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STATE REGISTER

STATE OF MINNESOTA



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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 8			
9	Monday Aug 15	Monday Aug 22	Monday Aug 29
10	Monday Aug 22	Monday Aug 29	Monday Sept 5
11	Monday Aug 29	Monday Sept 5	Monday Sept 12
12	Monday Sept 5	Monday Sept 12	Monday Sept 19

*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*.

Rudy Perpich
Governor

Carol Anderson Porter
Editor

Sandra J. Hale
Commissioner
Department of Administration

Paul Hoffman, Robin PanLener, Jean Walburg
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

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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:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A 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* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* 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	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
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PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, 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 Agriculture
Agronomy Services Division**

Proposed Temporary Rule Governing Fees for Agricultural Seed Registration and Testing

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above entitled temporary rule. The Commissioner of Agriculture will follow the procedures set forth in Minnesota Statutes, sections 14.29-14.36 in adopting this rule.

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 interested in this temporary rule shall have 20 days from the date the rule is published in the *State Register* to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department.

Persons who wish to submit oral or written comments should submit the comments to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107, (612) 296-1486.

Authority to adopt the rule is contained in Laws of Minnesota 1983, chapter 293, section 44, subdivision 11. The commissioner is authorized by this section to adopt temporary rules for enforcement of the Minnesota Seed Law, including the establishment and collection of fees. The proposed temporary rule sets the fees for sampling export seed, sets application and other fees for seed permit holders, states reporting requirements for seed permit holders, sets registration fees for hybrid seed corn varieties, and sets fees for laboratory service and testing of agricultural seeds.

Upon adoption of the temporary rule, the proposed rule, this notice, all written comments received, and the temporary rule as adopted will be delivered to the Attorney General for review as to form and legality. As required by the Administrative Procedures Act, this temporary rule will be effective for not more than 180 days after its adoption, and may be continued in effect for up to an additional 180 days.

One free copy of this notice and the proposed temporary rule may be obtained by contacting Mr. Heil. Persons who wish to receive a copy of the temporary rule as adopted should also request it from Mr. Heil.

Jim Nichols
Commissioner of Agriculture

Temporary Rule as Proposed (All new material)

3 MCAR § 1.0172 [Temporary] Charges for testing and identifying seed.

A. Definitions. As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 18, and "initial labeler" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 12, except that it does not include persons exempted from having seed fee permits by Laws of Minnesota 1983, chapter 293, section 48, subdivision 4.

B. Sampling export seed. In accordance with Laws of Minnesota 1983, chapter 293, section 44, subdivision 13, the commissioner will, if requested, sample seed destined for export to other countries. The fee for sampling export seed is \$20 per hour per inspector. In addition, the person requesting the sampling service shall pay the actual cost of mileage, meals, lodging, mailing or copying, any materials used in furnishing the service, and any other expense reasonably related to and necessary for providing the service.

C. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with the provisions of Laws of Minnesota 1983, chapter 293, section 48, subdivisions 1 and 2, and the procedures set in 1.-4.

1. Each initial labeler who wishes to label seed for sale in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, the desired effective date for the permit, and the name and title of the applicant's contact person. The application must be accompanied by an application fee of \$10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

2. All seed permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of the reporting period along with a \$5 filing fee. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31 of each year.

3. The holder of a seed fee permit must pay fees on all seed covered by Laws of Minnesota 1983, chapter 293, sections 39 to 51 and sold during the reporting period.

a. For agricultural seed sold in containers up to 160 pounds net weight, the fees per container are as follows:

- (1) Less than 15-pound container, 5 cents each;
- (2) 15- to 30-pound container, 7 cents each;
- (3) 30- to 60-pound container, 8 cents each;
- (4) 60- to 100-pound container, 9 cents each; and
- (5) 100- to 160-pound container, 10 cents each.

b. For agricultural seed sold in bulk or in containers larger than 160 pounds net weight, the fees are as follows:

- (1) Oats, field peas, 5 cents per cwt.;

- (2) Wheat, barley, field beans, 6 cents per cwt.;
- (3) Rye, soybeans, buckwheat, 7 cents per cwt.;
- (4) Flax, vegetables grown for processing, 8 cents per cwt.;
- (5) Corn, forage grasses, millets, 9 cents per cwt.;
- (6) Sorghum, sunflowers, legumes, 10 cents per cwt.;
- (7) All other agricultural seeds, 10 cents per cwt.; and
- (8) Lawn and turf grass seeds, 1 cent per lb.

c. For vegetable and flower seeds packed for use by home gardeners in small containers or in bulk, the fees are as follows:

- (1) Vegetable, each pound, 10 cents; and
- (2) Flower, each pound, 15 cents.

4. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of \$10 or eight percent of the fee due, whichever is greater, but no more than \$100 for each late quarterly report. A \$10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota Seed Law.

D. Hybrid seed corn variety registration fee. In accordance with Laws of Minnesota 1983, chapter 293, section 49, subdivision 2, the annual fee for the registration of each hybrid seed corn variety is \$27.50, and must be paid at the time of registration.

E. Service testing and identification. The fees in 1.-4. for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Laws of Minnesota 1983, chapter 293, section 44, subdivision 12.

1. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, and other similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
\$ 8	\$ 5	\$11	\$ 4	\$10

2. Grasses, including bromes, fescues, orchardgrass, reed canary wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, and other similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
\$12	\$ 7	\$17	\$ 6	\$12

3. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
\$20	\$10	\$28	\$10	\$18

4. Mixtures: A—Full price of highest priced species plus one-half the price of each additional species. B—One-half the price of the purity test on the highest priced species in the mixture.

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
A	A	Not Applicable	B	A

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PROPOSED RULES

5. A fee of \$12 per hour will be charged for tests which are specially requested but not included in E., or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

6. An additional fee of \$2 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

7. An additional fee of \$2 will be charged for each sample received during the period of March 15 through June 30.

8. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent monthly service charge assessed against the unpaid balance.

Department of Commerce

Proposed Temporary Rules Governing Auto Insurance Nonrenewals

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the Department of Commerce is proposing to adopt temporary rules to govern auto insurance nonrenewals as authorized by Ch. 203, sec. 2 of the Session Laws of 1983 (Minn. Stat. § 65B.17, subd. 2). The proposed temporary rules follow this notice.

All interested parties are hereby afforded the opportunity to submit data and views on the proposed temporary rules for 20 days immediately following publication of this material in the *State Register*. Comments should be submitted in writing to:

Dale L. McDonnell
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101

The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the department.

After the 20 day comment period, the proposed temporary rules with modifications, if any, will be sent to the Office of the Attorney General for final approval as to form and legality. The temporary rules shall take effect immediately upon the Attorney General's approval.

The temporary rules shall remain in effect until permanent rules are adopted or for 180 days. The temporary rules may also be extended for an additional 180 days.

August 8, 1983

Reynaud L. Harp
Deputy Commissioner of Commerce

Temporary Rules as Proposed (all new material)

4 MCAR § 1.9081 [Temporary] Scope of Authority.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] apply to all companies writing policies of automobile insurance. They are adopted pursuant to Minnesota Statutes, section 65B.17, subdivision 2.

4 MCAR § 1.9082 [Temporary] Purpose.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] are designed to limit the reasons a policy of automobile insurance may not be renewed.

4 MCAR § 1.9083 [Temporary] Definitions.

A. Applicability. For the purposes of 4 MCAR §§ 1.9081-1.90892 [Temporary], the terms defined in this rule have the meanings given them.

B. Chargeable accident. "Chargeable accident" means an accident involvement in which the insurer nonrenewing the policy makes a payment under bodily injury, property damage, or collision coverages except under the following conditions:

1. In a collision loss, where the insurer recovers 80 percent or more of the insurers loss through subrogation.

2. The automobile was damaged through being struck while lawfully parked. An automobile rolling from a parked position would not be considered lawfully parked if the rolling caused the accident, that is, the rolling car struck another vehicle.

3. The insured or other driver of the car has been paid by the other party, or has a judgment against the other party in the accident.

4. The accident was one in which the damage was caused by the vehicle being rear-ended by another vehicle, unless the driver of the struck vehicle has been convicted of a moving traffic violation in conjunction with the accident.

5. The driver of the other vehicle in the accident has been convicted of a moving violation in conjunction with the accident, and the insured driver has not been convicted of a moving violation in conjunction with the accident.

6. The insured automobile was damaged by contact with a "hit-and-run" vehicle, if this is so reported to the police, highway patrol, or sheriff within 24 hours after discovery.

7. Any accident for which payment is made under the comprehensive portion of the physical damage coverage of a policy.

C. Commercial vehicle. "Commercial vehicle" is as defined in Minnesota Statutes, section 65B.43, subdivision 12.

D. Emergency vehicle. "Emergency vehicle" means an automobile used in response to an emergency if the operator is responding to a call of duty as a paid or volunteer member of any police or fire department, first aid squad, or any law enforcement agency.

E. Experience period. "Experience period" means three years from the date of an accident to the renewal date of the policy and in the case of a moving traffic violation, three years from the date of occurrence to the renewal date of the policy.

F. Hit and run vehicle. "Hit and run vehicle" means a vehicle that leaves the scene of an accident in violation of Minnesota Statutes, section 169.09, subdivisions 1, 2, 4, and 5, or the comparable provisions of the laws of another jurisdiction where the accident occurred.

G. Multi-line contract. "Multi-line contract" means an insurance contract which insures more than one line of insurance under one contract, such as homeowners and automobile coverages within one contract.

H. Nonrenewal. "Nonrenewal" includes any nonrenewal notice sent to a named insured informing the named insured that the insurer is terminating or intends to terminate a policy as of a certain date. In order to be valid, the notice must comply with all other applicable laws and rules, including Minnesota Statutes, section 65B.17, and 4 MCAR § 1.9087 [Temporary].

Nonrenewal also includes:

1. any reduction in the limits of liability of coverage, except a termination or modification of towing coverage;

2. an increase of a physical damage deductible unless all the existing policies and those policies to be accepted as new business will have the same higher deductibles applied; and

3. the transfer of a named insured from one rating plan to another within the same company, or the transfer of a named insured from one company to another within a group of insurance companies, if the transfer results in a higher premium. This does not apply to a surcharge on an existing policy.

I. Points. "Points" means the grading system by which each chargeable accident and violation is assigned a certain number of points to determine if a policy is subject to nonrenewal.

J. Policy. "Policy" means a policy or a policy of automobile insurance as defined in Minnesota Statutes, section 65.14, subdivision 2.

K. Private passenger vehicle. "Private passenger vehicle" is as defined in Minnesota Statutes, section 65B.001, subdivision 3.

L. Violations. "Violations" means all moving traffic violations that are recorded by the Department of Public Safety on an operator's motor vehicle record, and violations reported by a similar authority in another state, or reported by the insured, except for equipment violations.

4 MCAR § 1.9084 [Temporary] Reasons for nonrenewal.

The grounds for nonrenewal of a policy are limited to one or more of the following reasons:

A. the reasons stated in Minnesota Statutes, section 65B.15, subdivision 1;

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PROPOSED RULES

- B. an insured equals or exceeds the relevant number of points specified in 4 MCAR § 1.9086 [Temporary];
- C. termination of the agency contract, provided that if a named insured is 65 years of age or older, the insurer must reinstate the policy at the written request of the named insured;
- D. an insurer ceases to write auto insurance in Minnesota. An insurer writing both commercial vehicle insurance and private passenger auto insurance can cease to write either line and continue to offer coverage in the other line;
- E. three or more comprehensive claim payments have been made during the experience period, a deductible of no more than \$100 may be applied to the comprehensive coverage of a policy not having a deductible, or either an increase to the next highest deductible level offered by a company or up to \$100 may be added to an already existing deductible.

4 MCAR § 1.9085 [Temporary] Schedule of points for a violation or chargeable accident.

The following schedule shows the points assigned to each violation and chargeable accident during the experience period.

- A. Four points will be assigned for each of the following:
 - 1. leaving the scene of an accident without stopping to report;
 - 2. a felony involving the use of a motor vehicle, including manslaughter, criminal negligence, or assault originating out of the use of a motor vehicle;
 - 3. theft of, or unlawful taking of, a motor vehicle;
 - 4. any suspension or revocation of an operators' license; and
 - 5. unlawful driving after suspension or revocation of an operators' license.
- B. Two and one-half points will be assigned for reckless driving.
- C. One and one-half points will be assigned for careless driving.
- D. One point will be assigned for:
 - 1. a chargeable accident where total payment under bodily injury, property damage, and collision coverage is over \$500; and
 - 2. an open bottle violation.
- E. Three-fourths of a point will be assigned for the second and each subsequent violation for speeding during the experience period per individual operator.
- F. One-half point will be assigned for:
 - 1. the first violation for speeding during the experience period per individual operator;
 - 2. all other violations;
 - 3. a chargeable accident where total payment under bodily injury, property damage, and collision, coverages, is \$500 or less; and
 - 4. allow open bottle violation.

4 MCAR § 1.9086 [Temporary] Points for nonrenewal.

A. Schedule. The following schedule shows the number of points that must be accumulated before a policy can be nonrenewed:

Vehicles insured	Points to nonrenew
1	2
2	3
3	3½
4 or more	4

B. Exceptions.

1. If one operator accumulates three points or more, a policy or policies may be nonrenewed regardless of the number of insured vehicles in the household. If at the time the nonrenewal was sent, a nonspouse member owns an automobile and a policy of his or her own, then that household member's driving record cannot be used for accumulation of points to determine a basis for nonrenewal of policies of other members of the household.

