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# STATE REGISTER

STATE OF MINNESOTA

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**VOLUME 5, NUMBER 21**

**November 24, 1980**

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### 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 5			
22	Monday Nov 17	Monday Nov 24	Monday Dec 1
23	Monday Nov 24	Monday Dec 1	Monday Dec 8
24	Monday Dec 1	Monday Dec 8	Monday Dec 15
25	Monday Dec 8	Monday Dec 15	Monday Dec 22

\*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 and notices of intent to adopt rules without a public hearing 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, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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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*.

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# CONTENTS

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## MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 14-21..... 846

## PROPOSED RULES

Public Hearings Calendar for December 1-7, 1980..... 847

### Administration Department Procurement Division

Small Business Procurement Program [notice of  
intent to adopt rules without a public hearing] ..... 847

### Health Department Vital Statistics

Vital Statistics Rule 7 MCAR § 1.008 [notice of  
intent to adopt rules without a public hearing] ..... 852

## ADOPTED RULES

### Commerce Department Securities and Real Estate Division

Uniform Conveyancing Blanks to Replace  
Conveyancing Blanks 1-M through 12-M  
(Warranty Deeds), and 27-M through 32-M (Quit  
Claims Deeds), Originals of Which Are Filed  
with the Secretary of State and Copies of Which  
Are Set Out Following M.S.A. § 507; Creating  
Four New Affidavit Blanks..... 853

### Health Department Disease Prevention and Control

Testing School Employees for Tuberculosis ..... 853

## SUPREME COURT

Decisions Filed Friday, November 7, 1980 ..... 854

## STATE CONTRACTS

### State Auditor's Office

Accounting Services for Audit of Metropolitan  
Waste Control Commission..... 854

### Economic Security Department Statewide CETA Coordination Office

Operation of CETA/Governor's Coordination and  
Special Services Projects..... 855

### Public Safety Department State Patrol

Police Management and Supervision Training..... 855

## OFFICIAL NOTICES

### Governor's Council on Employment and Training

Notice of Meeting ..... 856

### Pollution Control Agency

Applicants Sought to Serve on Advisory  
Committees to Assist in Developing Hazardous  
Materials and Waste Facilities Classifications..... 856

### Public Welfare Department Mental Health Bureau

Outside Opinion Sought on Approval of Mental  
Health Centers and Clinics for Insurance  
Reimbursement ..... 856

### Secretary of State's Office

Vacancies in Multi-member State Agencies..... 857

## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive  
Issues 14-25, inclusive  
Issue 26, cumulative for 1-26  
Issue 27-38, inclusive

Issue 39, cumulative for 1-39  
Issues 40-51, inclusive  
Issue 52, cumulative for 1-52

The listings are arranged in the same order as the table of contents of the MCAR.

# MCAR AMENDMENTS AND ADDITIONS

## TITLE 2 ADMINISTRATION

### Part 1 Administration Department

2 MCAR §§ 1.6601, 1.6701-1.6705 (proposed) .....847  
2 MCAR §§ 1.16220-1.16230 (adopted) .....601

### Part 2 Employee Relations Department

2 MCAR §§ 2.119, 2.181 (proposed) .....659  
2 MCAR § 2.198 (proposed) .....696  
2 MCAR §§ 2.201-2.269, 2.290-2.295 (proposed) .....627

## TITLE 3 AGRICULTURE

### Part 1 Agriculture Department

3 MCAR §§ 1.0190-1.0192 (adopted) .....642

### Part 2 Board of Animal Health

3 MCAR § 2.044, LSB 66 (proposed) .....691

## TITLE 4 COMMERCE

### Part 1 Commerce Department

Uniform Conveyancing Blanks 1M-12M,  
27M-32M (adopted) .....853

## TITLE 5 EDUCATION

### Part 1 Department of Education

5 MCAR §§ 1.0120-1.0129 (adopted) .....754  
5 MCAR §§ 1.0133-1.0138 (adopted) .....602  
5 MCAR §§ 1.0800, 1.0805-1.0806 (proposed) .....624  
5 MCAR §§ 1.0820-1.0823, 1.0860-1.0863, 1.0880-  
1.0883 (adopted temporary) .....669

## TITLE 6 ENVIRONMENT

### Part 2 Energy Agency

6 MCAR §§ 2.2300-2.2313 (proposed) .....698  
6 MCAR §§ 2.2300-2.2313 (proposed temporary) .....723  
6 MCAR §§ 2.3101-2.3108 (proposed temporary) .....662

### Part 4 Pollution Control Agency

6 MCAR § 4.0033 (adopted) .....755

## TITLE 7 HEALTH

### Part 1 Health Department

7 MCAR § 1.008 (proposed) .....852  
7 MCAR §§ 1.044, 1.046-1.049, 1.052-1.053,  
1.055, 1.057, 1.064 (adopted) .....784  
7 MCAR §§ 1.327-1.328 (adopted) .....853  
7 MCAR §§ 1.472, 1.474, 1.505 (adopted) .....775

