prevailing wage rate determined for that county or area under these rules shall be based upon their agreed to collective bargaining rates. Collective bargaining agreements or written understandings between employers and bona fide organizations of labor currently in force may be utilized in determining the hourly rates of pay.~~

G. ~~In each survey conducted pursuant to § 1.8005, where it appears that the largest number of workers in a given class of labor are non union employees not subject to collective bargaining agreements whose wages would have been at a different rate in the absence of the previously determined prevailing wage rate, the new prevailing wage rate determined for that county or area under these rules shall be determined based upon the most current rate paid to those workers. In addition where the largest number of workers within a given class of labor are non union workers, the prevailing wage rate shall be based upon the highest wage rate paid to those non union workers.~~

8 MCAR § 1.8006 Survey procedures. The purpose of each county survey is to develop a data base upon which to determine prevailing wage rates which are reasonably comparable to those wage rates paid on similar projects in the area. The following procedural steps shall be taken in each wage survey:

1. For each survey, the department shall attempt to identify those projects upon which work was performed during the previous calendar year.

PROPOSED RULES

2. For the purpose of identifying projects in each county, the department shall keep and maintain a mailing list of governmental officials, district, county and city engineers, city clerks, administrators and zoning officials and those contractor associations and labor organizations who have requested to be on the mailing list.

3. The department shall also keep and maintain lists of contractors for each county which lists shall be kept updated through applicable telephone directories, trade publications and through previous wage survey contacts. Any contractor may request that its name be added to any county list.

4. Upon initiation of a wage survey the department will issue a form request for project identification to those entities referred to in paragraph 2, above. The form shall indicate the nature of the projects for which information is requested, and the time period of the survey and identification of projects, and the names of contractors who performed work on those projects during the survey time period. Such forms shall be completed and returned to the department within 15 days.

5. The department shall send to all those contractors identified as having performed work in the county through the forms returned from those entities referred to in paragraph 2, above, and to all those contractors whose names appear on the applicable county lists compiled under paragraph 3, above, a request for project information and a request for the identification of sub-contractors who worked on those projects. Enclosed with the request shall be copies of the department's Contractor Reporting Form.

a. For each project upon which the contractor performed work within the county during the time period of the survey, the contractor shall complete a separate Contractor Reporting Form and provide the following information:

- (1) description of project;
- (2) dollar cost of the project;
- (3) list of the employees who worked on the project;
- (4) class of labor for each employee;
- (5) wage rate paid each employee on the project

and the hourly cost of fringe benefit for H & W, Pension, Vacation, Training for each employee.

b. All Contractor Reporting Forms and forms identifying subcontractors who worked on the projects shall be signed and dated by the contractor or its representative attesting that the information provided is a true and correct summary of the information contained in the contractor's payroll and business records.

c. The Contractor Reporting Forms and forms

identifying sub-contractors shall be returned to the department within 30 days following the receipt of the request for information.

d. Information which is not received by the department within 30 days following the date upon which the request was mailed by the department shall not be used in making determinations.

e. Where incomplete Contractor Reporting Forms are received by the department, the department may, at its option, attempt to obtain sufficient information from the contractor to complete the form or disregard the incomplete information so provided. In no event will information provided on Contractor Reporting Forms be used in making determinations if not signed by the contractor or an authorized representative. However, if within the 30 day period allowed for response Contractor Reporting Forms are received without the proper signature, the department will again return said form by mail to the contractor requesting that the form be signed. If not returned within 15 days from the date of mailing by the department, the information will not be included in the survey in any manner.

6. Upon learning the identification of sub-contractors who performed work on projects within the county, the department shall proceed with the procedures provided in paragraph 5, above, and the sub-contractors so contacted shall be subject to the same requirements provided under paragraph 5.

7. In lieu of the mail procedures described in paragraph 5, above, the department may make on-site visits to the offices of contractors or governmental representatives for the purposes of collecting project data and for auditing payrolls.

a. Information so collected, either through a review of the contractors' payrolls or copies of payrolls provided by contractors to government offices, may be utilized in making determinations provided such information is compiled on an Investigator's Project Worksheet which is signed by the investigator who compiled the information.

b. The department may also contact by telephone any contractors for the purpose of obtaining information or for completing Investigator's Project Worksheets. Such information may be utilized in making determinations provided it is documented by the investigator on the project worksheet together with the date of the telephone conversation and the name of the person from whom such information was obtained.

8. The number of workers in each class of labor and their respective wage rates shall be determined and reflected on a "County Abstract."

8 MCAR § 1.8007 Contractor's duties.

A. ~~Each contractor in the course of a survey, shall be prepared to present copies of all payroll records representing work~~

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

PROPOSED RULES

done on projects in the county or area for the preceding twelve months.

B. For each worker, the contractor shall document for the investigator, his name, class of labor and rate of pay.

1. Contractors must utilize the Master Job Classifications specified in § 1.8014 in documenting classes of labor;

2. The contractor shall document the employee's basic hourly wage rate and where fringe benefits are paid, the amount of each such fringe benefit payment and the name and address of the fund, plan or program to which each such payment was made;

3. The contractor shall document each employee's daily and weekly hours worked in each classification and net wages paid;

4. Where the investigator is unable to determine the class of labor for a particular employee, he is authorized to determine from the information available, an appropriate classification for that employee.