2. Accidents or violations occurring while operating a commercial vehicle or an emergency vehicle cannot be used to accumulate points for nonrenewing a private passenger vehicle policy, except for violations in the four-point category.

3. Accidents or violations occurring while operating a private passenger vehicle cannot be used to accumulate points for nonrenewing a commercial vehicle policy, except for violations in the four-point category.

4. If a violation and a chargeable accident arise out of the same occurrence, points are charged only to the event which carries the highest point assignment.

4 MCAR § 1.9087 [Temporary] Nonrenewal notices.

A nonrenewal notice must be on a form approved by the Department of Commerce and it must contain on the front of the notice specific reasons for the nonrenewal and the information required by Minnesota Statutes, section 65B.19 regarding the right of complaint and the availability of the Minnesota Automobile Insurance Plan. The specific reason given for the nonrenewal must include the following information:

1. In the case of violations:
 - a. the name of the driver;
 - b. the type of violation;
 - c. the date of the violation; and
 - d. the point value of each violation.
2. In the case of accidents:
 - a. the name of the driver;
 - b. whether the payment is in excess of or under \$500;
 - c. the date of the accident; and
 - d. the point value of each accident.

The printing of these items on the back of the notice or on a separate sheet will not comply with this rule.

4 MCAR § 1.9088 [Temporary] Record keeping.

Each insurance company shall keep a register of all cancellations, as defined in Minnesota Statutes, section 65B.15, and nonrenewals, as defined in Minnesota Statutes, section 65B.17 and 4 MCAR § 1.9083 H. [Temporary]. This register must be available to the commissioner of commerce, or his designee, at any time.

4 MCAR § 1.9089 [Temporary] Automatic coverage on newly acquired and replacement vehicles.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] also apply to newly acquired vehicles and replacement vehicles which qualify for the automatic coverage provisions of a policy.

4 MCAR § 1.90891 [Temporary] Nonrenewal of multi-line contracts.

Nothing in 4 MCAR §§ 1.9081-1.90892 [Temporary] prohibits an insurance company from nonrenewing a multi-line insurance contract. However, if these rules prevent nonrenewal of the automobile insurance portion of the contract, then the insurance company shall issue to the named insured a policy of automobile insurance providing coverage as included in the multi-line contract.

4 MCAR § 1.90892 [Temporary] Penalties.

A. Generally. Failure to comply with 4 MCAR §§ 1.9081-1.90892 subjects the insurers to the following penalties during each calendar year period:

1. first violation, \$100;
2. second violation, \$300; and
3. third and subsequent violation, \$500.

Monetary penalties may be waived upon a showing that the nonrenewal notice was based on a good faith judgment supported by evidence that was in the possession of the insurer at the time of the sending of the nonrenewal notice.

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B. Disapproval by commissioner. Any nonrenewal of a policy in violation of 4 MCAR §§ 1.9081-1.90892 [Temporary] will be disapproved by the commissioner of commerce pursuant to Minnesota Statutes, section 65B.21.

C. Additional penalties. Nothing contained in this rule prohibits the commissioner of commerce from applying additional penalties or remedies as may be imposed under Minnesota Statutes, chapter 72A.

D. Application and effective date. Monetary penalties become effective for any nonrenewal in violation of 4 MCAR §§ 1.9081-1.90892 [Temporary] sent on or after January 1, 1984.

Department of Labor and Industry Workers' Compensation Rehabilitation Services

Proposed Rules Governing Qualified Rehabilitation Consultants and Rehabilitation Vendors

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minnesota Statutes, section 14.14, subdivision 1, in the Auditorium at St. Paul Technical Vocational Institute, 235 Marshall Avenue, St. Paul, Minnesota on September 23, 1983, commencing at 8:30 A.M. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner of Labor and Industry has been provided the statutory authority to promulgate rules governing qualified rehabilitation consultant qualifications, standards for performance, services and fees, and revocation procedures for qualified rehabilitation consultants/rehabilitation vendors. The promulgation of these rules is authorized by Minnesota Statutes §§ 176.102, subds. 2, 10; and § 176.83, which require the agency to promulgate rules relating to qualified rehabilitation consultants and rehabilitation vendors any other rules necessary to implement Minn. Stat. § 176.102.

A copy of the rules is attached. One free copy of this notice and the proposed rules may be obtained by contacting:

Gladys Westberg, Director
Rehabilitation Services
Workers' Compensation Division
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 297-2684

Additional copies will also be available at the door on the date of the hearing.

Notice is also hereby given that twenty-five (25) days prior to the hearing a statement of need and reasonableness will be available for review at the address given above of the Department of Labor and Industry and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule(s). Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The proposed rules are subject to change as a result of the rule hearing process. The Department of Labor and Industry strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

All interested or affected persons will have an opportunity to participate concerning the adoption of proposed rules. Statements may be made orally and written material may be submitted at the hearing. The Department of Labor and Industry hereby requests those submitting written statements to provide a copy of said materials to the department address given previously, if possible. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Peter Erickson, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7606, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the hearing examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become a part of the record for this proceeding. The rule hearing procedure is governed by Minnesota Statutes § 14.14 as well as by 9 MCAR §§ 2.101 to 2.112 (Minnesota Code of Agency Rules). If you have any questions about this procedure, call or write the hearing examiner.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Department of Labor and Industry 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 (or resubmitted) to the Attorney General by the Department of Labor and Industry. 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 department (in the case of the department's submission or resubmission to the Attorney General). It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rules for the two years immediately following its adoption within the meaning of Minnesota Statutes § 14.14.

Please be advised that Minnesota Statutes, chapter 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 section 10A.01, subdivision 11 as any individual:

1. 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

2. 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 the public officials.

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

Dated this 4th day of August 1983

Steve Keefe
Commissioner

Rules as Proposed

RS 1. Definitions. For the purposes of RS 1. ~~17.~~ 19., the following terms have the meanings given them.

A.-K. [Unchanged.]

L. "Rehabilitation services" means the division of rehabilitation services of the Department of Labor and Industry.

L. [Reletter as M.]

N. "Rehabilitation provider" means the following four categories of rehabilitation professions: qualified rehabilitation consultants; qualified rehabilitation consultant interns; qualified rehabilitation consultant firms; and registered rehabilitation vendors.

RS 14. Qualifying eligibility criteria for rehabilitation consultant.

The ~~following~~ eligibility criteria and procedures in A.-D. shall be used by the commissioner in determining who is qualified for registration as a qualified rehabilitation consultant.

~~a.~~ A. Educational background. A qualified rehabilitation consultant/affiliated/independent shall possess the following credentials as applicable:

i. Holder of a masters or doctorate degree in vocational rehabilitation or related fields of counseling and guidance, psychology, social work, or physical rehabilitation (occupational therapy, physical therapy, nursing) from an accredited institution, plus a current license as appropriate, plus one year of experience in vocational rehabilitation or physical rehabilitation. At least one year shall have been spent as a qualified rehabilitation consultant intern in rehabilitation of ~~work related injuries and diseases~~ injured workers.

or

ii. Holder of a baccalaureate degree in vocational rehabilitation or related fields of counseling and guidance, psychology, social work, or physical rehabilitation (occupational therapy, physical therapy, nursing), from an accredited institution, plus a current license as appropriate, plus two years of experience in vocational rehabilitation or physical rehabilitation.

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tion. At least one year shall have been spent as a qualified rehabilitation consultant intern in rehabilitation of work related injuries and diseases injured workers.

or

~~iii. Diploma in nursing from an accredited institution, plus a current Minnesota R.N. license, plus three years of experience in physical rehabilitation or vocational rehabilitation. At least one year shall have been spent in rehabilitation of work-related injuries and diseases.~~

or

~~iv. Holder of any baccalaureate degree other than listed in ii above from an accredited institution, plus three years of experience in vocational rehabilitation. At least one year shall have been spent in rehabilitation of work-related injuries and diseases.~~

or

~~v. High school diploma, plus continuing education in and five years experience in vocational rehabilitation, including counseling, evaluation and direct case services. Two of the five years shall have been spent in rehabilitation of work-related injuries and diseases.~~

b. B. Rehabilitation consultant intern. An individual who meets the minimum educational requirements but does not meet the minimum experience requirements may be registered as a consultant intern. When the intern is registered, the intern's employer shall provide the commissioner with the name of the qualified rehabilitation consultant under whose direct supervision the intern will work. The supervisor shall be considered to be directly responsible for the rehabilitation work on any case. The supervisor shall co-sign all work being done by the intern. So that all parties are aware of the intern's status, he shall be designated as an "intern." The intern may make application for "qualified" status when the minimum requirements in RS 14 A.1. or 2. have been met.

Complaints about professional behavior or services, or failure to comply with laws, rules, policies and procedures, or decisions and orders are grounds for denial of registration as a qualified rehabilitation consultant. The intern may appeal the denial as provided in rule RS 15 B.

In cases where an intern has been supervised by a qualified rehabilitation consultant/affiliated who leaves the organization with which he has been affiliated and no other qualified rehabilitation consultant is available to supervise the intern, the intern may, with the approval of the commissioner, temporarily sign all required documents in the capacity of a qualified rehabilitation consultant. Past performance and overall experience will be taken into consideration for this approval.

e. C. Experience criteria. The burden of proof of experience shall be on the applicant. This shall include documentation of a history of employment in a position of physical rehabilitation or vocational rehabilitation ~~of work-related injuries and diseases. One year of experience in rehabilitation of work-related injuries and diseases means one year of full-time experience, two years of 50% of time experience, three years of 33 1/3% of time experience, or four years of 25% of time experience or any combination equal to 100% of one year's experience. The experience shall have been attained in not more than four consecutive years.~~ The experience requirements of A. for qualified rehabilitation consultants can be met only by full-time paid employment. School internship and volunteer activities are not acceptable as employment experience.

Supporting documents shall consist of signed statements by present and previous employers and insurers specifying the services, caseload, and amount of time spent in rehabilitation of work-related injuries and diseases.

d. D. General criteria. All persons who are qualified rehabilitation consultants shall be exclusively self-employed or exclusively employed by a single organization that is approved for the employment of qualified rehabilitation consultants or an employer/insurer.

All persons who are qualified rehabilitation consultants shall be residents of ~~the state of~~ Minnesota. An organization authorized for the employment of qualified rehabilitation consultants may request an exception for a consultant who lives contiguous to a Minnesota catchment area if the organization and any such consultant agrees, as a condition to approval, to appear at any hearing when requested, in the same manner as if they had been subpoenaed. Failure to do so shall result in automatic revocation of the individual consultant's approval.

A qualified rehabilitation consultant operating on the effective date of this amendment with approval and registration is deemed to meet the standards of this rule. Qualified rehabilitation consultant interns operating on the effective date of this amendment with approval and registration must meet the minimum requirements of this rule in order to make application for qualified rehabilitation consultant registration.

RS 15. Procedure for qualifying as rehabilitation consultant.

~~a-~~ A. Application. An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

~~i-~~ 1. completed and signed application form (notarized); ~~and~~

~~ii-~~ 2. copy of current license or certification; ~~and~~

~~iii-~~ 3. supporting experience documentation; ~~and~~

~~iv-~~ 4. transcripts of all schools attended beyond high school; ~~and~~

~~v-~~ 5. list of pertinent continuing education by title, location, and date; ~~and~~

~~vi-~~ 6. list of services and fees. This filing shall not constitute an approval or disapproval of the services or fees; ~~and~~

7. the annual registration fee, which shall consist of \$100 for qualified rehabilitation consultant firms and \$50 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

The commissioner shall issue a notice of acceptance or rejection to the applicant within ~~45~~ 60 days of receipt of the completed application and completion of an introductory training session.

~~b-~~ B. Appeal process. The appeal process provides a mechanism for applicants to request reconsideration of a rejected application for registration, renewal, and reinstatement.

A written notice of appeal shall be filed with the commissioner within 15 days of mailing of notice of disapproval.

The decision shall be reviewed by the review panel. The applicant shall be advised of the date, time, and place of the review at least ten ~~(10)~~ days prior to the hearing date, and is encouraged to be present.

~~c-~~ C. Registration. The commissioner shall assign a registration number to each qualified rehabilitation consultant. The registration number shall be on all reports submitted by the consultant.

To retain registration, the consultant must submit satisfactory evidence of approved continuing education pertinent to the workers' compensation rehabilitation field equivalent to 15 contact hours each year at the time registration is renewed.

~~d-~~ D. Renewal. Registration shall be renewed ~~every two years~~ annually.

If an interval of one year occurs without providing direct case service or without providing supervision to qualified rehabilitation consultants or qualified rehabilitation consultant interns who provide direct case service to workers' compensation recipients, the registration and approval is automatically revoked and reinstatement will be required in accordance with the minimum requirements in effect on the date of application for reinstatement.

Services and fee schedules shall be submitted to the commissioner whenever there is a change or no less than once each calendar year. This filing shall not constitute an approval or disapproval of the services or fees.

No later than 60 days prior to expiration of registration, the consultant shall request registration renewal on a form prescribed by the commissioner.