### Part 6 Nursing Home Administrators Board

7 MCAR §§ 6.010 (NHA 10), 6.013 (NHA 13) (proposed) .....771  
NHA 22, 23 (proposed repeal) .....771

## TITLE 10 PLANNING

### Part 1 State Planning Agency

10 MCAR §§ 1.320-1.325 (adopted) .....584

## TITLE 11 PUBLIC SAFETY

### Part 1 Public Safety Department

11 MCAR §§ 1.4051-1.4056, 1.4061-1.4062 (adopted) .....669

## TITLE 12 SOCIAL SERVICE

### Part 2 Public Welfare Department

12 MCAR §§ 2.009, 2.017 (proposed) .....752  
12 MCAR § 2.065 (proposed temporary) .....599  
12 MCAR §§ 2.209, 2.162 (adopted) .....756

## TITLE 13 TAXATION

### Part 1 Revenue Department

13 MCAR §§ 1.0021-1.0026 (adopted) .....778

## TITLE 14 TRANSPORTATION

### Part 1 Transportation Department

14 MCAR §§ 1.7001-1.7013 (proposed) .....633

# PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Public Hearings on Agency Rules December 1-7, 1980		
Date	Agency and Rule Matter	Time & Place
Dec. 2	Department of Transportation Operating Standards for Special Transportation Service Hearing Examiner: George A. Beck	10:00 a.m., Rm. 81, State Office Bldg. St. Paul, MN
Dec. 4	Board of Animal Health Establishment and Operation of Public Stockyards; and Slaughter Cattle & Slaughter Swine Identification Hearing Examiner: Peter Erickson	9:30 a.m., Conference Rm. A, Capitol Square Bldg., 550 Cedar St., St. Paul, MN
Dec. 5	Transportation Department Weight Limitations on Interstate Highways and Designated Routes Hearing Examiner: Harry Seymour Crump	10:00 a.m., Rm. 81, State Office Bldg. (between Aurora and Fuller), St. Paul, MN

## Department of Administration Procurement Division

### Proposed Amendments to Existing Rules Governing the Small Business Procurement Program

#### Notice of Intent to Adopt Rules without A Public Hearing

Notice is hereby given that the Department of Administration proposes to adopt the above-entitled rules without a public hearing. The department has determined that the proposed adoption of these rules is noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subd. 4h (1980) for adoption of noncontroversial rules.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, it will be held according to the provisions of Minnesota Statutes, § 15.0412, subds. 4-4f.

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

## PROPOSED RULES

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Charles A. Ball  
Department of Administration  
203 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155  
(612) 296-3083

Authority for adoption of these rules is contained in Minn. Stat. §§ 16.05 (1978), and 16.085 (1978) as amended by Minn. Laws of 1980, ch. 361, § 4, in Minn. Stat. § 16.28 (1978) and in Minn. Laws of 1980, ch. 361, § 3 (Minn. Stat. § 645.445). Additionally, a statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Mr. Ball upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to the Office of the Attorney General. The Attorney General's Office will review the rules for form and legality. Persons who wish to be advised of the submission of this material to that office, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Ball.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Mr. Ball.

Please be advised that Minnesota Statutes, ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes § 10A.01, subd. 11 (Supp. 1979) as any individual:

(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 \$250.00, 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 \$250.00, 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, 40 State Office Building, St. Paul, Minnesota, 55155, telephone (612) 296-5615.

James J. Hiniker, Jr.  
Commissioner of Administration

### Amendments as Proposed

All existing rules presently promulgated, adopted, and published as 2 MCAR § 1.6601 and 2 MCAR §§ 1.6701-1.6705 are proposed to be amended as follows:

#### 2 MCAR § 1.6601 Sheltered workshop.

A. Any sheltered workshop wishing to apply to receive notice of available state contracts pursuant to Minn. Stat. § 16.281, shall apply in writing to Director, Minnesota Association of Rehabilitation Facilities, ~~550 South Snelling Avenue, St. Paul, Minnesota 55116.~~

#### 2 MCAR § 1.6701 ~~Scope and purpose~~ Purpose, scope, definitions.

A. Purpose. 2 MCAR §§ 1.6701-~~1.6704~~ 1.6705 are promulgated pursuant to Minn. Stat. §§ 16.081-16.086 and Minn. Stat. § 645.445 for the purpose of establishing procedures relating to the small business and small business owned by socially or economically disadvantaged persons set-aside program administered by the Division of Procurement Division, Department of Administration, 50 Sherburne Avenue, St. Paul, Minnesota 55155. 2 MCAR §§ 1.6501-1.6601 shall also govern procurement under this program.