5. Where a payroll record describes a particular worker as performing work within several different classes of labor and the contractor does not indicate a specific class of labor for that worker, the investigator may classify him in the class of labor which he deems appropriate.

8 MCAR § 1.8007 Determining the largest number of workers and prevailing wage rate.

A. Each wage rate determination shall be comparable to the wage rates paid to the largest number of workers as determined within the ranges established by this rule.

B. For purposes of initially determining the largest number of workers, each worker within a class of labor and his total hourly rate paid shall be tabulated.

1. Total hourly rate includes the hourly rate plus the hourly contribution for all wage and fringe benefits.

2. Workers and wage rates paid shall be grouped into groups of comparable rates of pay.

3. For the purpose of determining comparability between wage rates paid, each worker's total hourly rate shall be rounded to the nearest whole dollar.

4. The group of comparable rates of pay with the largest number of workers shall be looked to for determining the specific prevailing wage rate.

a. The highest wage rate actually paid within that group shall be the prevailing wage rate.

b. Example: To establish groups of workers at comparable total wage rates.

Number of Workers	Group Common Wage Rate
4 @ hourly rates of 5.02-5.49-5.25-5.40	\$5.00
3 @ hourly rates of 6.55-6.90 - 7.25	7.00
1 @ hourly rate of 7.80	8.00

The prevailing wage rate is determined based upon the grouping of 4 workers; the prevailing wage rate will be determined as \$5.49 per hour.

5. Where the largest number of workers are equal in one or more common or similar wage groupings, the prevailing wage rate shall be based upon the highest rate paid within those groups having an equal number of workers.

Example:

Number of Workers	Common or Similar Wage Group
2 @ hourly wage rates of 9.00-9.26	\$9.00
4 @ hourly wage rates of 6.50-6.80	
	7.01-7.49
4 @ hourly wage rates of 6.10-6.15	6.00
	6.45-6.30

The prevailing hourly wage rate shall be \$7.49.

6. Where a worker performs work on more than one project within the county, he shall be counted only once and at the wage rate paid on the most recent project within the time period of the survey.

8 MCAR § 1.8008 Determinations without survey.

A. Where it appears to the Department, based upon the information compiled under this rule and the information compiled under PDW 11, that in a given county or area the number of AFL-CIO represented workers or the number of independent union represented workers comprised more than 50% of the total number of workers in that county or area, the prevailing wage rates for all classification of laborers in that county need not be based upon a physical survey but may be based upon the rates contained in the applicable current collective bargaining agreement provided that:

1. Nothing contained herein shall preclude an aggrieved person from petitioning for a redetermination under Minn. Stat. §§ 177.43-177.44;

2. In any case where an employer operating under a collective bargaining agreement or written understanding with a bona fide organization of labor is paying his employees at a rate less than that called for in the collective bargaining agreement or written understanding, the wage rate to be utilized for the purpose of calculating the prevailing wage rate for those employees shall be the wage rate set forth in the collective bargaining agreement or written understanding.

B. For purposes of this rule, it shall be the duty of every contractor performing work within the State of Minnesota to furnish the department upon its request, with copies of all payroll records relating to each project. Records so requested shall contain the information listed under § 1.8007.

1. All payroll records shall be signed by the contractor or his representative and shall certify that the contractor has reviewed their contents and that they are accurate and correct.

2. All payroll records submitted to the Department shall be date stamped on the day of their receipt and filed in accordance with the county within which the work was performed.

PROPOSED RULES

~~C. The Department shall periodically request from the Minnesota Department of Transportation all data indicating state projects let by that department, the counties in which work will be performed, the contractors awarded the contracts and their costs. This data shall be kept on file and may be utilized in making wage determinations under this rule.~~

8 MCAR § 1.8008 Apprentices.

A. Apprentices working on state projects are not subject to the prevailing wage rate determinations, except as they may be effected by registered apprenticeship agreements. The hourly rates of pay for such workers are established by the particular program to which the apprentice or trainee is subject.

B. The term apprentice means (a) a person employed and registered in a bona fide apprenticeship program registered with the U.S. Department of Labor or with a state apprenticeship agency and (b) a person in his first 90 days of probationary employment as an apprentice who is not registered in the program but who has been certified by the U.S. Bureau of Apprenticeship and Training or a State Apprenticeship agency or council to be eligible for probationary employment as an apprentice.

C. Any employee listed on a payroll for a state project who does not fall within the term "apprentice" contained in subpart (B) shall be paid the prevailing wage rate for the classification of work performed.

~~**8 MCAR § 1.8009 Multi county projects.** Where a state project will extend into more than one county, the prevailing wage rate to be certified and utilized on that project shall be based upon the prevailing wage rate for the county within which the greatest volume of work will be performed.~~

8 MCAR § 1.8009 Reserved for future use.

8 MCAR § 1.8010 Notice of wage determinations.

A. Upon certification of wage rates for a given county, the department shall publish notice of such certification in the *State Register* but need not publish the individual rates so certified. The certification date shall coincide with the date published in the *State Register*.

B. The notice published in the *State Register* shall indicate where copies of the determined rates may be obtained upon request.

C. The Department shall maintain a list of all persons who request that copies of wage rate determinations be sent to them.

D. Copies of wage rate determinations shall be mailed within 5 days of their certification to those persons who have requested such notice and whose names appear on the list maintained by the department. The department may charge a reasonable fee for the copying and mailing of these notices as allowed under Minn. Stat. § 15.17, subd. 4 (1974).