~~e-~~ E. Revocation ~~Qualified rehabilitation consultant approval and registration may be revoked by the commissioner for failure to comply with the rules or policies or for good cause. Notice of and reason for revocation shall be mailed to the consultant by the commissioner.~~

~~The consultant may appeal the revocation as provided in section 15, b-~~

~~A consultant whose registration has been revoked shall wait at least 180 days from the date of mailing of revocation to re-apply for approval.~~

The commissioner may review the activities of registered qualified rehabilitation consultants and vendors to determine if they are in compliance with all rehabilitation services' rules.

1. When the commissioner becomes aware of an apparent violation concerning a qualified rehabilitation consultant or vendor he shall write the qualified rehabilitation consultant or vendor. The qualified rehabilitation consultant or vendor may

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then respond by letter or by requesting an administrative conference. If the qualified rehabilitation consultant or vendor does not request an administrative conference, the commissioner may order that a conference occur. After the administrative conference, the commissioner shall determine if he should discipline the individual or firm based upon applicable rules and statutes and all evidence gathered by the conference. Regardless of the commissioner's decision, he shall issue an order setting forth the reasons for his actions. If discipline is decided on by the commissioner, it may consist of one or more of the following:

- a. a written reprimand requesting the individual or firm to cease actions which resulted in the lack of compliance with rehabilitation services' rules;
- b. a full restitution of improperly charged fees and services by the individual or firm to the insurance carrier;
- c. an extension of intern status for up to six months beyond RS 14 requirements for application;
- d. a restriction on accepting new cases for up to six months.

If the commissioner imposes discipline twice upon an individual or firm, the next apparent violation shall be referred to the rehabilitation review panel for review and any appropriate further discipline.

2. An individual or firm may appeal the commissioner's disciplinary action to the rehabilitation review panel by requesting a hearing in writing to the director of rehabilitation services within 30 calendar days of the commissioner's determination.

3. Upon the commissioner's referral of a third apparent violation, the firm or individual shall be given written notice of the referral and grounds for the review.

4. The rehabilitation review panel shall follow the hearing procedures set forth in Minnesota Statutes, section 176.102, subdivision 3a. The panel may take one or more of the following actions:

- a. Absolving the individual or firm of any rehabilitation rule apparent violation and dismissal of the complaint;
- b. Written reprimand;
- c. Demotion of a qualified rehabilitation consultant to qualified rehabilitation consultant intern status;
- d. Probation of a qualified rehabilitation consultant, qualified rehabilitation consultant intern, or vendor during which time another disciplinary action review by the panel would result in revocation;
- e. Revocation of qualified rehabilitation consultant, qualified rehabilitation consultant intern, or registered vendor status.

5. Procedures to appeal the determination of the review panel shall be as follows:

a. The panel's written decision and order shall act as a final order for purposes of implementing discipline. The decision is appealable to the Workers' Compensation Court of Appeals and must be filed in accordance with its rules; and

b. Unless otherwise ordered by the panel, an individual or firm whose registration has been revoked must wait at least one year from the effective date of revocation to reapply for a registered status.

RS 17. Procedure for approval as ~~a~~ registered rehabilitation vendor.

~~a.~~ A. Application. A private or public entity desiring to be approved as a registered rehabilitation vendor shall submit to the commissioner a complete application consisting of the following:

- ~~i.~~ 1. a completed and signed application; and
- ~~ii.~~ 2. any data or information attached to support an application; and
- ~~iii.~~ 3. a list of services and fees. This filing shall not constitute an approval or disapproval of the services or fees; and
4. the annual registration fee of \$100 for each registered vendor.

~~b.~~ B. Appeal process. The appeal process herein shall be conducted the same as that provided in ~~section 15,~~ b RS 15 B.

~~c.~~ C. Renewal. The renewal process herein shall be conducted the same as that provided in ~~section 15,~~ d RS 15 D.

~~d.~~ D. Revocation. The revocation process herein shall be conducted the same as that provided in ~~section 15,~~ e RS 15 E.

Rules as Proposed (all new material)**RS 18. Standards of performance.**

A. Goals. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, and vendor should strive to meet certain policies recognized by rehabilitation services as fundamental to the rehabilitation profession. The statements in 1.-8. are objectives that rehabilitation services promotes to constantly upgrade the quality of professional rehabilitation care.

1. The welfare of the injured employee should be the primary focus of concern, communications, and activity by the qualified rehabilitation consultant or vendor.

2. The qualified rehabilitation consultant or vendor should maintain a fair and objective position in dealing with the employee, employer, and insurer.

3. The qualified rehabilitation consultant or vendor should maintain objective and effective lines of communication with all members of the rehabilitation team: the employee, employer, insurer, attorney, physician, qualified rehabilitation consultant, and vendor.

4. A qualified rehabilitation consultant or vendor should withdraw from any case in which achieving rehabilitation goals is being interfered with by the lack of rapport between the qualified rehabilitation consultant or vendor and the employee or in which there are personality conflicts between the employee and the qualified rehabilitation consultant or vendor.

5. A qualified rehabilitation consultant or vendor should keep abreast of professional advances and topics by participation in continuing education programs.

6. Rehabilitation providers should carry professional liability insurance for the protection of themselves and affected third parties.

7. A qualified rehabilitation consultant or vendor should not engage in any form of discrimination.

8. Any discussion, comments, or criticisms directed toward or about a fellow professional rehabilitation provider or organization should be positive or constructive.

B. Minimal standards. The standards of conduct described in C.-G. establish minimum standards concerning the professional activities of qualified rehabilitation consultants and rehabilitation vendors in Minnesota. The performance evaluations by rehabilitation services of qualified rehabilitation consultants and vendors will be based upon these standards, as well as on the adherence to Minnesota Statutes, section 176.102 and rules adopted to administer it.

C. Professional conduct.

1. In accord with RS 1, J., the qualified rehabilitation consultant or vendor shall provide rehabilitation services under a rehabilitation plan. The qualified rehabilitation consultant or vendor shall implement only those rehabilitation plans with which the employee, the employer/insurer, and the qualified rehabilitation consultant agree.

2. Only the assigned qualified rehabilitation consultant, or a qualified rehabilitation consultant designated by the assigned qualified rehabilitation consultant, shall be involved at any given time in the employee's rehabilitation effort, except as stated in 4. and 5. The assigned qualified rehabilitation consultant must submit the R-2 rehabilitation plan within 30 days of referral and must submit subsequent R-3 rehabilitation progress reports every 30 days to the office of rehabilitation services and the other parties.

3. A qualified rehabilitation consultant shall not provide services to any parties after there has been an approved change of qualified rehabilitation consultant except as provided in 4. and 5.

4. A qualified rehabilitation consultant shall cooperate in transferring to a newly approved qualified rehabilitation consultant all data, reports, and relevant information within 15 days from the date of letter of rehabilitation services approving the new qualified rehabilitation consultant.

5. If a hearing has been scheduled before a judge or a judicial body, a qualified rehabilitation consultant who is not the approved qualified rehabilitation consultant may perform an evaluation of the employee at the request of one of the parties. Rehabilitation services shall be notified in writing of the qualified rehabilitation consultant requested to do the evaluation. A copy of the evaluation report, if developed, shall be sent to rehabilitation services.

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6. A qualified rehabilitation consultant who has testified as an expert witness for any party in a judicial hearing may not function as the ongoing qualified rehabilitation consultant on the case unless agreed to by the parties.

7. A qualified rehabilitation consultant or vendor may make recommendations for referrals to appropriate resources.

8. The roles and functions of a claims agent and a qualified rehabilitation consultant or vendor are separate. A qualified rehabilitation consultant or vendor, or an agent of a rehabilitation provider, shall engage only in those activities designated in Minnesota Statutes, section 176.102, its rules and policies and procedures. Claims adjustment and claims investigation are prohibited activities for a rehabilitation provider.

D. Communications.

1. All reports submitted by a qualified rehabilitation consultant or vendor shall be legible and show the employee's name, social security number, date of injury, street address, county, zip code of residence, and legal representative, if any.

2. All reports shall be submitted in accordance with rehabilitation services' policy, procedure, and forms as prescribed by the commissioner.

3. The employer shall be provided with copies of all reporting forms.

4. Vendors are to submit all reports directly to the qualified rehabilitation consultant.

5. A qualified rehabilitation consultant or vendor must comply with all applicable data privacy acts.

6. A qualified rehabilitation consultant or vendor shall not engage in communications with a physician concerning an employee without a release of information form from the employee.

7. A qualified rehabilitation consultant or vendor shall not make recommendations concerning an intent to or date of retirement but may assist an employee in contacting resources concerning a choice of retirement or return to work.

8. A qualified rehabilitation consultant or vendor shall not recommend entering into settlement agreements.

9. A qualified rehabilitation consultant or vendor shall request only that information and data which will assist the parties in developing and carrying out the rehabilitation plan. They are prohibited from making investigations for claims processing purposes.

10. A qualified rehabilitation consultant or vendor shall provide all reports written by all parties regarding a case to rehabilitation services.

11. A qualified rehabilitation consultant shall provide a vendor access to all appropriate medical and rehabilitation reports relating to a case.

E. Responsibilities.

1. A qualified rehabilitation consultant is to instruct the employee in his rights and responsibilities by providing and reviewing with him the R-12 The Purpose of Rehabilitation Services and The Rights and Responsibilities of the Injured Worker form together with The Rehabilitation Feedback form during the initial interview.

2. A qualified rehabilitation consultant or vendor shall be knowledgeable and informed regarding portions of the workers' compensation law, rules, policies, and procedures that directly relate to the provision of rehabilitation services. If a qualified rehabilitation consultant or vendor communicates inaccurate information regarding workers' compensation not directly related to rehabilitation services, the rehabilitation provider is subject to discipline.

3. A qualified rehabilitation consultant or vendor shall contact rehabilitation services to clarify any rehabilitation issues or problems.

4. A qualified rehabilitation consultant or vendor's registration is subject to disciplinary action up to and including revocation based on substantiated complaints about professional behavior, services, or for failure to comply with established laws, rules, policies and procedures, decisions, or orders.

F. Continuing education and competencies.

1. A qualified rehabilitation consultant or vendor shall attend at least one introductory training session within six months of being registered provided by rehabilitation services.

2. Rehabilitation services annual update sessions are mandatory for all qualified rehabilitation consultants, qualified rehabilitation consultant interns, and all registered vendors.

G. Business practices. All registered qualified rehabilitation consultants, qualified rehabilitation consultant interns, and vendors shall abide by the following rules concerning a provider's business practices.

1. Rehabilitation providers shall adhere to all applicable federal, state, and local laws regulating business practices.

2. Rehabilitation providers shall not misrepresent themselves, their duties, or credentials. A rehabilitation provider must not promise or offer services or results he cannot deliver or has reason to believe he cannot provide. Competitive advertising must be factually accurate and must avoid exaggerating claims as to costs, results, and endorsements by other parties. When recruiting employees, rehabilitation providers must not falsely promise benefits, employment advancement, or salaries which they know or have reason to know they cannot provide.

3. If a fellow rehabilitation provider violates RS 1.-19., a qualified rehabilitation consultant or vendor having information about the violation must direct the information to rehabilitation services.

4. A provider shall not solicit referrals directly or indirectly by offering money or gifts. De minimis gifts are not considered the offering of money or gifts. De minimis gifts are those that have a fair market value of less than \$25.

5. A rehabilitation provider shall advise the referral source and payer of its fee structure in advance of rendering any services and shall also furnish upon request, detailed and accurate time records regarding any bills in question.

6. Any fee arrangement which prevents individual assessment and services for each employee shall subject the providers to discipline. Any fee arrangement which provides employees with standardized services whether or not the services are necessary shall also subject the parties to discipline.

7. A rehabilitation provider shall not incur profit, split fees, or have an ownership interest with another rehabilitation provider outside of his or her own firm.

8. Qualified rehabilitation consultants shall not incur profit through an ownership interest with health care providers or split fees through referrals with health care providers. "Health care providers" means those defined in Minnesota Statutes, section 176.011, subdivision 24.

9. The prohibitions of 6., 7., and 8. shall not be construed to prevent married couples or family members from engaging simultaneously in rehabilitation or health care.

RS 19. Rehabilitation services and fees.

A. Fee monitoring.

1. Rehabilitation services has the responsibility and jurisdiction under Minnesota Statutes, section 176.102, subdivisions 2 and 9 to monitor and determine reasonable rehabilitation costs, the necessity of services provided, and to resolve any disputes that may arise between the parties according to rule RS 13.

2. The employer/insurer has the primary responsibility for monitoring and paying the cost of necessary rehabilitation services provided. Either the employer/insurer or a rehabilitation provider may request rehabilitation services to make a determination of reasonable costs and necessity of services.

3. Rehabilitation services shall conduct periodic audits of costs and services. The employer/insurer and the rehabilitation provider shall provide rehabilitation services with itemized services and costs upon request. Rehabilitation services must contact the parties to discuss costs and services deemed questionable by rehabilitation services or one of the parties. Rehabilitation services may order an administrative conference to discuss services and fee disputes, whether initiated by one of the parties or by rehabilitation services.

B. Reasonable and necessary services. A qualified rehabilitation consultant or vendor shall bill for only those necessary and reasonable services which are rendered in accordance with rehabilitation services rules and policies and procedures during completion of a plan. Reasonable and necessary services and fees shall be determined by the commissioner. The commissioner's review must include all the following factors, but may include other factors if enumerated in his eventual determination. These factors are:

1. The employee's unique disabilities and assets in relation to the goals, objectives, and timetable of the rehabilitation plan;

2. The type of rehabilitation services provided and the actual amount of time and expense incurred in providing the service;

3. The rehabilitation providers' fee schedules on file with rehabilitation services and other fee schedules of providers on file with rehabilitation services;

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PROPOSED RULES

4. An evaluation of whether services provided were unnecessary, duplicated other services, available at no charge to public, or were excessively sophisticated for the actual needs of the employee;

5. An evaluation of whether services rendered were expressly authorized by either the employer, insurer, or rehabilitation services;

6. An evaluation of whether Minnesota Statutes, chapter 176, and rehabilitation services' rules RS 1.-19, have been followed by the provider.