B. Scope. In the event of irreconcilable conflict between the general procurement rules in 2 MCAR §§ 1.6501-1.6601 and these rules relating specifically to the set-aside program, the rules of the set-aside program shall govern.

C. Definitions. The definitions contained in Minn. Stat. § 645.445 shall apply in the administration of the set-aside program. In addition, the following definitions shall apply:

1. The terms "racial minorities," "women" and "persons who have suffered a substantial physical disability" contained in Minn. Stat. § 645.445, subd. 5 shall have the following meanings:

a. "Racial minorities"—All persons in one or more of the following categories:

(1) Black (not of Hispanic origin)—All persons having origins in any of the Black racial groups of Africa;

(2) Hispanic—All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(3) Asian or Pacific Islander—All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands. This area includes, but is not limited to, China, Vietnam, Japan, Korea, the Philippine Islands, and Samoa;

(4) Alaska Native—All persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation;

(5) Indian—An individual having origins in any of the original people of North America who is an enrolled member of an Indian tribe recognized as such by the government of the United States and Canada.

b. "Women"—All persons of the female gender;

c. "Persons who have suffered a substantial physical disability"—All persons suffering a physical impairment that is likely to cause difficulty in securing, retaining and/or advancing in employment, and that substantially limits one or more of his or her major life activities, including but not limited to visual, hearing or special learning impairments.

2. "A small business owned and operated by a socially or economically disadvantaged person(s)" means a small business as defined in Minn. Stat. § 645.445, subd. 2 which is 51% owned and operated on a day-to-day basis by a socially or economically disadvantaged person as defined in Minn. Stat. § 645.455, subd. 5.

3. "Manufacturer" means a business that makes and/or processes raw materials into a finished product;

4. "Manufacturer's representative" means a business that has a written agreement or agreements with one or more manufacturers to sell the products of such manufacturer(s), but that is not an employee of such manufacturer(s);

5. "Dealer, jobber or distributor" means a business that maintains a store, warehouse or other establishment in which a line or lines of products are kept in inventory and are sold to the public on a wholesale and/or retail basis;

6. "Contractor" means a business that is engaged in construction including but not limited to general, mechanical, and/or electrical contracting, or that provides a specific service including but not limited to trash removal, snow removal, janitorial services;

7. "Joint venture" means the association of two or more businesses, all of which are certified businesses in the small business and/or small business owned and operated by socially and economically disadvantaged persons program, for the purpose of receiving a procurement bid award;

8. "Broker" means a business that carries no inventory and that has no written agreement with any manufacturer to sell the products of such manufacturer;

9. "Third-party lessor" means a business that as a lessee acts as a lessor to a third party.

#### **2 MCAR § 1.6702 Eligibility for set-aside program.**

A. The following businesses shall be eligible for participation in the set-aside program: manufacturer, manufacturer's representative, dealer, jobber, distributor, contractor, and businesses engaged in a joint venture.

B. The following businesses shall not be eligible for participation in the set-aside program: brokers and third-party lessors.

#### **2 MCAR § ~~1.6702~~ 1.6703 Self-certification of eligibility.**

A. To become eligible to receive invitations for set-aside bids, each business shall certify and file with the Division of Procurement the following information on the application forms provided:

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

## PROPOSED RULES

1. name and address of applicant and principal place of business;
2. whether applicant is applying for designation as a small business or a small business owned and operated by a socially or economically disadvantaged person(s); designation shall be made as to the type of business operated and the kinds of service, materials, or supplies which can be delivered;
3. number of employees;
4. gross ~~receipts for each of the past 3 years~~ revenues in the preceding fiscal year;
5. whether the business is an affiliate or subsidiary of a ~~dominant~~ business dominant in its field of operation as defined in Minn. Stat. ch. 16.082;
6. listing of all owners, including percentage of ownership, and all officers of the applicant with full disclosure of all owners' and officers' direct and indirect involvement in other businesses and enterprises which are in the same field of operation as the applicant, unless ownership is by common stock regularly bought and sold through recognized exchanges;
7. all other relevant information requested by the division.

B. If the applicant is certifying itself for designation as a business owned and operated by socially or economically disadvantaged persons, the applicant shall also provide information indicating the basis of claim for designation under the standards established by ~~Minn. Stat. ch. 16.082 subd. 5~~ Minn. Stat. § 645.455, subd. 5 and these rules for each officer and owner of the business.

C. To assist in verification of the self-certification, the Division of Procurement on behalf of the Commissioner of Administration may shall require each business to submit a copy of its income statement for the ~~three~~ preceding fiscal year as well as a statement of the number of employees. If a business does not have ~~three years~~ one year's experience, it shall indicate the date the business was organized and provide ~~income statements~~ an income statement for since that time period including a current income statement since the business was organized.