8 MCAR § 1.8011 Utilization of additional information.

~~A. In addition to such information requested by the department under § 1.8008, voluntary information received by the Prevailing Wage Division from contractors or their representatives, contractors associations, labor organizations, public officials, individual laborers and other interested parties shall be kept on file by the department and may be utilized in making wage determinations under § 1.8008.~~

~~B. Illustrative of the type of information which will be kept on file if submitted are:~~

~~1. Notarized statements showing wage rates and hours worked on projects (such statements should indicate the names and addresses of contractors, including subcontractors, the locations, approximate cost, dates of construction and types of projects, the number of workers employed in each class of labor on each project, and the respective wage rates paid to each worker.~~

~~2. Signed collective bargaining agreements or understandings between an employers or a group of employers and bona fide organizations of labor.~~

~~3. Wage rate determinations and other information furnished by federal agencies.~~

~~4. Contract and bidding information submitted by the Department of Transportation or other state agencies.~~

~~5. Reports or records of county or city engineering offices.~~

~~6. Other information pertinent to the determination of prevailing wage rates.~~

8 MCAR § 1.8012 Apprentices and trainees.

~~A. Apprentices, under programs approved by the U.S. Department of Labor, will be permitted to work as such only when they are registered, with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subparagraph b of this paragraph or is not registered as above, shall be paid the wage rate determined by the Commissioner of the Department of Labor and Industry, State of Minnesota, for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the Department of Labor and Industry written evidence of the registration of his program and apprentices as well as of the appropriate ratios and~~

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

PROPOSED RULES

~~wage rates, for the area of construction prior to using any apprentices on the contract work. The term "apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training, or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.~~

~~B. Trainees: Trainees will be permitted to work as such if they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training.~~

~~C. Apprentices and Trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal aid highway construction programs are not subject to the wage determinations made herein. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.~~

8 MCAR §§ 1.8011-1.8012 Reserved for future use.

8 MCAR § 1.8013 Petition for reconsideration of prevailing wage rates.

A. Any person including contractor associations or labor organizations aggrieved by a final determination of a prevailing wage rate may petition the Commissioner for reconsideration of that wage rate within 30 days following its certification. The petitioner shall indicate the county and class(es) of labor contested, the reason the petitioner believes the rate to be inaccurate, and the rates the petitioner believes to be correct.

B. Within 10 days following receipt of a Petition for Reconsideration, the Department shall informally meet with the Petitioner and any other interested person, associations or labor organizations to review the contested wage determinations(s).

1. The petitioner shall be prepared to support his contentions with any documents or data he deems necessary.

2. The department shall be prepared to produce and review the data, summary sheets and other documents upon which its determinations were based, and shall produce for the petitioner's inspection, all such documents.

C. Following the informal conference, the Department shall, within 10 days, notify the petitioner of any decision modifying, changing, or reaffirming the contested wage rate or indicate to the petitioner that a survey will be necessary to resolve the contested wage rate(s).

± Where the department determines that a new survey is necessary, such survey shall be conducted within 30 days. Thereafter, the department shall inform the petitioner by certified mail of its final decision based on that survey.

D. No prevailing wage rate will be deemed to be vacated or suspended pending the resolution of a Petition for Reconsideration nor will the department request any state agency contemplating a state project to suspend, delay or otherwise change its contract and bidding schedules due to any pending procedures resulting from a Petition for Reconsideration.

E. Any person aggrieved by a final decision following reconsideration of a prevailing wage rate may, within 20 days after the decision, petition the Commissioner for a public hearing in the matter of a contested case under the administrative procedures act, Minn. Stat. §§ 15.0418 to 15.0421.

1. Upon receipt of a petition for a public hearing the commissioner shall order the initiation of a contested case in accordance with Minn. Stat. § 15.052.

2. All contested case hearings initiated herein shall be conducted in accordance with the rules of Operation of the Office of Hearing Examiners.

8 MCAR § 1.8014 Application.

~~These rules shall apply to all prevailing wage determinations certified subsequent to the effective date of these rules.~~

8 MCAR § 1.8014 Prevailing wage rate adjustments. On October 1 of each calendar year, all prevailing wage rates shall be adjusted by an amount not to exceed the percentage increase in the statewide average weekly wage as defined under Minn. Stat. § 176.011, subd. 20 and determined by the department under Minn. Stat. § 176.645. In adjusting the prevailing wage rates to reflect the increase in the statewide average weekly wage rate, the maximum adjustment increase of 6 per cent contained in Minn. Stat. § 176.645 for Worker's Compensation purposes shall not apply.

8 MCAR § 1.8015 Master job classifications.

For purposes of these rules, the following code numbers shall be utilized to describe the applicable classes of labor.