No registered qualified rehabilitation consultant, qualified rehabilitation consultant intern, or registered vendor shall attempt to collect reimbursement for an unnecessary or unreasonable procedure, service, or cost from any other source, including the employee, another insurer, the special compensation fund, or any government program.

C. Reporting requirements. All qualified rehabilitation consultants must provide rehabilitation services with certain information regarding an employee's case for purposes of rehabilitation services' monitoring of services and overall record keeping requirements.

1. The qualified rehabilitation consultant shall provide rehabilitation services with an initial evaluation narrative report concerning the employee which will include the following information in summary fashion:

- a. medical status;
- b. vocational history;
- c. educational history;
- d. social/economic status;
- e. transferable skills;
- f. employment barriers; and
- g. recommendations;

2. The qualified rehabilitation consultant shall provide narrative progress reports, if needed, of up to one page;

3. The qualified rehabilitation consultant shall send attached to progress reports required by 2. completed copies of all vendor reports, medical, psychological, and vocational reports regarding an employee's case.

4. The qualified rehabilitation consultant shall also forward to rehabilitation services copies of completed reports prepared for other parties by him or her.

The requesting party shall pay for all costs incurred by a rehabilitation provider in creating a report not required by rehabilitation services.

D. Estimated goal dates and costs. When developing the rehabilitation plan and progress reports, the qualified rehabilitation consultant must make a professional judgment regarding any projected goal date and estimated costs. This shall include projected goal date and estimated costs submitted by any vendor. When the date or cost has been exceeded, the qualified rehabilitation consultant and any rehabilitation vendor must submit to rehabilitation services an itemized billing and no more than a one page rationale regarding continued provision of rehabilitation services. The rehabilitation provider is to submit the rationale to the employer/insurer. If the parties are unable to agree, any party may request a review by rehabilitation services.

E. Invoices are to be attached to all plan completion forms.

F. Consent of employer/insurer; exceptions. A qualified rehabilitation consultant or vendor shall obtain the express consent of the employer/insurer before providing the following services, however, the presence or the absence of express consent shall not preclude rehabilitation services from determining the reasonable value or necessity of these services:

1. costs for physician visits, phone calls to physicians, accompanying employee to appointments or examinations not directed to plan objectives;

2. follow-up activity with employers during job placement services to verify employee applications not arranged by qualified rehabilitation consultant or vendor;

3. phone calls to rehabilitation services regarding general procedures on questions or rehabilitation direction;

4. unanswered attempted phone calls;

5. time spent for report writing beyond items indicated in the reporting guidelines of C.;

6. qualified rehabilitation consultant billings during vendor activity periods beyond required reporting or specific problem solving activity;

7. time for attendance of a supervisor or observer at administrative conferences when the qualified rehabilitation consultant is providing services to the employee;
8. any services rendered prior to the acceptance of eligibility for rehabilitation by an insurer or determination of eligibility by rehabilitation services;
9. time spent reviewing the file and initial contact to establish rapport with interested parties by a qualified rehabilitation consultant or vendor when a case has been transferred from another qualified rehabilitation consultant or vendor within the same rehabilitation firm;
10. time spent by a supervisor, another qualified rehabilitation consultant, or support staff in addition to the qualified rehabilitation consultant of record;
11. job placement activities beyond 90 days from the start of the job placement effort without a plan review;
12. wait time for cold call or early arrival for a prearranged appointment;
13. time spent by a qualified rehabilitation consultant selected by the employee before approval of a qualified rehabilitation consultant change has been issued by rehabilitation services;
14. services that are not needed or repeat services already done.
15. charges beyond the hourly fee for testimony at a judicial hearing when the qualified rehabilitation consultant or vendor has provided rehabilitation service under the plan;
16. travel costs beyond those needed to develop or complete a plan; or
17. any disputed services and fees in regard to rehabilitation provided.

Department of Public Welfare

Proposed Amendments to Existing Rules of the Minnesota Merit System Governing the Compensation Plan

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, on September 26, 1983, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed amendments of existing rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George A. Beck, Office of Administrative Hearings, 4th floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 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 Administrative Hearings. The statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

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PROPOSED RULES

A summary of proposed revisions to the rules is as follows:

A proposed revision to 12 MCAR § 2.494 provides a recommended general salary adjustment of 4% for merit system employees effective January 1, 1984.

Proposed revisions to 12 MCAR § 2.840 provide for an upgrading of minimum and maximum salary rates for all classes by 4% with a few exceptions, provide class titles and minimum and maximum salary rates for new classes established and the deletion of classes that have been abolished.

The agency's authority to adopt the proposed rules is contained in Minn. Stat. § 256.012.

The cost to local public bodies of implementing the proposed rule changes will not exceed \$100,000 for 1984.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-3996. Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments, contact Ralph Corey.

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 working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) 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).

Minn. Stat. ch. 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, 1979 supp., 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, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

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

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

August 3, 1983

Leonard W. Levine
Commissioner of Public Welfare

Rules as Proposed

12 MCAR § 2.494 Compensation plan.

A.-E. [Unchanged]

F. Salary adjustments and increases.

1.-2. [Unchanged.]

3. Recommended adjustment. The merit system general adjustment recommended for incumbents is ~~seven and eight tenths~~ four percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

4.-5. [Unchanged.]

G.-I. [Unchanged.]

12 MCAR § 2.840 Compensation plan; Public Welfare—~~1983~~ 1984.

A. Professional.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
<u>Accountant</u>	<u>1665</u>	<u>2373</u>
<u>Accounting Supervisor</u>	<u>1901</u>	<u>2838</u>
<u>Administrative Assistant I</u>	1706 <u>1774</u>	2550 <u>2652</u>

PROPOSED RULES

Administrative Assistant II	1869 <u>1944</u>	2786 <u>2897</u>
Administrative Assistant III	2184 <u>2271</u>	3123 <u>3248</u>
Adult Day Care Center Supervisor	1400 <u>1456</u>	2090 <u>2174</u>
Assistant Human Services Director	2282 <u>2373</u>	3264 <u>3395</u>
Assistant Welfare Director	2851 <u>2965</u>	4057 <u>4219</u>
Associate Methods & Procedures Analyst	1338 <u>1392</u>	1531 <u>1592</u>
Auditor	1670 <u>1737</u>	2497 <u>2597</u>
Center Coordinator	1531 <u>1592</u>	2282 <u>2373</u>
Chemical Dependency Coordinator	1531 <u>1592</u>	2282 <u>2373</u>
Collection Services Supervisor II	1634 <u>1699</u>	2441 <u>2539</u>
Community-Health Services Supervisor	1706 <u>1774</u>	2550 <u>2775</u>
Community-Relations Specialist	1746 <u>1816</u>	2497 <u>2597</u>
Computer Programmer	1338 <u>1392</u>	1746 <u>1816</u>
Day Care Center Teacher	<u>1331</u>	<u>1993</u>
Developmental Achievement Center Director	1400 <u>1456</u>	2090 <u>2174</u>
Developmental Achievement Center Teacher	1280 <u>1331</u>	1916 <u>1993</u>
Developmental Disabilities Coordinator	1400 <u>1456</u>	2090 <u>2174</u>
Dietitian	1338 <u>1392</u>	1916 <u>1993</u>
Director Of Business Management I	2042 <u>2124</u>	2786 <u>2897</u>
Director Of Business Management II	2497 <u>2597</u>	3556 <u>3698</u>
Director of Financial Assistance	2282 <u>2373</u>	3264 <u>3395</u>
Director of Planning	2282 <u>2373</u>	3264 <u>3395</u>
Director of Public Health Nursing I	1670 <u>1737</u>	2386 <u>2597</u>
Director of Social Services	2282 <u>2373</u>	3264 <u>3395</u>
Director of Support Services	2282 <u>2373</u>	3264 <u>3395</u>
Education Supervisor	1601 <u>1665</u>	2282 <u>2373</u>
Employment Guidance Counselor I	1280 <u>1331</u>	1828 <u>1901</u>
Employment Guidance Counselor II	1338 <u>1392</u>	1916 <u>1993</u>
Employment Guidance Counselor III	1400 <u>1456</u>	1999 <u>2079</u>
Family Services <u>Service</u> Coordinator II	1464 <u>1523</u>	1999 <u>2079</u>
Financial Assistance Supervisor II	1706 <u>1774</u>	2550 <u>2652</u>
Financial Assistance Supervisor IV	1869 <u>1944</u>	2786 <u>2897</u>
Fiscal Manager	2282 <u>2373</u>	3264 <u>3395</u>
Fiscal Supervisor III	1601 <u>1665</u>	2282 <u>2373</u>
Fiscal Supervisor IV	1828 <u>1901</u>	2729 <u>2838</u>
Home Care Coordinator	1464	1999
Homemaker Supervisor	1601 <u>1665</u>	2282 <u>2373</u>
Human Services Director III	2610 <u>2714</u>	3712 <u>3860</u>
Human Services Supervisor I	1706 <u>1774</u>	2550 <u>2652</u>
Marriage Counselor	1670 <u>1737</u>	2386 <u>2481</u>
Medical-Care Advisor	1400 <u>1456</u>	1999 <u>2079</u>
Mental Health Program Manager	<u>1944</u>	<u>2897</u>
Mental Health Worker	1531 <u>1592</u>	2282 <u>2373</u>
Methods & Procedures Analyst	1565 <u>1628</u>	2229 <u>2318</u>
Methods & Procedures Supervisor	1828 <u>1901</u>	2610 <u>2714</u>
Nutrition Project Assistant Director	1280 <u>1331</u>	1916 <u>1993</u>
Nutrition Project Director	1706 <u>1774</u>	2550 <u>2652</u>
Occupational Supervisor Instructor I	1225	1828
Occupational Supervisor Instructor II	1400	2090
Office Manager	1280 <u>1331</u>	1828 <u>1901</u>
Office Services Supervisor II	<u>1331</u>	<u>1901</u>

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PROPOSED RULES

Chemical Dependency Coordinator	1601 <u>1665</u>	2386 <u>2481</u>
Collections Services Supervisor II	1706 <u>1774</u>	2550 <u>2652</u>
Community-Health Services Supervisor	1785 <u>1856</u>	2668 <u>2897</u>
Community-Relations Specialist	1828 <u>1901</u>	2610 <u>2714</u>
Computer Programmer	1400 <u>1456</u>	1828 <u>1901</u>
Day Care Center Teacher	<u>1392</u>	<u>2079</u>
Developmental Achievement Center Director	1464 <u>1523</u>	2184 <u>2271</u>
Developmental Achievement Center Teacher	1338 <u>1392</u>	1999 <u>2079</u>
Developmental Disabilities Coordinator	1464 <u>1523</u>	2184 <u>2271</u>
Dietitian	1400 <u>1456</u>	1999 <u>2079</u>
Director of Business Management I	2042 <u>2124</u>	2786 <u>2897</u>
Director of Business Management II	2497 <u>2597</u>	3556 <u>3698</u>
Director of Financial Assistance	2386 <u>2481</u>	3408 <u>3544</u>
Director of Planning	2386 <u>2481</u>	3408 <u>3544</u>
Director of Public Health Nursing I	1746 <u>1816</u>	2497 <u>2714</u>
Director of Social Services	2386 <u>2481</u>	3408 <u>3544</u>
Director of Support Services	2386 <u>2481</u>	3408 <u>3544</u>
Education Supervisor	1670 <u>1737</u>	2386 <u>2481</u>
Employment Guidance Counselor I	1338 <u>1392</u>	1916 <u>1993</u>
Employment Guidance Counselor II	1400 <u>1456</u>	1999 <u>2079</u>
Employment Guidance Counselor III	1464 <u>1523</u>	2090 <u>2174</u>
Family Service Coordinator II	1531 <u>1592</u>	2090 <u>2174</u>
Financial Assistance Supervisor III	1785 <u>1856</u>	2668 <u>2775</u>
Financial Assistance Supervisor IV	1955 <u>2033</u>	2919 <u>3036</u>
Fiscal Manager	2282 <u>2373</u>	3264 <u>3395</u>
Fiscal Supervisor III	1601 <u>1665</u>	2282 <u>2373</u>
Fiscal Supervisor IV	1828 <u>1901</u>	2729 <u>2838</u>
Home Care Coordinator	1531	2090
Homemaker Supervisor	1670 <u>1737</u>	2386 <u>2481</u>
Human Services Director III	2610 <u>2714</u>	3712 <u>3860</u>
Human Services Supervisor I	1785 <u>1856</u>	2668 <u>2775</u>
Marriage Counselor	1746 <u>1816</u>	2497 <u>2597</u>
Medical-Care Advisor	1464 <u>1523</u>	2090 <u>2174</u>
Mental Health Program Manager	<u>2033</u>	<u>3036</u>
Mental Health Worker	1601 <u>1665</u>	2386 <u>2481</u>
Methods & Procedures Analyst	1634 <u>1699</u>	2332 <u>2425</u>
Methods & Procedures Supervisor	1916 <u>1993</u>	2729 <u>2838</u>
Nutrition Project Assistant Director	1338 <u>1392</u>	1999 <u>2079</u>
Nutrition Project Director	1785 <u>1856</u>	2668 <u>2775</u>
Occupational Supervisor Instructor I	1280	1916
Occupational Supervisor Instructor II	1464	2184
Office Manager	1338 <u>1392</u>	1916 <u>1993</u>
Office Services Supervisor II	<u>1392</u>	<u>1993</u>
Personnel Officer	1338 <u>1392</u>	1999 <u>2079</u>
Personnel Director	1869 <u>1944</u>	2786 <u>2897</u>
Planner (Human Services)	1670 <u>1737</u>	2386 <u>2481</u>
Programmer Analyst	1670 <u>1737</u>	2282 <u>2373</u>
Psychologist I	1601 <u>1665</u>	2282 <u>2373</u>
Psychologist II	1916 <u>1993</u>	2729 <u>2838</u>
Psychologist III	2229 <u>2318</u>	3052 <u>3174</u>