D. The Director of the ~~Procurement~~ Division of Procurement shall be notified in writing of any and all changes in the applicant's business which may alter the information provided above within thirty (30) days of such change(s).

E. ~~Applicants~~ Each applicant shall be notified in writing of the acceptance or rejection of the application, within 30 days of receipt of the self-certification form by ~~only if the Procurement Division of Procurement. rejects an applicant's self-certification.~~ Applicants An application shall be rejected on any of the following grounds:

1. Applicant is dominant in its field of operation or is an affiliate or subsidiary of a ~~dominant~~ business; dominant in its field of operation; as prohibited by Minn. Stat. ch. 16.082, subd. 2; or given figures provided pursuant to 2 MCAR § 1.6702 e-1, applicant is dominant in its field of operation for the period of operation.
2. Applicant has failed to provide all relevant required information; ;
3. Where applying for designation as a business owned and operated by socially or economically disadvantaged person(s) applicant failed to establish that majority ownership and operating control are held by socially or economically disadvantaged persons(s);;
4. Applicant has failed to comply with laws and rules of the state relating to procurement-;
5. Applicant's failure to comply with the requirement of these rules or Minn. Stat. § 16.083, *et seq.* or bad faith in application for inclusion in this program-;
6. Applicant is a broker and/or third-party lessor.

F. After an applicant has received written notice of rejection of its application to participate in the set-aside program, applicant may appeal this decision in writing to the Director of the Division of Procurement within thirty (30) days of receipt of such notice. The director shall render a decision in writing on the application within thirty (30) days of receipt of the appeal. If the applicant's rejection is sustained by the director, applicant may appeal this decision in writing to the Commissioner of Administration within thirty (30) days of receipt of such determination. The commissioner shall render the final decision in writing within thirty (30) days of receipt of such appeal.

### **2 MCAR § ~~1.6703~~ 1.6704 Establishment of set-aside procurements.**

A. A list of set-aside ~~contractors~~ businesses, properly certified pursuant to 2 MCAR § ~~1.6702~~ 1.6703 shall be established and maintained by the Division for various commodity classes.

B. Determination of contracts for set-aside. When a requisition is received by the Division of Procurement and is placed on



the list of set-aside contracts, the contract for a particular commodity shall be offered to those businesses on that commodity list and awarded as follows:

1. ~~2.~~ For all such requisitions, the Division of Procurement shall establish an estimated price for the goods or services;
2. All businesses on the set-aside list shall be notified of the estimated price;
3. ~~4.~~ First attempt at purchase shall be made from a small business owned and operated by a socially or economically disadvantaged person(s); ~~When feasible, competitive bids shall be obtained; if not a price may be negotiated.~~
4. Where there is only one business in a given commodity class the business shall be invited to submit a bid based on the estimated price;
5. Where there are two or more businesses in a given commodity class, competitive bids shall be obtained;
6. ~~4.~~ Acceptable bids shall be recorded and the award made to the lowest responsible bidder;
7. ~~3.~~ No award shall be made when the low bid ~~or the negotiated price~~ is more than 5% over the estimated price;
8. ~~5.~~ Where there are no bids or no acceptable bids, unsatisfactory bids, if any, will be recorded and the requisition shall thereafter be rebid through normal procurement procedures;
9. ~~6.~~ If it is necessary to reject original bids and the bid specifications are substantially changed or were in error, specifications shall be revised and the project rebid under set-aside rules;
10. ~~7.~~ If an acceptable bid is received and awarded under normal procurement procedures, the cost or price shall be recorded for report purposes.

**2 MCAR ~~§ 1.6704~~ 1.6705 General terms and conditions.**

A. A business which, if offered an award, finds that it cannot produce, supply or construct according to the bid terms and conditions shall, within seven (7) calendar days after receipt of notice as low bidder, notify the Division of Procurement in writing of the reasons therefor.

B. When the Commissioner of Administration finds that the low bidder is unable to perform, the Department of Economic Development shall be notified by the Division of Procurement in accordance with Minn. Stat. § 16.084, so that the Commissioner of Economic Development can assist the small business in attempting to remedy the causes of the inability to perform.

C. Failure to enter into the contract or to accept an offered award will not automatically disqualify a business from further bidding ~~or negotiation~~.

D. The records of the Procurement Division shall show the reason(s) for such failure.

E. ~~Failure to satisfactorily complete and meet the terms and conditions of a bid after an award has been made and accepted shall disqualify a business from further bidding or negotiation until assurance of ability to perform is provided; documenting the corrections made to assure performance of future contracts. Such assurances shall be given in writing to the Director, Procurement Division.~~ A business shall be removed from the set-aside list and disqualified from further bidding on any set-aside contract for failure to satisfactorily complete and fulfill the terms and conditions of a set-aside contract after an award has been made and accepted. Notice of removal and disqualification and the reasons therefore shall be provided in writing to the business by the Division of Procurement and shall be effective thirty (30) days after receipt by the business. Disqualification shall remain in effect until the business documents in writing the corrections made and the steps taken to assure performance of future contracts. Such documentation shall be directed to the Director, Division of Procurement.