Highway Laborers (In Mpls. St. Paul Metropolitan Wage Areas)	
CODE NO.	POSITION TITLE
103	Bituminous batcherman (Stationary plant)
105	Bituminous raker, floater and utility man
107	Bituminous tamper
113	Blacksmith helper
116	Bottom man (sewer, water or gas trench)
117	Bottom man (sewer, water or gas trench) (more than 8' below starting level of manual work)
123	Brick or block paving setter
125	Bricklayer tender
132	Cement coverman (batch trucks)
134	Cement gun operator (1½" and over)
136	Cement handler (bulk or bag)
138	Chain Saw Operator
140	Chipping hammer operator
141	Concrete batcherman (proportioning plant)
143	Concrete longitudinal floatman (manual bull float on paving)
145	Concrete mixer operator (1-bag capacity)

PROPOSED RULES

CODE NO.	POSITION TITLE	CODE NO.	POSITION TITLE
147	Concrete shoveler, tamper and puddler (paving)		
149	Concrete vibrator operator	336	Pavement-
153	Conduit layers (without wiring)	367	Cement handler-
156	Curb setter (stone or precast concrete)	353	Dumper
163	Dumper (wagon, truck, etc.)	347	Conduit layer
165	Dumpman	384	Concrete shoveler, tamper and puddler-
167	Dumpman (paver) (dumper batch trucks at mixer)	394	Formsetter, curb, walk and pavement-
173	Drill runner (blasting)	338	Jackhammer-
175	Drill runner (heavy, including churn drill)	397	Chain saw operator
181	Flagman	349	Joint sawer
185	Formsetter (municipal type curb and sidewalk)	423	Concrete vibrator operator-
186	Formsetter (pavement)	435	Powderman-
192	Hydrant and valve setter	334	Reinforced steel setter (pavement)
194	Jackhammer man and paving buster	335	Cement coverman-
196	Joint filler (concrete pavement)		Sack Shaker-
203	Kettleman (bituminous or lead)	305	Blacktop-
207	Mortar mixers	363	Bituminous, raker, floater and utility man-
213	Pipe derrickman (tripod, manual)	308	Dumper
215	Pipe handler (water, gas, cast iron)	381	Tamper operator
217	Pipe layer (sewer, water or gas)	465	Flagman
223	Powderman		Watchman-
224	Powder monkey	417	Sewer, Water and Tunnel-
225	Power buggy operator	403	Pipelayer
227	Pump Operator (3" and under, semi skilled)	453	Kettleman, bituminous or lead-
233	Reinforced steel labor	452	Tunnel laborer—atmospheric pressure-
235	Reinforced steel setter (pavement)	456	Tunnel laborer—air pressure-
241	Sand cushion and bed maker	454	Tunnel miner—atmospheric pressure-
243	Service connection maker (water or gas)	315	Tunnel miner—air pressure-
245	Squeegee man (bituminous brick or block pavement)	418	Bottom man or ditchman-
247	Stabilizing batcherman (Stationary plant)		Pipe handler-
249	Stone mason tender	372	Miscellaneous-
253	Tunnel laborer (atmospheric pressure)	374	Drill runner
255	Tunnel men (air pressure)	376	Drill runner wagon drill or churn drill-
257	Tunnel miner	475	Drill runner helper
263	Unskilled laborers-	473	Cofferdam work-
265	Watchmen	345	Caisson work
267	Winch handler (manual)	346	Concrete mixer operator (1 bag capacity)
273	Caisson work	427	Nozzelman (gunite)
275	Cofferdam work	486	Pump operator—3 inches and under-
277	Open ditch work		Work 8 feet or more below adjoining ground where excavation is not more than 8 feet wide-
279	Tunnel work	426	Power Buggy Operator-
281	Underground laborers-	430	Bricklayer tender-
283	Underpinning work	431	Carpenter tender-
285	Other work more than 8' below starting level of manual work	432	Mortar mixer-
286	Water well driller helper-	433	Stone mason tender-
287	Nozzelman (gunite)	464	Wrecking and demolition laborer-
288	Joint sawer		Power Equipment Operators-
289	Carpenter tender		(Statewide)
290	Wrecking and demolition	CODE NO.	POSITION TITLE
	Highway Laborers	501	Air compressor operator
	(Rural Wage Areas)	502	Crane Operator with 135' Boom, excluding jib
CODE NO.	POSITION TITLE	503	Asphalt, bituminous stabilizer plant operator
Classification:		504	Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. mfg. rated capacity
463	Laborer, highway & heavy, unskilled	505	Backfiller operator-