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PROPOSED RULES

Psychologist IV	2441	2539	3332	3465
Public Health Educator I	1400	1456	1916	1993
Public Health Educator II	1746	1816	2386	2481
Public Health Nurse	1464	1523	1916	2079
Public Health Nurse (Team Leader)	1531	1592	1999	2174
Registered Nurse	1400	1456	1746	1901
(A.A. Degree, 3 year Diploma, or B.S. Degree)				
<u>Resident Activity Coordinator</u>		1392		2079
Sanitarian I	1400	1456	1670	1737
Sanitarian II	1531	1592	2090	2174
Senior Public Health Nurse	1601	1665	2090	2271
Social Worker I	1338	1392	1999	2079
Social Worker II	1464	1523	2184	2271
Social Worker III	1601	1665	2386	2481
Social Worker Trainee	1169		1169	
Social Services Supervisor I	1785	1856	2668	2775
Social Services Supervisor II	1955	2033	2919	3036
Social Welfare Supervisor III	2282	2373	3264	3395
Social Welfare Supervisor Trainee	1706		2137	
Staff Training Supervisor I	1828	1901	2610	2714
Staff Training Supervisor II	1999	2079	2851	2965
Student Social Worker (Intern)				
Student Social Worker (SWEP)				
Systems Programmer Analyst				
Trainee				

Rate proposed by appointing authority.

Rate proposed by appointing authority.

1916 1993 2610 2714

Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.

Volunteer Services Coordinator I	1338	1392	1999	2079
Volunteer Services Coordinator II	1670	1737	2386	2481
Welfare Director I	1955	2079	2919	3105
Welfare Director II	2137	2271	3192	3395
Welfare Director III	2386	2539	3408	3619
Welfare Director IV	2610	2775	3712	3945
Welfare Director V	3556	3698	5169	5376
Work-Experience & Training Specialist	1670	1737	2386	2481

3. Plan C. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
<u>Accountant</u>	1665	2373
<u>Accounting Supervisor</u>	1901	2838
Administrative Assistant I	1869	1944
Administrative Assistant II	2042	2124
Administrative Assistant III	2386	2481
Adult Day Care Center Supervisor	1531	1592
Assistant Human Services Director	2282	2373
Assistant Welfare Director	2851	2965
Associate Methods & Procedures Analyst	1464	1523
Auditor	1828	1901
Center Coordinator	1670	1737
Chemical Dependency Coordinator	1670	1737
Collections Services Supervisor II	1785	1856
Community-Health Services Supervisor	1869	2033
Community-Relations Specialist	1916	1993
Computer Programmer	1464	1523
<u>Day Care Center Teacher</u>	1456	2174

PROPOSED RULES

Developmental Achievement Center Director	1531 <u>1592</u>	2282 <u>2373</u>
Developmental Achievement Center Teacher	1400 <u>1456</u>	2090 <u>2174</u>
Developmental Disabilities Coordinator	1531 <u>1592</u>	2282 <u>2373</u>
Dietitian	1464 <u>1523</u>	2090 <u>2174</u>
Director of Business Management I	2042 <u>2124</u>	2786 <u>2897</u>
Director of Business Management II	2497 <u>2597</u>	3556 <u>3698</u>
Director of Financial Assistance	2497 <u>2597</u>	3556 <u>3698</u>
Director of Planning	2497 <u>2597</u>	3556 <u>3698</u>
Director of Public Health Nursing I	1828 <u>1993</u>	2610 <u>2838</u>
Director of Social Services	2497 <u>2597</u>	3556 <u>3698</u>
Director of Support Services	2497 <u>2597</u>	3556 <u>3698</u>
Education Supervisor	1746 <u>1816</u>	2497 <u>2597</u>
Employment Guidance Counselor I	1400 <u>1456</u>	1999 <u>2079</u>
Employment Guidance Counselor II	1464 <u>1523</u>	2090 <u>2174</u>
Employment Guidance Counselor III	1531 <u>1592</u>	2184 <u>2271</u>
Family Service Coordinator II	1601 <u>1665</u>	2184 <u>2271</u>
Financial Assistance Supervisor III	1869 <u>1944</u>	2786 <u>2897</u>
Financial Assistance Supervisor IV	2042 <u>2124</u>	3052 <u>3174</u>
Fiscal Manager	2282 <u>2373</u>	3264 <u>3395</u>
Fiscal Supervisor III	1601 <u>1665</u>	2282 <u>2373</u>
Fiscal Supervisor IV	1828 <u>1901</u>	2729 <u>2838</u>
Home Care Coordinator	1601	2184
Homemaker Supervisor	1746 <u>1816</u>	2497 <u>2597</u>
Human Services Director III	2610 <u>2714</u>	3712 <u>3860</u>
Human Services Supervisor I	1869 <u>1944</u>	2786 <u>2897</u>
Marriage Counselor	1828 <u>1901</u>	2610 <u>2714</u>
Medical-Care Advisor	1531 <u>1592</u>	2184 <u>2271</u>
Mental Health Program Manager	<u>2124</u>	<u>3174</u>
Mental Health Worker	1670 <u>1737</u>	2497 <u>2597</u>
Methods & Procedures Analyst	1706 <u>1774</u>	2441 <u>2539</u>
Methods & Procedures Supervisor	1999 <u>2079</u>	2851 <u>2965</u>
Nutrition Project Assistant Director	1400 <u>1456</u>	2090 <u>2174</u>
Nutrition Project Director	1869 <u>1944</u>	2786 <u>2897</u>
Occupational Supervisor Instructor I	1338	1999
Occupational Supervisor Instructor II	1531	2282
Office Manager	1400 <u>1456</u>	1999 <u>2079</u>
Office Services Supervisor II	<u>1456</u>	<u>2079</u>
Personnel Officer	1400 <u>1456</u>	2090 <u>2174</u>
Personnel Director	1955 <u>2033</u>	2919 <u>3036</u>
Planner (Human Services)	1746 <u>1816</u>	2497 <u>2597</u>
Programmer Analyst	1746 <u>1816</u>	2386 <u>2481</u>
Psychologist I	1670 <u>1737</u>	2386 <u>2481</u>
Psychologist II	1999 <u>2079</u>	2851 <u>2965</u>
Psychologist III	2332 <u>2425</u>	3192 <u>3320</u>
Psychologist IV	2550 <u>2652</u>	3480 <u>3619</u>
Public Health Educator I	1464 <u>1523</u>	1999 <u>2079</u>
Public Health Educator II	1828 <u>1901</u>	2497 <u>2597</u>
Public Health Nurse	1565 <u>1699</u>	2042 <u>2318</u>
Public Health Nurse (Team Leader)	1634 <u>1774</u>	2137 <u>2425</u>
Registered Nurse	1495 <u>1628</u>	1869 <u>2124</u>

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PROPOSED RULES

Resident Activity Coordinator		1456		2174
Sanitarian I	1464	1523	1746	1816
Sanitarian II	1601	1665	2184	2271
Senior Public Health Nurse	1706	1856	2229	2539
Social Worker I	1400	1456	2090	2174
Social Worker II	1531	1592	2282	2373
Social Worker III	1670	1737	2497	2597
Social Worker Trainee	1169		1169	
Social Services Supervisor I	1869	1944	2786	2897
Social Services Supervisor II	2042	2124	3052	3174
Social Welfare Supervisor III	2386	2481	3408	3544
Social Welfare Supervisor Trainee	1785		2229	
Staff Training Supervisor I	1916	1993	2729	2838
Staff Training Supervisor II	2090	2174	2986	3105
Student Social Worker (Intern)				
Student Social Worker (SWEP)				
Systems Programmer Analyst Trainee	1999	2079	2729	2838

Rate proposed by appointing authority.

Rate proposed by appointing authority.

Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.

Volunteer Services Coordinator I	1400	1456	2090	2174
Volunteer Services Coordinator II	1746	1816	2497	2597
Welfare Director I	1955	2079	2919	3105
Welfare Director II	2137	2271	3192	3395
Welfare Director III	2386	2539	3408	3619
Welfare Director IV	2610	2775	3712	3945
Welfare Director V	3556	3698	5169	5376
Work-Experience & Training Specialist	1746	1816	2497	2597

B. Support personnel.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum		Maximum	
Account Clerk	937	974	1280	1331
Accounting Technician	1001	1041	1368	1423
Adult Day Care Center Program Coordinator	956	994	1368	1423
Assistant Residential Facility Operator(s)	768	799	1049	1091
Case Aide	956	994	1368	1423
Chemical Dependency Counselor	1225	1274	1601	1665
Child Health Aide	838	872	1146	1192
Child Support Officer I	1169	1216	1670	1737
Child Support Officer II	1307	1359	1785	1856
Collection Services Supervisor I	1495	1555	2042	2124
Community Service Aide	642	668	838	872
Coordinator of Aging	979	1018	1400	1456
Data Entry Supervisor		1216		1665
Developmental Achievement Center Instructor	768	799	956	994
Family Service Aide I	768	799	956	994
Family Service Aide II	838	872	1146	1192
Family Service Coordinator I	1049	1091	1368	1423
Family Service/Home Health Aide	768	799	956	994
Financial Assistance Specialist	1225	1274	1670	1737
Financial Assistance Supervisor I	1431	1488	2042	2124
Financial Assistance Supervisor II	1565	1628	2229	2318
Financial Worker I	956	994	1368	1423
Financial Worker II	1073	1116	1531	1592
Fiscal Officer	1225	1274	1746	1816

PROPOSED RULES

Fiscal Supervisor I	1338	<u>1392</u>	1916	<u>1993</u>
Fiscal Supervisor II	1495	<u>1555</u>	2137	<u>2222</u>
<u>Food Stamp Quality Control Reviewer</u>	<u>1274</u>		<u>1737</u>	
Home Health Aide	768	<u>799</u>	956	<u>994</u>
Home Health Aide Coordinator	1049	<u>1091</u>	1368	<u>1423</u>
Housekeeper				

Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.

Housing Coordinator	1195	<u>1243</u>	1706	<u>1774</u>
Licensed Practical Nurse	1024	<u>1065</u>	1280	<u>1331</u>
<u>Office Services Supervisor I</u>	<u>1165</u>		<u>1592</u>	
Personnel Aide	1073	<u>1116</u>	1464	<u>1523</u>
Public Health Aide	<u>642</u>	<u>668</u>	<u>838</u>	<u>872</u>
Residential Facility Operator(s)	<u>799</u>	<u>831</u>	<u>1096</u>	<u>1140</u>
Senior Case Aide	1073	<u>1116</u>	1531	<u>1592</u>
Senior Citizen's Aide	<u>642</u>	<u>668</u>	<u>828</u>	<u>872</u>
Transportation Coordinator	979		1338	
Welfare Fraud Investigator	1495	<u>1555</u>	1955	<u>2033</u>
Welfare Fraud Unit Supervisor	1634		2137	

2. Plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum		Maximum	
Account Clerk	979	<u>1018</u>	1338	<u>1392</u>
Accounting Technician	1049	<u>1091</u>	1431	<u>1488</u>
Adult Day Care Center Program Coordinator	1001	<u>1041</u>	1431	<u>1488</u>
Assistant Residential Facility Operator(s)	<u>799</u>	<u>831</u>	<u>1096</u>	<u>1140</u>
Case Aide	1001	<u>1041</u>	1431	<u>1488</u>
Chemical Dependency Counselor	1280	<u>1331</u>	1670	<u>1737</u>
Child Health Aide	<u>876</u>	<u>911</u>	<u>1195</u>	<u>1243</u>
Child Support Officer I	1225	<u>1274</u>	1746	<u>1816</u>
Child Support Officer II	1368	<u>1423</u>	1869	<u>1944</u>
Collection Services Supervisor I	1565	<u>1628</u>	2137	<u>2222</u>
Community Service Aide	<u>674</u>	<u>701</u>	<u>876</u>	<u>911</u>
Coordinator of Aging	1024	<u>1065</u>	1464	<u>1523</u>
<u>Data Entry Supervisor</u>	<u>1274</u>		<u>1737</u>	
Developmental Achievement Center Instructor	<u>799</u>	<u>831</u>	1001	<u>1041</u>
Family Service Aide I	<u>799</u>	<u>831</u>	1001	<u>1041</u>
Family Service Aide II	<u>876</u>	<u>911</u>	<u>1195</u>	<u>1243</u>
Family Service Coordinator I	1096	<u>1140</u>	1431	<u>1488</u>
Family Service/Home Health Aide	<u>799</u>	<u>831</u>	1001	<u>1041</u>
Financial Assistance Specialist	1280	<u>1331</u>	1746	<u>1816</u>
Financial Assistance Supervisor I	1495	<u>1555</u>	2137	<u>2222</u>
Financial Assistance Supervisor II	1634	<u>1699</u>	2332	<u>2425</u>
Financial Worker I	1001	<u>1041</u>	1431	<u>1488</u>
Financial Worker II	1120	<u>1165</u>	1601	<u>1665</u>
Fiscal Officer	1225	<u>1274</u>	1746	<u>1816</u>
Fiscal Supervisor I	1338	<u>1392</u>	1916	<u>1993</u>
Fiscal Supervisor II	1495	<u>1555</u>	2137	<u>2222</u>
<u>Food Stamp Quality Control Reviewer</u>	<u>1331</u>		<u>1816</u>	
Home Health Aide	799	<u>831</u>	1001	<u>1041</u>