F. A business shall be removed from the set-aside list and disqualified from further bidding on any set-aside contract when the business no longer qualifies for the set-aside program pursuant to Minn. Stat. §§ 16.081-16.086, Minn. Stat. § 645.455 and these rules. Notice of such removal and the reasons therefor shall be provided in writing to the business by the Division of Procurement and shall be effective upon receipt by the business.

G. When a business is removed from the set-aside list and disqualified from further bidding on any set-aside contract the business may appeal such removal and disqualification according to the procedure described in 2 MCAR § 1.6703 F.

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

## PROPOSED RULES

~~H. F.~~ The ~~Commissioner of Administration~~ Director of the Division of Procurement may divide bid invitations by dollar amounts, units of production, or duration of contract to facilitate awarding contracts to business in the set-aside program.

~~I. G.~~ No contractor awarded a contract under the set-aside program shall sub-contract fifty percent (50%) or more of the dollar value of the work under such contract. In construction contracts, the amount of specialty sub-contracting shall be excluded in determining the total amount of permissible sub-contracting.

## Department of Health Vital Statistics

### Proposed Amendment of Vital Statistics Rule 7 MCAR § 1.008

#### Notice of Intent to Amend Rule without A Public Hearing

Notice is hereby given that the Minnesota Commissioner of Health (hereinafter "commissioner") proposes to amend rule 7 MCAR § 1.008. The amendment of this rule would also necessitate the renumbering of 7 MCAR § 1.008 E.-H. as D.-G. to conform with the elimination of paragraph D. The rule currently provides:

#### 7 MCAR § 1.008

D. Out-of-wedlock reports. Every out-of-wedlock birth shall be reported within 24 hours after the birth of the child, to the Commissioner of Public Welfare, on a form furnished by him.

The necessity for this paragraph was removed through the adoption by the legislature of amendments to Minn. Stat. § 257.33 (Minn. Laws of 1980, ch. 589, § 31).

The commissioner has determined that the amendment of this rule will be uncontroversial in nature, due to the above-referenced legislative change. Therefore, this proceeding is being made under the provisions of Minn. Stat. § 15.0412, subd. 4(g) (Minn. Laws of 1980, ch. 615 § 7), which provides for an expedited process for the adoption of uncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;
2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;
3. All comments and any written requests for a public hearing shall be submitted to Frederick L. King, State Registrar of Vital Records, 235 Minnesota Health Department Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;
4. The proposed amendment may be modified if modifications are supported by the data and views submitted;
5. The agency now has available a "Statement of Need and Reasonableness" supporting the proposed rule amendment. Anyone wishing to receive a copy of this document may contact Mr. King at the above-listed address;
6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. King at the above listed address;
7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice;
8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

November 5, 1980

George R. Pettersen, M.D.  
Commissioner of Health

#### Amendments as Proposed

~~7 MCAR § 1.008 D.~~ Out-of-wedlock reports. Every out-of-wedlock birth shall be reported within 24 hours after the birth of the child, to the Commissioner of Public Welfare, on a form furnished by him.

[7 MCAR § 1.008 E.-H. Reletter as D.-G.]

# ADOPTED 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.

## Department of Commerce Securities and Real Estate Division

### Adopted Rules Pertaining to Uniform Conveyancing Blanks, to Replace Uniform Conveyancing Blanks 1-M through 12-M (Warranty Deeds), and 27-M through 32-M (Quit Claim Deeds), Originals of Which Are Filed with the Secretary of State and Copies of Which Are Set Out Following M.S.A. § 507; Creating Four New Affidavit Blanks

The rules proposed and published at *State Register*, Volume 4, Number 39, pp. 1556-1579, March 31, 1980 (4 S.R. 1556) are now adopted, with the following amendments:

#### Amendments as Adopted

The language (NAME AND ADDRESS) is added to all the blanks and follows the phrase "THIS INSTRUMENT WAS DRAFTED BY," which language appears in the lower left corner of the warranty deed and quit claim deed blanks and in the lower right corner of the affidavit blanks.

## Department of Health Disease Prevention and Control

### Adopted Rules Relating to Testing School Employees for Tuberculosis

The rules proposed and published at *State Register*, Volume 4, Number 15, page 577, October 15, 1979 (4 S.R. 577) are adopted with the following amendments:

#### Amendments as Adopted

7 MCAR § 1.327 Tuberculin testing for employees of school districts, private or parochial schools, day care centers, and nursery schools.