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

PROPOSED RULES

CODE NO.	POSITION TITLE	CODE NO.	POSITION TITLE
506	Batch Plant (concrete)	555	Locomotive crane operator
507	Bituminous spreader & finishing operator (power) (Adnum or Jaeger)	556	Master Mechanic
508	Bituminous spreader & bituminous finishing machine operator (helper) (power) (Adnum or Jaeger)	557	Mechanic or Welder
509	Brakeman or switchman	558	Mechanical space heater (temporary heat)
510	Boom Truck (power operated boom)	559	Mixer (paving) Concrete Paving Operator, road
511	Cableway operator	560	Pipeline Wrapping Cleaning or Bending Machine
512	Converyor operator	561	Oilers (power shovel, crane, dragline)
513	Concrete distributor & spreader operator, finishing machine, longitudinal float operator, joint machine operator & spray operator	562	Paving breaker or tamping machine operator (power driven) (Mighty Mite or similar type)
514	Concrete mixer operator, on job site over 14S.	563	Pick-up Sweeper, not including Tennant or similar types
515	Concrete mixer operator, on job site 14S and under	564	Power shovels and/or other equipment with shovel type controls, 3 1/2 cu. yds. & over
516	Concrete mixer, stationary plant operator, over 34E	565	Power shovels and/or other equipment with shovel type controls, up to 3 1/2 cu. yds.
517	Dragline and/or other similar equipment with shovel type controls 3 cu. yds. and over mfg. rated capacity	566	Power plant engineer, 100 K.W.H. and over
518	Concrete saw operator (multiple blade) (power operated)	567	Pugmill operator
519	Crushing plant operator (gravel & stone) or gravel washing, crushing & screening plant operator	568	Pump operator
520	Curb Machine	569	Pumperete operator
521	Derriek (Guy or stiffleg) (power) (skids or stationary)	570	Mucking machine
522	Dope Machine (pipeline)	571	Refrigeration plant engineer
523	Dredge dock hand	572	Mole operator including power supply
524	Dredge operator or engineer, dredge operator (power) & engineer	573	Roller operator, self propelled roller for compaction, including stabilized base
525	Elevating Grader Operator	574	Roller operator, self propelled, rubber tired for compaction including stabilized base
526	Drill rigs, heavy duty rotary or churn drill	575	Roller operator, up to & including 6 tons for bituminous finishing and/or wearing courses
527	Drilling machine	576	Roller operator, over 6 tons for bituminous finishing and/or wearing courses
528	Euclid loader operator	577	Seraper, 32 cu. yds. and over
529	Engineer in charge of plant requiring first class license	578	Self propelled vibrating packing operator (pad type)
530	Front End Loader Operator up to and including 4 cu. yd.	579	Rubber tired farm tractor, back hoe attachment
531	Fine grade operator	580	Sheet foot roller (self propelled) (3 drum and over)
532	Helicopter Pilot	581	Shouldering machine operator (power) (Apsee or similar type)
533	Fireman or tank car heater operator	582	Slip Form (power driven) (paving)
534	Fork lift or lumber stacker (for construction job site)	583	Tie tamper & ballast machine operator
535	Fork lift or straddle carrier operator	584	Stump chipper
536	Form trench digger (power)	585	Turnapull operator (or similar type)
537	Mechanic Helper	586	Tandem seraper
538	Front end loader operator (under 30 h.p. rubber tired)	587	Tractor operator—boom type
539	Front end loader operator, all types 30 h.p. and over	588	Tractor operator, D2, TD6 or similar h.p. with power take off
540	Automatic Road Machine Operator (GMI or similar)	589	Tractor operator, over D2, TD6, or similar h.p. with power take off
541	Grader or motor patrol, finishing, earthwork and bituminous	590	Tractor operator, 50 h.p. or less without power take off
542	Grader operator (motor patrol)	591	Tractor operator, over 50 h.p. without power take off
543	Power Actuated Horizontal boring machine over 6"	592	Trenching machine operator (sewer, water, gas)
544	Gravel screening plant operator (portable not crushing or washing)	593	Power Actuated Augers & Boring Machine
545	Lead greaser on grease truck (where no mechanic is employed)	594	Truck crane operator
546	Greaser (truck and tractor)	595	Truck crane oiler
547	Gunite operator gunall	596	Tugboat (100 h.p. and over)
548	Hoist engineer (power)	597	Well point installation, dismantling or repair mechanic
549	Self propelled chip spreader (Flaherty or similar)	598	Two or more pumps, compressors or welding machines
550	Self propelled soil stabilizer	599	Power Actuated Jacks
551	Launchman (tankerman or pilot license)		
552	Leverman		
553	Loader Operator (Barber Green or similar type)		
554	Locomotive, all types		

PROPOSED RULES

CODE NO.	POSITION TITLE
	Truck Drivers (Statewide)
601	Bituminous Distributor Driver
602	Bituminous Distributor Spray Operator (Rear end oiler)
603	Bituminous Distributor Driver (one man operation)
605	Boom and "A" frame driver
606	Dumpman
608	Dumpster Operator (no h.p. limit)
611	Greaser and truck serviceman
615	Mechanical Broom Driver
617	Pilot Car Driver
621	Ready Mix Driver (mixer capacity up to and including 4 cu. yds.)
622	Ready Mix Driver (mixer capacity over 4 cu. yds. up to and including 6 cu. yds.)
623	Ready Mix Driver (Mixer capacity over 6 cu. yds.)
626	Self-propelled Packer Operator
629	Tank truck helper (gas, oil, road oil and water)
631	Teamster or stableman
633	Tractor Operator (wheel type used for any purpose)
641	Truck Driver (up to and including 6 cu. yds. box water level)
642	Truck Driver (over 6 cu. yds. up to and including 8 cu. yds. box water level)
643	Truck Driver (over 8 cu. yds. up to and including 12 cu. yds. box water level)
644	Truck Driver (over 12 cu. yds. up to and including 16 cu. yds. box water level)
645	Truck Driver (over 16 cu. yds. box water level)
648	Truck Driver (hauling machinery for contractors own use including operation of hand or power operated winches)
650	Truck Mechanic (in cases where an operating engineer mechanic is not employed)
651	Truck Welder
	Truck Driver:
662	Single axle or 2 axle unit
663	Tandem axle or 3 axle unit
664	Four axle unit
665	Five axle unit
	For each additional axle, 10 cents additional per hour
666	Slurry Driver
667	Slurry operator
	Special Crafts (Statewide)
711	Bricklayers
712	Bricklayers Apprentice (6 mos. interval)
721	Carpenters
722	Carpenters apprentice (1000 hr. interval)
731	Cement Masons
732	Cement Masons (6 mos. interval)
733	Cement Masons (1 year intervals)
740	Cable Splicer
741	Electricians