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

Home Health Aide Coordinator	1096	<u>1140</u>	1431	<u>1488</u>
Housekeeper				
Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.				
Housing Coordinator	1252	<u>1302</u>	1785	<u>1856</u>
Licensed Practical Nurse	1073	<u>1116</u>	1338	<u>1392</u>
Office Services Supervisor I		1216		1665
Personnel Aide	1120	<u>1165</u>	1531	<u>1592</u>
Public Health Aide	674	<u>701</u>	876	<u>911</u>
Residential Facility Operator(s)	838	<u>872</u>	1146	<u>1192</u>
Senior Case Aide	1120	<u>1165</u>	1601	<u>1665</u>
Senior Citizen's Aide	674	<u>701</u>	876	<u>911</u>
Transportation Coordinator	1024		1400	
Welfare Fraud Investigator	1565	<u>1628</u>	2042	<u>2124</u>
Welfare Fraud Unit Supervisor	1706		2229	

3. Plan C. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum		Maximum	
Account Clerk	1024	<u>1065</u>	1400	<u>1456</u>
Accounting Technician	1096	<u>1140</u>	1495	<u>1555</u>
Adult Day Care Center Program Coordinator	1049	<u>1091</u>	1495	<u>1555</u>
Assistant Residential Facility Operator(s)	838	<u>872</u>	1146	<u>1192</u>
Case Aide	1049	<u>1091</u>	1495	<u>1555</u>
Chemical Dependency Counselor	1338	<u>1392</u>	1746	<u>1816</u>
Child Health Aide	915	<u>952</u>	1252	<u>1302</u>
Child Support Officer I	1280	<u>1331</u>	1828	<u>1901</u>
Child Support Officer II	1431	<u>1488</u>	1955	<u>2033</u>
Collection Services Supervisor I	1634	<u>1699</u>	2229	<u>2318</u>
Community Service Aide	705	<u>733</u>	915	<u>952</u>
Coordinator of Aging	1073	<u>1116</u>	1531	<u>1592</u>
Data Entry Supervisor		1331		1816
Developmental Achievement Center Instructor	838	<u>872</u>	1049	<u>1091</u>
Family Service Aide I	838	<u>872</u>	1049	<u>1091</u>
Family Service Aide II	915	<u>952</u>	1252	<u>1302</u>
Family Service Coordinator I	1146	<u>1192</u>	1495	<u>1555</u>
Family Service/Home Health Aide	838	<u>872</u>	1049	<u>1091</u>
Financial Assistance Specialist	1338	<u>1392</u>	1828	<u>1901</u>
Financial Assistance Supervisor I	1565	<u>1628</u>	2229	<u>2318</u>
Financial Assistance Supervisor II	1706	<u>1774</u>	2441	<u>2539</u>
Financial Worker I	1049	<u>1091</u>	1495	<u>1555</u>
Financial Worker II	1169	<u>1216</u>	1670	<u>1737</u>
Fiscal Officer	1225	<u>1274</u>	1746	<u>1816</u>
Fiscal Supervisor I	1338	<u>1392</u>	1916	<u>1993</u>
Fiscal Supervisor II	1495	<u>1555</u>	2137	<u>2222</u>
Food Stamp Quality Control Reviewer		1392		1901
Home Health Aide	838	<u>872</u>	1049	<u>1091</u>
Home Health Aide Coordinator	1146	<u>1192</u>	1495	<u>1555</u>
Housekeeper				
Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.				
Housing Coordinator	1307	<u>1359</u>	1869	<u>1944</u>
Licensed Practical Nurse	1120	<u>1165</u>	1400	<u>1456</u>
Office Services Supervisor I		1274		1737
Personnel Aide	1169	<u>1216</u>	1601	<u>1665</u>
Public Health Aide	705	<u>733</u>	915	<u>952</u>
Residential Facility Operator(s)	876	<u>911</u>	1195	<u>1243</u>

PROPOSED RULES

Senior Case Aide	1169 <u>1216</u>	1670 <u>1737</u>
Senior Citizen's Aide	705 <u>733</u>	915 <u>952</u>
Transportation Coordinator	1073	1464
Welfare Fraud Investigator	1634 <u>1699</u>	2137 <u>2222</u>
Welfare Fraud Unit Supervisor	1785	2332

C. Clerical.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
<u>Administrative Secretary</u>	<u>961</u>	<u>1314</u>
Clerical Supervisor	924	1263
Clerk I	<u>664</u> <u>691</u>	<u>904</u> <u>940</u>
Clerk II	<u>759</u> <u>789</u>	<u>1034</u> <u>1075</u>
Clerk III	<u>845</u> <u>879</u>	<u>1157</u> <u>1203</u>
Clerk-Typist I	<u>695</u> <u>723</u>	<u>945</u> <u>983</u>
Clerk-Typist II	<u>759</u> <u>789</u>	<u>1034</u> <u>1075</u>
Clerk-Typist III	<u>845</u> <u>879</u>	<u>1157</u> <u>1203</u>
Clerk Specialist	924	1263
Clerk-Steno I	<u>729</u> <u>758</u>	<u>989</u> <u>1029</u>
Clerk-Steno II	<u>826</u> <u>859</u>	<u>1131</u> <u>1176</u>
Clerk-Steno III	885	1206
Data Entry Operator	<u>759</u> <u>789</u>	<u>1034</u> <u>1075</u>
Information Systems Specialist	<u>845</u> <u>879</u>	<u>1157</u> <u>1203</u>
Switchboard Operator I	<u>759</u> <u>789</u>	<u>1034</u> <u>1075</u>
Switchboard Operator II	<u>806</u> <u>838</u>	<u>1107</u> <u>1151</u>

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

2. Plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
<u>Administrative Secretary</u>	<u>1101</u>	<u>1436</u>
Clerical Supervisor	1059	1381
Clerk I	<u>759</u> <u>789</u>	<u>989</u> <u>1029</u>
Clerk II	<u>863</u> <u>898</u>	<u>1131</u> <u>1176</u>
Clerk III	<u>965</u> <u>1004</u>	<u>1263</u> <u>1314</u>
Clerk-Typist I	<u>791</u> <u>823</u>	<u>1034</u> <u>1075</u>
Clerk-Typist II	<u>863</u> <u>898</u>	<u>1131</u> <u>1176</u>
Clerk-Typist III	<u>965</u> <u>1004</u>	<u>1263</u> <u>1314</u>
Clerk Specialist	1059	1381
Clerk-Steno I	<u>826</u> <u>859</u>	<u>1082</u> <u>1125</u>
Clerk-Steno II	<u>945</u> <u>983</u>	<u>1236</u> <u>1285</u>
Clerk-Steno III	1010	1318
Data Entry Operator	<u>863</u> <u>898</u>	<u>1131</u> <u>1176</u>
Information Systems Specialist	<u>965</u> <u>1004</u>	<u>1263</u> <u>1314</u>
Switchboard Operator I	<u>863</u> <u>898</u>	<u>1131</u> <u>1176</u>
Switchboard Operator II	<u>924</u> <u>961</u>	<u>1206</u> <u>1254</u>

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

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PROPOSED RULES

3. Plan C. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Administrative Secretary	<u>1203</u>	<u>1569</u>
Clerical Supervisor	1157	1509
Clerk I	<u>826</u> 859	<u>1082</u> 1125
Clerk II	<u>945</u> <u>983</u>	<u>1236</u> <u>1285</u>
Clerk III	<u>1059</u> <u>1101</u>	<u>1381</u> <u>1436</u>
Clerk-Typist I	<u>863</u> <u>898</u>	<u>1131</u> <u>1176</u>
Clerk-Typist II	<u>945</u> <u>983</u>	<u>1236</u> <u>1285</u>
Clerk-Typist III	<u>1059</u> <u>1101</u>	<u>1381</u> <u>1436</u>
Clerk Specialist	1157	1509
Clerk-Steno I	<u>904</u> <u>940</u>	<u>1179</u> <u>1226</u>
Clerk-Steno II	<u>1034</u> <u>1075</u>	<u>1350</u> <u>1404</u>
Clerk-Steno III	1107	1445
Data Entry Operator	<u>945</u> <u>983</u>	<u>1236</u> <u>1285</u>
Information Systems Specialist	<u>1059</u> <u>1101</u>	<u>1381</u> <u>1436</u>
Switchboard Operator I	<u>945</u> <u>983</u>	<u>1236</u> <u>1285</u>
Switchboard Operator II	<u>1010</u> <u>1050</u>	<u>1318</u> <u>1371</u>

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

D. Maintenance and trades.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	<u>792</u> 824	<u>1021</u> 1062
Bus Driver	<u>863</u> <u>898</u>	<u>1107</u> <u>1151</u>
Janitor	<u>863</u> <u>898</u>	<u>1107</u> <u>1151</u>
Laborer	<u>\$4.96/hr.</u>	<u>\$4.96/hr.</u>
Maintenance Worker	<u>\$5.16/hr.</u> 899	<u>\$5.16/hr.</u> 1158

2. Plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	<u>1021</u> <u>1062</u>	<u>1313</u> <u>1366</u>
Bus Driver	<u>1063</u> <u>1106</u>	<u>1369</u> <u>1424</u>
Janitor	<u>1021</u> <u>1062</u>	<u>1313</u> <u>1366</u>
Laborer	<u>\$6.11/hr.</u>	<u>\$6.11/hr.</u>
Maintenance Worker	<u>\$6.36/hr.</u> 1107	<u>\$6.36/hr.</u> 1428

Department of Health

Proposed Amendments to Existing Rules of the Minnesota Merit System Governing the Compensation Plan

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, on September 26, 1983, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed amendments of existing rules may be modified as a result of

the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George A. Beck, Office of Administrative Hearings, 4th floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 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 Administrative Hearings. The statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

A summary of proposed revisions to the rules is as follows:

A proposed revision to 7 MCAR § 1.2395 provides a recommended general salary adjustment of 4% for merit system employees effective January 1, 1984.

Proposed revisions to 7 MCAR § 1.314 provide for upgrading of minimum and maximum salary rates for all classes by 4%, with a few exceptions, and the deletion of classes that have been abolished.

The agency's authority to adopt the proposed rules is contained in Minn. Stat. § 144.071.

The cost to local public bodies of implementing the proposed rule changes will not exceed \$100,000 for 1984.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-3996. Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments, contact Ralph Corey.

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 working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) 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).

Minn. Stat. ch. 10A. requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, 1979 supp., 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, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

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

August 2, 1983

Sister Mary Madonna Ashton
Commissioner of Health

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PROPOSED RULES

Rules as Proposed

7 MCAR § 1.2395 Salary adjustments and increases.

A.-B. [Unchanged.]

C. Recommended adjustments. The merit system general adjustment recommended for incumbents is ~~seven and eight tenths~~ four percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

D.-E. [Unchanged.]

7 MCAR § 1.314 Compensation plan (Public Health)—~~1983-1984~~. The tables in A.-D. list minimum and maximum salary steps in monthly salary amounts for the specified classes of positions.