A. Definitions. For the purpose of this rule, the following terms have the meanings given them:

1. "Initial Employment" means ~~first employment~~ an agreement in which a person promises to provide services to a Minnesota school districts following a period of four or more months of non-employment in a Minnesota school district or school in return for monetary compensation, which services include personal contact with students.

2. "Continuous employment" means yearly employment in Minnesota school districts with no more than a four-month interruption in employment.

B. Tuberculin skin testing. All employees of school districts, private and parochial schools, day care centers and nursery schools, unless certified by a physician to have had a positive reaction (10mm or greater of induration) to a standard intradermal tuberculin test, shall have within 45 days prior to ~~initial employment~~, potential first contact with students, a standard

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

## **ADOPTED RULES**

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intradermal tuberculin test with purified protein derivative (PPD). If the tuberculin test is negative (less than 10mm of induration), the employee shall be considered free from tuberculosis and need not repeat the standard intradermal tuberculin test during the period of continuous employment in schools or day care centers in Minnesota, unless exposure to an active tuberculosis case occurs.

**7 MCAR § 1.328 Employees showing positive reactions.** All employees showing positive reaction (10mm or greater of induration) to the standard intradermal tuberculin test shall have such additional examinations as are necessary to enable their physician to certify their freedom from tuberculosis; however, the minimum requirement shall be a report by a roentgenologist of a satisfactory negative full-sized chest x-ray taken within 60 days prior to employment potential first contact with students. All employees showing positive reaction to the standard intradermal tuberculin test shall present annually, a report by a roentgenologist of a satisfactory negative full-sized chest x-ray until five (5) years have elapsed since a documented positive skin test, after which time the employee shall be considered free from tuberculosis during the period of continuous employment in schools or day care centers in Minnesota. All employees showing positive reaction to the intradermal tuberculin test who take a complete course of preventive therapy as directed by their physician, will be considered free from tuberculosis at the completion of the treatment program.

## **SUPREME COURT**

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### **Decisions Filed Friday, November 7, 1980**

**Compiled by John McCarthy, Clerk**

50911/219 In re Condemnation Proceedings for the Wilmarth Line of the C U Project. Blue Earth County.

The statutory notice required in a certificate of need hearing was not conformed with in this case. The matter is remanded with instructions.

Reversed and remanded. Todd, J. Concurring specially, Yetka, J. Took no part, Peterson, J.

## **STATE CONTRACTS**

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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.

### **Office of the State Auditor**

#### **Notice of Request for Proposals for Accounting Services for Audit of Metropolitan Waste Control Commission**

The Office of the State Auditor requires the services of a private accounting firm to audit the Metropolitan Waste Control Commission, 350 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, for the year ended December 31, 1980.

Firms will be selected through a competitive proposal procedure. Firms will be retained for three year cycles with audit contracts contingently renewable on a negotiated price basis annually.

The basic characteristics of the audit work include the following:

Firms will enter into a contract for services with the State Auditor.

The entire cost of audit services will be charged to the Metropolitan Waste Control Commission.

The audit work must be performed in accordance with generally accepted auditing standards.

The engagement required about 2000 man hours for the last audit.

1979 Revenues are estimated at \$112,500,000.

For more information concerning audit guidelines contact Sue Schwab at (612) 297-3677. Firms desiring consideration should submit their proposals by December 8, 1980. These proposals should include resumes indicating similar experience, and an engagement budget by man hours. Send response to:

The Honorable Arne H. Carlson  
State Auditor  
State of Minnesota  
555 Park Street, Suite 400  
St. Paul, Minnesota 55103

## **Department of Economic Security Office of Statewide CETA Coordination**

### **Notice of Request for Proposals for Operation of CETA/Governor's Coordination and Special Services Projects**

The Minnesota Department of Economic Security, Office of Statewide CETA Coordination, is requesting proposals to operate CETA/Governor's Coordination and Special Services Projects.

Section 202(e) of the Comprehensive Employment and Training Act Amendments of 1978 (CETA) authorizes funds to be utilized "to conduct Governor's coordination and special services within the State."

Approximately \$150,000.00 will be available to fund model projects to operate in Federal Fiscal Year 1981. Project area is Chemical Dependency Models in Employment Assistance and Training.

Request for Proposal applications are available upon request.

Inquiries and requests should be directed to:

Gary Denault  
Office of Statewide CETA Coordination  
690 American Center Building  
St. Paul, Minnesota 55101  
(612) 296-8008

Request for Proposal Applications will be accepted until 4:00 p.m., Tuesday, December 30, 1980.

## **Department of Public Safety State Patrol**

### **Notice of Request for Proposals for Police Management and Supervision Training**

Notice is hereby given that the Minnesota State Patrol is requesting proposals for training in the area of Police Management and Supervision. The four anticipated courses are: Staff and Command, Principles of Police Management, Police Supervision, Supervision of the Field Training Officer Program. The estimated total cost of these programs is \$48,000.