CODE NO.	POSITION TITLE
742	Electricians Apprentice
743	Electricians (on work up to \$4,000)
744	Electricians on work over \$4,000
745	Electricians Apprentice (3 mos. interval)
746	Electricians Apprentice (6 mos. interval)
747	Electricians Apprentice (years intervals)
748	Lineman
749	Groundman (1st year, 2nd year, 3rd year)
751	Ironworkers, ornamental
752	Ironworkers, reinforcing
753	Ironworkers, structural
754	Ironworkers Apprentice (1000 hrs. interval)
755	Ironworkers (6 mos. intervals)
761	Painters
762	Painters, brush
763	Painters, structural steel and bridge
764	Painters Apprentice (1000 hrs. interval)
765	Painters (6 mos. intervals)
766	Painters, spray
771	Piledriverman
773	Plumbers
775	Plumbers Apprentice (928 hours)
781	Stone Masons
791	Sheet metal workers
784	Stone Masons (6 mos. interval)

8 MCAR § 1.8015 Master job classifications. For purposes of these rules, contractors must use the following codes and classifications in documenting classes of labor.

Laborers	
CODE NO.	POSITION TITLE
101	Laborer, common (general labor work)
102	Laborer, skilled (assisting skilled craft journeyman)
103	Laborer, Landscaping (gardener, sod layer and nurseryman)
104	Flagperson
105	Watchperson
Power Equipment Operators	
CODE NO.	POSITION TITLE
201	Air compressor operator
202	Asphalt, bituminous stabilizer plant operator
203	Dragline and/or other similar equipment with shovel type controls
204	Bituminous spreader and finishing operator
205	Bituminous spreader and bituminous finishing machine operator (helper)
206	Conveyor operator
207	Concrete distributor and spreader operator, finishing machine, longitudinal float operator, joint machine or spray operator
208	Concrete saw operator (multiple blade) (power operated)
209	Crushing plant operator (gravel and stone) or gravel washing, crushing and screening plant operators

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

PROPOSED RULES

<u>CODE NO.</u>	<u>POSITION TITLE</u>
<u>210</u>	<u>Curb machine</u>
<u>211</u>	<u>Front end loader operator up to and including 1 cu. yd.</u>
<u>212</u>	<u>Fine grade operator</u>
<u>213</u>	<u>Fork lift operator</u>
<u>214</u>	<u>Front end loader operator</u>
<u>215</u>	<u>Helicopter pilot</u>
<u>216</u>	<u>Fireman or tank car heater operator</u>
<u>217</u>	<u>Grader or motor patrol, finishing, earthwork and bituminous</u>
<u>218</u>	<u>Grader operator (motor patrol)</u>
<u>219</u>	<u>Greaser (truck and tractor)</u>
<u>220</u>	<u>Hoist engineer</u>
<u>221</u>	<u>Self propelled chip spreader</u>
<u>222</u>	<u>Mechanic or welder</u>
<u>223</u>	<u>Oilers (power shovel, crane, dragline)</u>
<u>224</u>	<u>Pick up sweeper</u>
<u>225</u>	<u>Pugmill operator</u>
<u>226</u>	<u>Roller operator, self propelled roller for compaction</u>
<u>227</u>	<u>Roller operator, up to and including 6 tons for bituminous finishing and/or wearing courses</u>
<u>228</u>	<u>Roller operator, over 6 tons for bituminous finishing and/or wearing courses</u>
<u>229</u>	<u>Scraper, 32 cu. yds. and over</u>
<u>230</u>	<u>Self propelled vibrating packing operator (pad type)</u>
<u>231</u>	<u>Rubber tired tractor, back hoe attachment</u>
<u>232</u>	<u>Shouldering machine operator (power) (apsco or similar type)</u>
<u>233</u>	<u>Slip form (power-driven) (paving)</u>
<u>234</u>	<u>Turnapull operator (or similar type)</u>
<u>235</u>	<u>Tractor operator, D2, TD6 or similar h.p. with power take-off</u>
<u>236</u>	<u>Tractor operator, over D2, TD6 or similar h.p. with power take-off</u>
<u>237</u>	<u>Power actuated augers and boring machine</u>
<u>238</u>	<u>Truck crane oiler</u>

Truck Drivers

<u>CODE NO.</u>	<u>POSITION TITLE</u>
<u>301</u>	<u>Bituminous Distributor driver</u>
<u>302</u>	<u>Dumpman</u>
<u>303</u>	<u>Greaser and truck serviceman</u>
<u>304</u>	<u>Self propelled packer operator</u>
<u>305</u>	<u>Truck driver (hauling machinery for contractors own use including operation of hand or power operator winches)</u>
<u>306</u>	<u>Single axle or 2 axle unit</u>
<u>307</u>	<u>Tandem axle or 3 axle unit</u>
<u>308</u>	<u>Four axle unit</u>
<u>309</u>	<u>Five axle unit</u>