A. Professional and administrative.

1. Plan A.

	Minimum		Maximum	
Assistant Director of Environmental Health	1828	<u>1901</u>	2610	<u>2714</u>
Assistant Director of Public Health Nursing	1670	<u>1737</u>	2386	<u>2597</u>
Business Administrator	1670	<u>1737</u>	2386	<u>2481</u>
Business Supervisor	1225	<u>1274</u>	1746	<u>1816</u>
Director of Environmental Health	2090	<u>2174</u>	2986	<u>3105</u>
Director of Public Health Nursing I	1670	<u>1737</u>	2386	<u>2597</u>
Director of Public Health Nursing II	1828	<u>1901</u>	2610	<u>2714</u>
Home Care Coordinator	1464	<u>1523</u>	1916	<u>2079</u>
Medical Technologist	1338	<u>1392</u>	1746	<u>1816</u>
Public Health Educator I	1338	<u>1392</u>	1828	<u>1901</u>
Public Health Educator II	1670	<u>1737</u>	2282	<u>2373</u>
Public Health Nurse	1400	<u>1456</u>	1828	<u>1993</u>
Public Health Nurse (Team Leader)	1464	<u>1523</u>	1916	<u>2079</u>
Public Health Nutritionist	1531	<u>1592</u>	2090	<u>2174</u>
Registered Nurse	1338	<u>1392</u>	1670	<u>1816</u>
(A.A. Degree, 3 year Diploma, or B.S. Degree)				
Sanitarian I	1338	<u>1392</u>	1601	<u>1665</u>
Sanitarian II	1464	<u>1523</u>	1999	<u>2079</u>
Sanitarian III	1601	<u>1665</u>	2282	<u>2373</u>
Sanitarian IV	1746	<u>1816</u>	2497	<u>2597</u>
School Health Coordinator	1400	<u>1456</u>	1916	<u>1993</u>
Senior Public Health Nurse	1531	<u>1592</u>	1999	<u>2174</u>

2. Plan B.

	Minimum		Maximum	
Assistant Director of Environmental Health	1916	<u>1993</u>	2729	<u>2838</u>
Assistant Director of Public Health Nursing	1746	<u>1816</u>	2497	<u>2714</u>
Business Administrator	1746	<u>1816</u>	2497	<u>2597</u>
Business Supervisor	1280	<u>1331</u>	1828	<u>1901</u>
Director of Environmental Health	2184	<u>2271</u>	3123	<u>3248</u>
Director of Public Health Nursing I	1746	<u>1861</u>	2497	<u>2714</u>
Director of Public Health Nursing II	1916	<u>1993</u>	2729	<u>2838</u>
Home Care Coordinator	1531	<u>1592</u>	2090	<u>2174</u>
Medical Technologist	1400	<u>1456</u>	1828	<u>1901</u>
Public Health Educator I	1400	<u>1456</u>	1916	<u>1993</u>
Public Health Educator II	1746	<u>1816</u>	2386	<u>2481</u>
Public Health Nurse	1464	<u>1523</u>	1916	<u>2079</u>
Public Health Nurse (Team Leader)	1531	<u>1592</u>	1999	<u>2174</u>
Public Health Nutritionist	1601	<u>1665</u>	2184	<u>2271</u>
Registered Nurse				
(A.A. Degree, 3 year Diploma, or B.S. Degree)	1400	<u>1456</u>	1746	<u>1901</u>
Sanitarian I	1400	<u>1456</u>	1670	<u>1737</u>
Sanitarian II	1531	<u>1592</u>	2090	<u>2174</u>

PROPOSED RULES

Sanitarian III	1670	<u>1737</u>		2386	<u>2481</u>
Sanitarian IV	1828	<u>1901</u>		2610	<u>2714</u>
School Health Coordinator	1464	<u>1523</u>		1999	<u>2079</u>
Senior Public Health Nurse	1601	<u>1665</u>		2090	<u>2271</u>

3. Plan C.

	Minimum			Maximum	
Assistant Director of Environmental Health	1999	<u>2079</u>		2851	<u>2965</u>
Assistant Director of Public Health Nursing	1828	<u>1993</u>		2610	<u>2838</u>
Business Administrator	1828	<u>1901</u>		2610	<u>2714</u>
Business Supervisor	1338	<u>1392</u>		1916	<u>1993</u>
Director of Environmental Health	2282	<u>2373</u>		3264	<u>3395</u>
Director of Public Health Nursing I	1828	<u>1993</u>		2610	<u>2838</u>
Director of Public Health Nursing II	1999	<u>2079</u>		2851	<u>2965</u>
Home Care Coordinator	1601			2184	
Medical Technologist	1464	<u>1523</u>		1916	<u>1993</u>
Public Health Educator I	1464	<u>1523</u>		1999	<u>2079</u>
Public Health Educator II	1828	<u>1901</u>		2497	<u>2597</u>
Public Health Nurse	1565	<u>1699</u>		2042	<u>2318</u>
Public Health Nurse (Team Leader)	1634	<u>1774</u>		2137	<u>2425</u>
Public Health Nutritionist	1670	<u>1737</u>		2282	<u>2373</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1495	<u>1628</u>		1869	<u>2124</u>
Sanitarian I	1464	<u>1523</u>		1746	<u>1816</u>
Sanitarian II	1601	<u>1665</u>		2184	<u>2271</u>
Sanitarian III	1746	<u>1816</u>		2497	<u>2597</u>
Sanitarian IV	1916	<u>1993</u>		2729	<u>2838</u>
School Health Coordinator	1531	<u>1592</u>		2090	<u>2174</u>
Senior Public Health Nurse	1706	<u>1856</u>		2229	<u>2539</u>

B. Health services support personnel.

1. Plan A.

	Minimum			Maximum	
Animal Warden	956	<u>994</u>		1252	<u>1302</u>
Bookkeeper	1001	<u>1041</u>		1431	<u>1488</u>
Home Health Aide	768	<u>799</u>		956	<u>994</u>
Home Health Aide Coordinator	1049	<u>1091</u>		1368	<u>1423</u>
Inspector I	1073	<u>1116</u>		1225	<u>1274</u>
Inspector II	1169	<u>1216</u>		1531	<u>1592</u>
Laboratory Technician	915	<u>952</u>		1195	<u>1243</u>
Licensed Practical Nurse	1024	<u>1065</u>		1280	<u>1331</u>
Medical Laboratory Assistant	956	<u>994</u>		1252	<u>1302</u>
Nutrition Assistant	1001	<u>1041</u>		1368	<u>1423</u>
Public Health Aide	642	<u>668</u>		838	<u>872</u>

2. Plan B.

	Minimum			Maximum	
Animal Warden	1001	<u>1041</u>		1307	<u>1359</u>
Bookkeeper	1049	<u>1091</u>		1495	<u>1555</u>
Home Health Aide	799	<u>831</u>		1001	<u>1041</u>
Home Health Aide Coordinator	1096	<u>1140</u>		1431	<u>1488</u>
Inspector I	1120	<u>1165</u>		1280	<u>1331</u>
Inspector II	1225	<u>1274</u>		1601	<u>1665</u>

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PROPOSED RULES

Laboratory Technician	956	994	1252	1302
Licensed Practical Nurse	1093	1116	1338	1392
Medical Laboratory Assistant	1001	1041	1307	1359
Nutrition Assistant	1049	1091	1431	1488
Public Health Aide	674	701	876	911

3. Plan C.

	Minimum		Maximum	
Animal Warden	1049	1091	1368	1423
Bookkeeper	1096	1140	1565	1628
Home Health Aide	838	872	1049	1091
Home Health Aide Coordinator	1146	1192	1495	1555
Inspector I	1169	1216	1338	1392
Inspector II	1280	1331	1670	1737
Laboratory Technician	1001	1041	1307	1359
Licensed Practical Nurse	1120	1165	1400	1456
Medical Laboratory Assistant	1049	1091	1368	1423
Nutrition Assistant	1096	1140	1495	1555
Public Health Aide	705	733	915	952

C. Clerical.

1. Plan A.

	Minimum		Maximum	
Clerk I	664	691	904	940
Clerk II	759	789	1034	1075
Clerk III	845	879	1157	1203
Clerk-Typist I	695	723	945	983
Clerk-Typist II	759	789	1034	1075
Clerk-Typist III	845	879	1157	1203
Clerk-Steno I	729	758	989	1029
Clerk-Steno II	826	859	1131	1176
Clerk-Steno III	885		1206	
Switchboard Operator I	759	789	1034	1075
Switchboard Operator II	806	838	1107	1151

2. Plan B.

	Minimum		Maximum	
Clerk I	759	789	989	1029
Clerk II	863	898	1131	1176
Clerk III	965	1004	1263	1314
Clerk-Typist I	791	823	1034	1075
Clerk-Typist II	863	898	1131	1176
Clerk-Typist III	965	1004	1263	1314
Clerk-Steno I	826	859	1082	1125
Clerk-Steno II	945	983	1236	1285
Clerk-Steno III	1010		1318	
Switchboard Operator I	863	898	1131	1176
Switchboard Operator II	924	961	1206	1254

3. Plan C.

	Minimum		Maximum	
Clerk I	826	859	1082	1125
Clerk II	945	983	1236	1285
Clerk III	1059	1101	1381	1436
Clerk-Typist I	863	898	1131	1176
Clerk-Typist II	945	983	1236	1285
Clerk-Typist III	1059	1101	1381	1436
Clerk-Steno I	904	940	1179	1226
Clerk-Steno II	1034	1075	1350	1404

Clerk-Steno III	1107		1445	
Switchboard Operator I	<u>945</u>	<u>983</u>	1236	<u>1285</u>
Switchboard Operator II	1010	<u>1050</u>	1318	<u>1371</u>

D. Building maintenance. Employees in the classes specified in 1. and 2. who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

1. Plan A.

	Minimum		Maximum	
Custodian	<u>736</u>	<u>765</u>	863	<u>898</u>
Janitor	<u>863</u>	<u>898</u>	1107	<u>1151</u>

2. Plan B.

	Minimum		Maximum	
Custodian	<u>863</u>	<u>898</u>	1021	<u>1062</u>
Janitor	1021	<u>1062</u>	1313	<u>1366</u>

Department of Public Safety

Proposed Amendments to Existing Rules of the Minnesota Merit System Governing the Compensation Plan

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota on September 26, 1983, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed amendments of existing rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statement may be made orally and written materials may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George A. Beck, Office of Administrative Hearings, 4th floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 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 Administrative Hearings. The statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

A summary of proposed revisions to the rules is as follows:

A proposed revision to 11 MCAR § 1.2094 provides a recommended general salary adjustment of 4% for merit system employees effective January 1, 1984.

Proposed revisions to 11 MCAR § 1.2140 provide for an upgrading of minimum and maximum salary rates for all classes by 4% and the deletion of the class Clerk Stenographer III which has been abolished.

The agency's authority to adopt the proposed rules is contained in Minn. Stat. § 12.22, subd. 3.

The cost to local public bodies of implementing the proposed rule changes will not exceed \$100,000 for 1984.

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PROPOSED RULES

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-3966. Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments, contact Ralph Corey.

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 working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) 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).

Minn. Stat. ch. 10A. requires each lobbyist to register with the state Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10a.01 subd. 11, 1979 supp., 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, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

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

August 2, 1983

Rudy Perpich
Governor

Rules as Proposed

11 MCAR § 1.2094 Compensation plan.

A.-E. [Unchanged.]

F. Salary adjustments and increases.

1.-2. [Unchanged.]

3. Recommended adjustment. The merit system general adjustment recommended for incumbents is ~~seven and eight tenths~~ four percent for employees on the professional and clerical salary schedules.

4.-5. [Unchanged.]

G.-I. [Unchanged.]

11 MCAR § 1.2140 Compensation plan (emergency services)—~~1983~~ 1984.

A. Professional.

1. Plan A.

	Minimum	Maximum
Administrative Officer	1400 <u>1456</u>	1916 <u>1993</u>
Assistant Civil Defense Director I	937 <u>974</u>	1280 <u>1331</u>
Assistant Civil Defense Director II	1120 <u>1165</u>	1531 <u>1592</u>
Assistant Civil Defense Director III	1338 <u>1392</u>	1828 <u>1901</u>
Assistant Civil Defense Director IV	1601 <u>1665</u>	2184 <u>2271</u>
Communications Officer	1225 <u>1274</u>	1670 <u>1737</u>
County Civil Defense Director I	1338 <u>1392</u>	1828 <u>1901</u>
County Civil Defense Director II	1531 <u>1592</u>	2090 <u>2174</u>
County Civil Defense Director III	1746 <u>1816</u>	2386 <u>2481</u>
County Civil Defense Director IV	2497 <u>2597</u>	3408 <u>3544</u>
Local Civil Defense Director I	1073 <u>1116</u>	1464 <u>1523</u>
Local Civil Defense Director II	1225 <u>1274</u>	1670 <u>1737</u>
Local Civil Defense Director III	1400 <u>1456</u>	1916 <u>1993</u>
Local Civil Defense Director IV	1746 <u>1816</u>	2386 <u>2481</u>
Local Civil Defense Director V	2497 <u>2597</u>	3408 <u>3544</u>
Operations Officer	1400 <u>1456</u>	1916 <u>1993</u>

PROPOSED RULES

Public Information Officer	1400 <u>1456</u>	1916 <u>1993</u>
Radiological Defense Officer	1225 <u>1274</u>	1670 <u>1737</u>
Safety Services Coordinator	1400 <u>1456</u>	1916 <u>1993</u>

2. Plan B.

	Minimum	Maximum
Administrative Officer	1464 <u>1523</u>	1999 <u>2079</u>
Assistant Civil Defense Director I	979 <u>1018</u>	1338 <u>1392</u>
Assistant Civil Defense Director II	1169 <u>1216</u>	1601 <u>1665</u>
Assistant Civil Defense Director III	1400 <u>1456</u>	1916 <u>1993</u>
Assistant Civil Defense Director IV	1670 <u>1737</u>	2282 <u>2373</u>
Communications Officer	1280 <u>1331</u>	1746 <u>1816</u>
County Civil Defense Director I	1338 <u>1392</u>	1828 <u>1901</u>
County Civil Defense Director II	1531 <u>1592</u>	2090 <u>2174</u>
County Civil Defense Director III	1746 <u>1816</u>	2386 <u>2481</u>
County Civil Defense Director IV	2497 <u>2597</u>	3408 <u>3544</u>
Local Civil Defense Director I	1073 <u>1116</u>	1464 <u>1523</u>
Local Civil Defense Director II	1225 <u>1274</u>	1670 <u>1737</u>
Local Civil Defense Director III	1400 <u>1456</u>	1916 <u>1993</u>
Local Civil Defense Director IV	1746 <u>1816</u>	2386 <u>2481</u>
Local Civil Defense Director V	2497 <u>2597</u>	3408 <u>3544</u>
Operations Officer	1464 <u>1523</u>	1999 <u>2079</u>
Public Information Officer	1464 <u>1523</u>	1999 <u>2079</u>
Radiological Defense Officer	1280 <u>1331</u>	1746 <u>1816</u>
Safety Services Coordinator	1464 <u>1523</u>	1999 <u>2079</u>