Requests for proposals can be obtained from Captain Glenn Gramse, Minnesota State Patrol, Room 107 Transportation Building, St. Paul, Minnesota 55155. Proposals will not be accepted after January 2, 1981.

# OFFICIAL NOTICES

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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.

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## Governor's Council on Employment and Training

### Notice of Meeting

Notice is hereby given that a meeting of the Governor's Council on Employment and Training will be held on Friday, December 12, 1980, from 10:00 a.m. to 12:00 p.m., Room 15, State Capitol Building, St. Paul, Minnesota.

## Pollution Control Agency Water Quality Division

### Notice of Intent to Solicit Applicants to Serve on Advisory Committees to Assist in Developing Hazardous Materials and Waste Facilities Classifications

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is establishing two Advisory Committees to assist in developing hazardous waste and waste facilities classifications under the Waste Management Act of 1980, section 116.41. The Act requires MPCA to classify land disposal facilities for solid waste, sewage sludge and hazardous waste according to the degree of hazard to the public or the environment in their operation. The MPCA must also prescribe criteria for types and categories of hazardous wastes according to their suitability for land disposal and set minimum criteria for pre-treatment of wastes. Both of these activities must be complete by January 1, 1982. Therefore, Advisory Committee meetings will be held at least once a month January through May in 1981 to prepare the proposed rules.

There will be two committees:

(1) Advisory Committee on Hazardous Materials Classification, which will give advice on the intrinsic hazards in wastes and the technologies available to handle those materials.

(2) Advisory Committee on Facility Classification, which will give advice on the elements that determine what degree of hazard a facility presents in disposing of various kinds of wastes on land.

All interested or affected persons or groups who desire to participate on one of these committees are requested to respond. Please indicate on which committee you wish to serve. Send comments and statements of application to:

Rodney E. Massey, P.E.  
Chief, Ground Water Section  
Division of Water Quality  
Minnesota Pollution Control Agency  
1935 W. County Rd. B2  
Roseville, Minnesota 55113  
Phone: (612) 296-7218

All statements of application should be received by December 1, 1980.

Terry Hoffman  
Executive Director

## Department of Public Welfare Mental Health Bureau

### Notice of Intent to Solicit Outside Opinion Concerning Approval of Mental Health Centers and Clinics for Insurance Reimbursement

Notice is hereby given that the Minnesota Department of Public Welfare is considering a temporary rule, 12 MCAR § 2.029, and, subsequently, a permanent rule 12 MCAR § 2.029 governing conditions or approval of mental health centers and clinics insurance reimbursement.

These rules authorized by Minn. Stat. § 245.69 (amended, 1980) govern the conditions under which the commissioner will approve mental health centers and clinics for insurance reimbursement.

The proposed rules will set forth the minimum requirements to qualify for approval such as staffing, peer review of clinical work, and continuing education standards.

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 made to:

Trudy Dunham  
Mental Illness Program Division  
Fourth Floor, Centennial Building  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at 612/296-4503.

All statements of information and comment must be received by January 2, 1981. Any written material received by the department shall become part of the hearing record.

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

### **Notice of Vacancies in Multi-member State Agencies**

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-7876. **Application deadline is December 16, 1980.**