<u>CODE NO.</u>	<u>Special Crafts</u> <u>POSITION TITLE</u>
<u>401</u>	<u>Asbestos workers</u>
<u>402</u>	<u>Boilermakers</u>
<u>403</u>	<u>Bricklayers</u>
<u>404</u>	<u>Carpenters</u>
<u>405</u>	<u>Carpet Layers (linoleum)</u>
<u>406</u>	<u>Cement Masons</u>
<u>407</u>	<u>Electricians</u>
<u>408</u>	<u>Elevator Constructors</u>
<u>409</u>	<u>Glaziers</u>
<u>410</u>	<u>Lathers</u>
<u>411</u>	<u>Groundman</u>
<u>412</u>	<u>Ironworkers</u>
<u>413</u>	<u>Lineman</u>
<u>414</u>	<u>Millwright</u>
<u>415</u>	<u>Painters</u>
<u>416</u>	<u>Piledriverman</u>
<u>417</u>	<u>Pipefitters—steamfitters</u>
<u>418</u>	<u>Plasterers</u>
<u>419</u>	<u>Plumbers</u>
<u>420</u>	<u>Roofer</u>
<u>421</u>	<u>Sheet metal workers</u>
<u>422</u>	<u>Sprinkler fitters</u>
<u>423</u>	<u>Terrazzo workers</u>
<u>424</u>	<u>Tile setters</u>

Wage determinations may be made for other classifications not listed if sufficient need is determined by the department.

8 MCAR § 1.8016 Posting of wage rates. Each contractor and subcontractor performing work on a public project shall post on the project the applicable prevailing wage rates and hourly basic rates of pay for the county or area within which the project is being performed, including the effective date of any changes thereof, in at least one conspicuous place for the information of the employees working on the project. (Minn. Stat. § 177.43, subd. 4 and Minn. Stat. § 177.44, subd. 5 (1974).) The information so posted shall include a breakdown of contributions for health and welfare benefits, vacation benefits, pension benefits and any other economic benefit required to be paid.

8 MCAR § 1.8017 Wage rate determinations previously certified by the department shall, subject to the review procedures contained in § 1.8013, remain in effect until such time that new wage rates are determined in accordance with the provisions of these rules as amended.

SUPREME COURT

Decisions Filed Friday, December 7, 1979

Compiled by John McCarthy, Clerk

49660/475 Victor R. Davis, Appellant, vs. Boise Cascade Corporation. Koochiching County.

The trial court properly granted defendant's motion for summary judgment in an action for wrongful discharge where plaintiff had failed to exhaust the administrative remedies provided in the collective bargaining agreement under which he worked.

Minn. Stat. ch. 182 (1978) does not provide an independent private cause of action for wrongful discharge allegedly precipitated by an employer's violations of regulations issued pursuant to that statute.

Affirmed. Sheran, C. J.

48149/417 (1978) Gloria Kay Benson vs. Walter LaBette, Jr., Appellant. Ramsey County.

The evidence was sufficiently clear and convincing to sustain the determination that defendant was the father of plaintiff's child where her testimony, although impeached in certain respects, was credible and was also corroborated by the other evidence.

Affirmed. Kelly, J. Took no part, Otis, J.

48471/378 State of Minnesota vs. Dean Allen Berge, Appellant. Rice County.

Trial court in a perjury trial did not err in refusing to suppress testimony made by defendant at a prior trial of an alleged accomplice to a different crime where the testimony in question bore on defendant's guilt or innocence of the perjury charge.

By failing to request an instruction or to object to the lack of an instruction on the recantation defense, defendant forfeited his right to such an instruction.

The evidence of defendant's guilt of the crime of perjury was not, as defendant contends, legally insufficient.

Record on appeal does not mandate the application of the recantation defense as a matter of law.

Affirmed. Kelly, J.

49274/340 Richard L. and Theresa M. Meyers, etc., Appellants, vs. Postal Finance Company, et al. Hennepin County.

An assignee cannot be held affirmatively liable for the alleged fraudulent acts of an assignor in the absence of proof that there is some contractual relationship to that effect: a joint venture; a close connection between the two; or a statutory liability that would support such a finding.

The trial court's refusal to admit certain evidence of alleged wrongdoing by an assignor in an action against an assignee, until the evidence already introduced indicated a sufficiently close nexus between the two, was not an abuse of discretion.

Affirmed. Scott, J. Took no part, Todd, J.

50069, 50209/386 SST, Inc., and The State of Minnesota by SST, Inc., vs. The City of Minneapolis, Oxford Properties U.S., Ltd. and Oxford Development Group, Ltd., vs. Brett Smith, individually and Friends of the Forum, intervenors, Appellants. Hennepin County.

The trial court did not err in granting limited intervention under Minn. Stat. § 116B and Rule 24 of the Minnesota Rules of Civil Procedure, when full intervention was untimely and prejudicial to the rights of existing parties and intervenors made no showing that full intervention was required.

The trial court did not err in approving the terms of the proposed settlement between the parties, where settlement was approved by experts in historical and architectural preservation, it was the result of a true adversary proceeding, and the court gave the case careful and unbiased attention.

Affirmed. Wahl, J.

Order Filed Friday, November 29, 1979

49635/405 Theo. L. Nelson, individually and as trustee to maintain an action for the death of Joan C. Carlson by alleged wrongful death, Appellant, vs. Donald M. Carlson, and First National Bank of Minneapolis, attachment respondent. Supreme Court.

In an appeal from an order of a Minnesota District Court vacating the attachment of defendant's beneficial interest in a trust it is ordered that the vacation be stayed, but that pending the final disposition of the criminal charges against the defendant the trustee shall comply with its contractual obligations under the provisions of the trust.