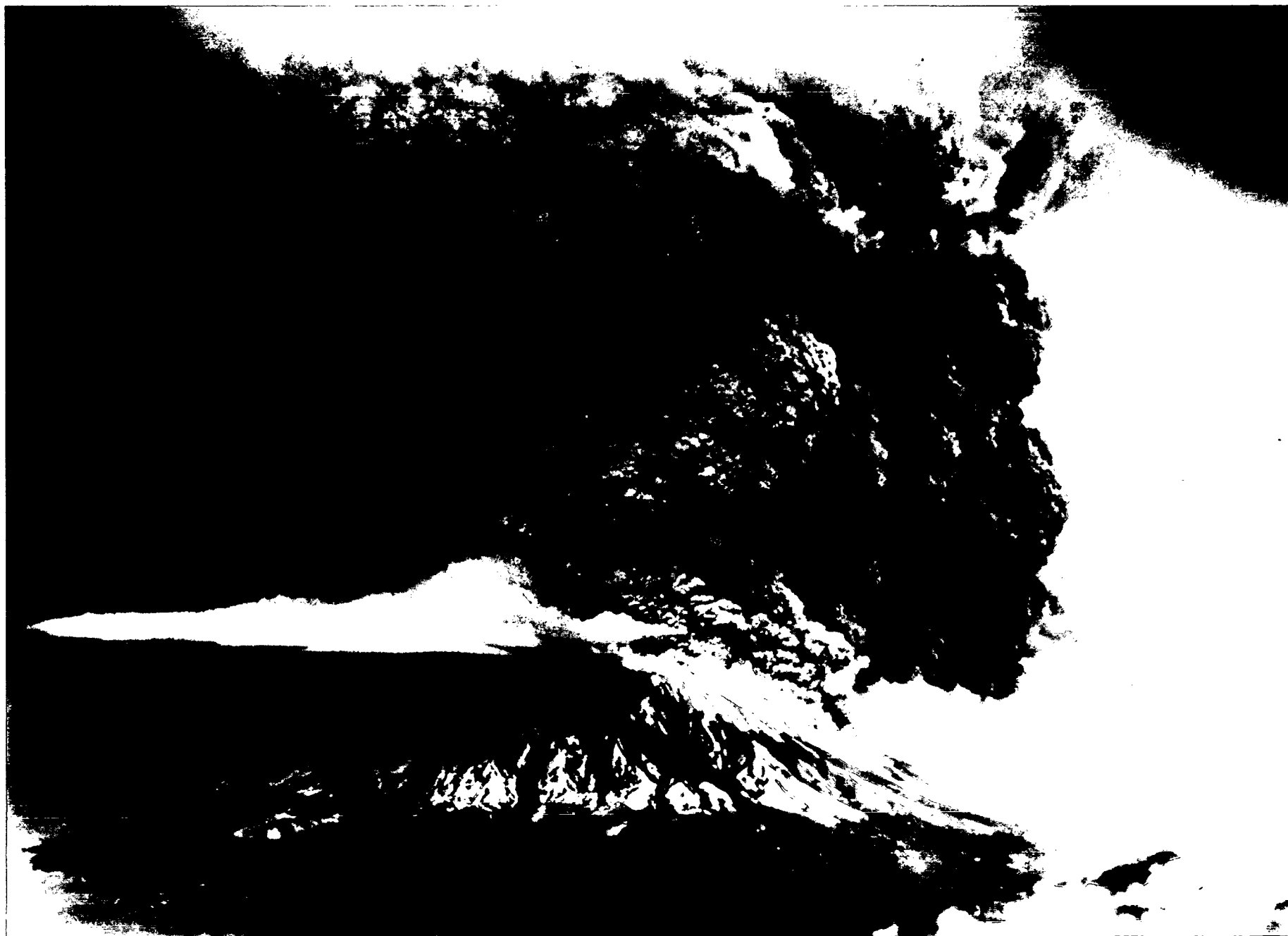
**Child Care and Development Advisory Council** has 2 vacancies open immediately. The council advises the Commissioner of Public Welfare on day care policy, development of child care reservices, and coordination of public and private child care agencies and citizens groups. Members are appointed by the commissioner, and receive \$35 per diem plus expenses. For specific information, contact Child Care and Development Advisory Council, 4th Floor, Centennial Building, St. Paul 55155; (612) 296-3929.

**Council for the Handicapped** has 2 vacancies open immediately for a resident of economic development region 3, and a resident of economic development region 8. The council advises the Governor, Legislature, and service providing agencies on the needs and potentials of people with physical, mental, or emotional disabilities. Members are appointed by the Governor, and receive \$35 per diem plus expenses. For specific information, contact Council for the Handicapped, Suite 208, Metro Square Building, St. Paul 55101; (612) 296-6785.

**Environmental Education Board** has one vacancy open immediately for a public member. The board develops and implements environmental education programs through regional environmental education councils and metro area task forces. Members are appointed by the Governor and confirmed by the Senate, and are reimbursed for expenses. For specific information, contact Environmental Education Board, Box 5, Centennial Building, St. Paul 55155; (612) 296-2368.

**Governor's Office of Volunteer Services Advisory Committee** has 2 vacancies open immediately for a resident of economic development region 1, and a resident of economic development region 6W. The committee coordinates and channels volunteer services, and makes recommendations to the governor on the programs and goals of the office of volunteer services. Members are appointed by the Governor, and are compensated for expenses. For specific information, contact Governor's Office of Volunteer Services Advisory Committee, 130 State Capitol, St. Paul 55155; (612) 296-4731.

**Investment Advisory Council** has an additional vacancy, open January 1981. The council advises the State Board of Investment on improving the rate of return on the state's invested money. Members are appointed by the board of investment, and receive no compensation. For specific information, contact Investment Advisory Council, Room 105 MEA Building, 55 Sherburne Avenue, St. Paul 55155; (612) 296-3328.



THE ERUPTION OF MT. ST. HELENS, a documentary about the volcanic eruptions in May and June this year in Washington, is currently showing at the William L. McKnight-3M Omni-theater, Science Museum of Minnesota, Wabasha and Exchange Streets, St. Paul, MN. For show times and ticket information call (612) 221-9400.



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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

**Perspectives**—Publication about the Senate. Contact Senate Information Office.

**Weekly Wrap-Up**—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

**This Week**—weekly interim bulletin of the House. Contact House Information Office.

Legislative Reference Library  
Room 111 Capitol  
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