Trial court order stayed.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, 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 Agriculture Shade Tree Program

Notice of Request for Proposals for Telephone Survey Services

The Department of Agriculture Shade Tree Program is seeking a contractor to conduct a statewide telephone survey to evaluate past, and form a base upon which to plan current and future, public information activities. The project is outlined in detail in The Request for Proposal (RFP) Statement of Work. The formal RFP may be requested from and inquiries directed to:

Bruce Hall Nelson
Shade Tree Program
Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107
(612) 296-8580

Proposals will be accepted only from those firms and individuals who have not previously or currently entered into a professional/technical contract with The Minnesota Department of Agriculture Shade Tree Program.

It is anticipated that the total cost to accomplish the project will not exceed \$5,000. The deadline for the submission of completed proposals will be 4:30 p.m., January 7, 1980.

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.

Department of Labor and Industry

Prevailing Wage Division

Notice of Prevailing Wage Rates for Highway Construction

Minn. Stat. § 177.44 requires the Commissioner of Labor and Industry to certify at least once a year, the prevailing wage rates for highway construction under contracts based on bids as provided for in Minn. Stat. § 161.32. Title 8, Minnesota Code of Agency Rules, Section 1.8010 (8 MCAR § 1.8010) requires notice of those certifications to be published in the *State Register*.

On December 17, 1979, the Commissioner certified wage rates for highway construction for 7 counties in Minnesota. Those counties are: Aitkin, Cook, St. Louis, Stearns, Lake, Carlton and Itasca.

A copy of the determined wage rates may be obtained by

writing to the Department of Labor and Industry, Prevailing Wage Division, 444 Lafayette Road, St. Paul, Minnesota 55101.

A check or money order for \$5.00, payable to the Department of Labor and Industry, must accompany each request to cover the cost of copying and mailing.

Harry D. Peterson
Commissioner

Board of Private Detective and Protective Agent Services

Notice of Meetings

During Calendar Year 1980, the Board of Private Detective and Protective Agent Services will meet monthly, on the second Monday of the month, at 9 a.m. at 1246 University Avenue, St. Paul, Minnesota.

Joyce Ann Walker
Chairman

**Department of Public
Welfare
Mental Health Bureau**

**Notice of Intent to Solicit Outside
Opinion for Amendments to
Rule Governing Administration of
Community Mental Health**

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to 12 MCAR § 2.028 (DPW Rule 28) Administration of Community Mental Health.

The rule governs administrative standards for planning and evaluating programs of community mental health boards for persons who are mentally ill, mentally retarded or chemically dependent; standards for direct mental health services.

The proposed changes include the deletion of all state grant-in-aid requirements, revisions for compatibility with new state laws, and addition of program planning requirements.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comments may be addressed to:

Barbara W. Kaufman
Director, Management Support Division
Mental Health Bureau
Department of Public Welfare
4th Floor Centennial Office Building
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone (612) 297-2096.

Any written material received by the Department shall become part of the hearing record.

**Department of Public
Welfare
Social Services Bureau**

**Notice of Intent to Solicit Outside
Opinion Concerning the Adoption
of Revised Rule on Standards for
Adult Foster Homes**

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to 12 MCAR § 2.051, Standards for Foster Homes for Adults. This rule governs the conditions and limitations under which care may be provided in Adult Foster Homes for persons over the age of 18. Adult Foster Homes are utilized as an alternative resource for care and supervision for persons who are either temporarily or permanently not able to live in their own homes and take care of all of their own needs.

The proposed changes involve more definitive requirements as to the qualifications and training of providers and the care and supervision of adults with disabilities of mental retardation, mental illness, chemical dependency, physical handicaps. The changes are proposed in order to meet the increasing demands for appropriate care and supervision in foster homes.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Arthur C. Jauss
Adult Services Coordinator
Minnesota Department of Public Welfare
Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3730.

All statements of information and comment must be received by January 7, 1979. Any written material received by the Department shall become part of the hearing record.

**Water Planning Board
Notice of Meeting**

Notice is hereby given that the Water Planning Board will hold a meeting on Thursday, December 13, 1979 in Conference Room C, Public Service Commission, 7th Floor American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota from 10:00 a.m. to 12:00 noon. An agenda for the meeting may be obtained one week prior to the meeting by contacting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski
Chairman

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building
408 St. Peter Street
St. Paul, Minnesota 55102
(612) 296-8239

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules, notices and executive orders:

- _____ Annual subscription \$110.00
- _____ Additional Subscription \$85.00
- _____ Single Copy \$2.25 each

Minnesota Code of Agency Rules (MCAR). The permanent, 15 volume set of state agency rules. An indispensable reference work for the practice of administrative law.

- _____ 15 volume set \$325.00, includes the annual update service subscription for the year of order (a \$105.00 value) and a set of MCAR binders.

State Register Binder. Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

- _____ *State Register* Binder \$5.00 + \$.20 (sales tax) = \$5.20* each

MCAR Binders. A set of 15 sturdy, three inch, three-ring binders in attractive forest green, imprinted with the MCAR logo.

- _____ 15 volume set \$35.00 + \$1.40 (sales tax) = \$36.40*

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue.

Please enclose full amount for items ordered. Make check or money order payable to "Minnesota State Register."

Name _____

Attention of: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

Legislative Reference Library
Room 111 Capitol
Interoffice