3. Plan C.

	Minimum	Maximum
Administrative Officer	1531 <u>1592</u>	2090 <u>2174</u>
Assistant Civil Defense Director I	1024 <u>1065</u>	1400 <u>1456</u>
Assistant Civil Defense Director II	1225 <u>1274</u>	1670 <u>1737</u>
Assistant Civil Defense Director III	1464 <u>1523</u>	1999 <u>2079</u>
Assistant Civil Defense Director IV	1746 <u>1816</u>	2386 <u>2481</u>
Communications Officer	1338 <u>1392</u>	1828 <u>1901</u>
County Civil Defense Director I	1338 <u>1392</u>	1828 <u>1901</u>
County Civil Defense Director II	1531 <u>1592</u>	2090 <u>2174</u>
County Civil Defense Director III	1746 <u>1816</u>	2386 <u>2481</u>
County Civil Defense Director IV	2497 <u>2597</u>	3408 <u>3544</u>
Local Civil Defense Director I	1073 <u>1116</u>	1464 <u>1523</u>
Local Civil Defense Director II	1225 <u>1274</u>	1670 <u>1737</u>
Local Civil Defense Director III	1400 <u>1456</u>	1916 <u>1993</u>
Local Civil Defense Director IV	1746 <u>1816</u>	2386 <u>2481</u>
Local Civil Defense Director V	2497 <u>2597</u>	3408 <u>3544</u>
Operations Officer	1531 <u>1592</u>	2090 <u>2174</u>
Public Information Officer	1531 <u>1592</u>	2090 <u>2174</u>
Radiological Defense Officer	1338 <u>1392</u>	1828 <u>1901</u>
Safety Services Coordinator	1531 <u>1592</u>	2090 <u>2174</u>

B. Clerical.

1. Plan A.

	Minimum	Maximum
Clerk I	664 <u>691</u>	904 <u>940</u>
Clerk II	759 <u>789</u>	1034 <u>1075</u>

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PROPOSED RULES

Clerk III	845	879	1157	1203
Clerk-Typist I	723	723	945	983
Clerk-Typist II	759	789	1034	1075
Clerk-Typist III	845	879	1157	1203
Clerk-Steno I	729	758	989	1029
Clerk-Steno II	826	859	1131	1176
Clerk-Steno III	885		1206	

2. Plan B.

	Minimum		Maximum	
Clerk I	759	789	989	1029
Clerk II	863	898	1131	1176
Clerk III	965	1004	1263	1314
Clerk-Typist I	791	823	1034	1075
Clerk-Typist II	863	898	1131	1176
Clerk-Typist III	965	1004	1263	1314
Clerk-Steno I	826	859	1032	1125
Clerk-Steno II	945	983	1236	1285
Clerk-Steno III	1010		1318	

3. Plan C.

	Minimum		Maximum	
Clerk I	828	859	1082	1125
Clerk II	945	983	1236	1285
Clerk III	1059	1101	1381	1436
Clerk-Typist I	863	898	1131	1176
Clerk-Typist II	945	983	1236	1285
Clerk-Typist III	1059	1101	1381	1436
Clerk-Steno I	904	940	1179	1226
Clerk-Steno II	1034	1075	1350	1404
Clerk-Steno III	1107		1445	

Department of Revenue Income Tax Division

Proposed Repeal of an Income Tax Rule Relating to Individual Housing Accounts (13 MCAR § 1.6016)

Notice of Intent to Repeal a Rule without a Public Hearing

Notice is hereby given that the Department of Revenue proposes to repeal 13 MCAR § 1.6016, Individual Housing Accounts, without a public hearing. The Commissioner of Revenue has determined that the proposed repeal of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes §§ 14.21 to 14.28.

13 MCAR § 1.6016 deals with Individual Housing Accounts. The authority for the rule was contained in Minnesota Statutes § 290.08, subdivision 25. Minnesota Statutes § 290.08, subdivision 25 was repealed by the legislature in the 1983 Omnibus Tax Bill, Laws 1983, chapter 342, article I, section 44. The repeal of Minnesota Statutes § 290.08, subdivision 25 was made effective for taxable years beginning after December 31, 1982. Therefore, it is proposed that the rule be repealed.

Persons interested in this rule repealer shall have 30 days to submit comments on the proposed rule repealer. The proposed rule repealer 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 repeal.

Unless seven or more persons submit written requests for a public hearing on the proposed rule repealer within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes §§ 14.13 to 14.20.

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

Mr. John P. Malach, Jr.
Attorney, Income Tax Division
Minnesota Department of Revenue
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-3439

Authority for the repeal of this rule is contained in Minnesota Statutes § 290.52. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the rule repealer and identifies the data and information relied upon, to support the proposed rule repealer, has been prepared and is available from Mr. Malach upon request.

Upon adoption of the final rule without public hearing, the proposed rule repealer, this notice, the statement of need and reasonableness, all written comments received, and the final rule repealer as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the final rule repealer, as proposed for adoption, should submit a written statement of such request to Mr. Malach.

The entire text of the proposed rule repealer is as follows: Repealer. Rule 13 MCAR Section 1.6016 is repealed.

August 5, 1983

Arthur C. Roemer
Commissioner of Revenue

Rules as Proposed (all new material)

Repealer. Rule 13 MCAR § 1.6016 is repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Public Employment Relations Board**Adopted Rules Governing Issues and Appeals, Arbitration of Terms and Conditions of Employment, Arbitration of Grievances, and Independent Review**

The rules proposed and published at *State Register*, Volume 7, Number 36, pages 1258-1271, March 7, 1983 (7 S.R. 1258) are adopted with the following modifications:

Rules as Adopted

8 MCAR § 3.017 The hearing.

E. Decorum.

1. The presiding officer may prohibit the operation of a television, newsreel, motion picture, still, or other camera and

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

mechanical recording devices in the hearing room while the hearing is in progress if such operation shall be determined to have a significantly adverse ~~effect~~ effect on the hearing.

8 MCAR § 3.035 Selection of an arbitrator.

When the director has certified an impasse to the board pursuant to Minnesota Statutes, section 179.69, the board shall submit to the parties a list of seven names for the selection of an arbitrator. If a party desires a single arbitrator, it shall notify the board in writing of its request. Such request must be received by the board or postmarked within five working days after the requesting party's receipt of the list of arbitrators and before striking of names commences. In selecting the single arbitrator or a three-member panel, the parties shall alternately strike names from the list until the appropriate number of names remains. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In the case of a three-member panel, the parties shall designate a convenor. If the parties fail to agree upon a convenor, each party shall strike, in the continued order of striking, one name from the panel. The remaining arbitrator shall act as the convenor for the purpose of commencing the proceedings. After selection, the parties shall immediately notify the board in writing of the name of the single arbitrator or the names of the panel and convenor.

8 MCAR § 3.063 Petition.

A. Authority to petition. An employee may petition the board in writing for independent review of a grievance arising out of the interpretation of or adherence to terms and conditions of employment when no other such procedure exists to hear that grievance. The petitioner shall provide all parties a copy of the petition at the time of filing with the board.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota
County of Dakota

Tax Court
Regular Division

John M. Sawicke,

Appellant,

v.

The Commissioner of Revenue,

Appellee.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR JUDGMENT

Order Dated: 8/1/83

The above matter was tried on March 29, 1983 by the Minnesota Tax Court, Judge Carl A. Jensen presiding, at the Minnesota Tax Court Hearing Room in St. Paul, Minnesota. Briefs were subsequently filed by both parties.

Appellant, John M. Sawicke, appeared on his own behalf.

Thomas K. Overton, Special Assistant Attorney General, appeared on behalf of Appellee.

Syllabus

An existing domicile is presumed to continue until a new one is clearly established.

Findings of Fact

1. Appellant, John M. Sawicke, is a cash basis taxpayer. This case involves his 1977 Minnesota income tax.
2. Prior to June 1975, Appellant worked for Control Data Corporation in Minneapolis as a computer programmer.
3. Appellant was a domiciliary of the State of Minnesota from October 1, 1968 to at least June, 1975. Appellant claims that he was a Virginia domiciliary from January, 1975 through 1978. The commissioner claims that Appellant was a Minnesota domiciliary throughout.
4. Before, during and after 1977, Appellant's parents occupied a home at 6508 62nd Avenue North, Minneapolis, Minnesota. This was Appellant's last permanent address in the United States prior to going overseas in 1975.

5. In June, 1975, Appellant commenced employment with Computer Sciences Corporation. That corporation assigns employees to work at various locations throughout the world.
6. For part of June, 1975, Appellant stayed in Falls Church, Virginia.
7. From June 19, 1975 through December, 1976, Appellant was assigned to work and live in Tehran, Iran.
8. Appellant does not contend that he changed his domicile to Iran.
9. On January 1, 1976, Appellant filed an Application for Extension of Time for Filing United States Income Tax Return. On it he stated that his last permanent address in the United States was 6508 62nd Avenue North, Minneapolis, Minnesota. He had resided there with his parents.
10. In January, 1977, Appellant returned to the United States and stayed at 6508 62nd Avenue North, Minneapolis, Minnesota, until January 20, 1977.
11. Appellant purchased a 1977 Oldsmobile from Lindahl Olds, Minneapolis, Minnesota, in January, 1971.
12. The 1977 Oldsmobile purchased in January, 1977 was financed with a loan from GMAC, Minneapolis, Minnesota, and the final payment on this loan was made in March, 1979.
13. The Oldsmobile was titled and registered (licensed) in Minnesota. Appellant gave his address as 6508 62nd Avenue North, Minneapolis, Minnesota. The vehicle remained titled and registered in Minnesota until it was sold (after 1979).
14. The Oldsmobile was insured with a Minnesota agent and the address maintained on the insurance was 6508 62nd Avenue North, Minneapolis, Minnesota.
15. In January 1977, Appellant opened a savings account at Northwestern National Bank of Minneapolis, the institution where he maintained his checking account.
16. From January 20, 1977 to October, 1977, Appellant was assigned by Computer Sciences Corporation to work at the General Services Administration in Washington, D.C.
17. On January 28, 1977, Appellant filed his 1975 Minnesota Income Tax Return showing his address as 6508 62nd Avenue North, Minneapolis, Minnesota.
18. From November, 1977 through January, 1978, Appellant was assigned by Computer Sciences Corporation to the Customs Bureau. Appellant considered this to be a temporary assignment.
19. From January 20, 1977 through January, 1978, Appellant lived in two different apartments in Virginia.
20. Virginia state taxes were withheld from Appellant's wages. However, Appellant did not file a Virginia income tax return.
21. From February, 1978 through September, 1978, Appellant was employed by Galler Associates.
22. During his employment by Galler Associates, Appellant worked in the Minneapolis area and lived at an apartment in the Minneapolis area paid for by Galler Associates.
23. Galler Associates did not withhold any Virginia state taxes.
24. In February, 1978, Appellant renewed his Minnesota drivers license.
25. In March, 1978, Appellant refinanced his outstanding loan with the Minneapolis Federal Employees Credit Union.
26. In March, 1978, Appellant purchased a boat (in Minnesota) and a trailer (in Minnesota). He registered both the boat and trailer in Minnesota.
27. On his 1977 Income Tax Return (filed about April 1978), Appellant stated that his address was 6508 62nd Avenue North, Minneapolis, Minnesota.
28. In May, 1978, P.N.S., a partnership owned by Appellant and another, filed an application for a Minnesota Tax Identification Number. It showed that Appellant's home address was 6508 62nd Avenue North, Minneapolis, Minnesota.
29. From September, 1978 through January, 1979, Appellant was employed by P.N.S.
30. From September, 1978 through January, 1979, Appellant again lived at 6508 62nd Avenue North, Minneapolis, Minnesota.
31. In February, 1979, Appellant returned to work for Control Data Corporation in Minneapolis, Minnesota.
32. Appellant rented an apartment in the Minneapolis area.
33. Appellant maintained his Master Charge account from 1975 through 1978. The billing address was at all times 6508 62nd Avenue North, Minneapolis, Minnesota. See Appellant's Answer No. 10 to Discovery Requests Set No. 1.

34. Appellant maintained an outstanding loan from Minneapolis Federal Employees Credit Union from before 1975 to the present.
35. Appellant has maintained his checking account with Northwestern National Bank, Minneapolis, Minnesota from 1968 to the present.
36. Appellant has maintained his share account with the Minneapolis Federal Employees Credit Union from 1968 to the present.
37. Appellant has maintained his Minnesota drivers license from 1963 to the present. He did not obtain one from Virginia.
38. Throughout the period from 1975 through 1979, Appellant acknowledged that he consistently gave 6508 62nd Avenue North, Minneapolis, Minnesota as his home address for all important matters. He stated that he did so because he relocated frequently, staying in each location for only short periods of time.
39. Appellee issued an Order dated December 4, 1981 stating that it had prepared a tax return for the year 1977 for the Appellant since Appellant had failed to file such return after being requested to do so. This Order indicated that the tax for the year 1977 was \$1,654.80. A penalty of \$413.70 was assessed together with interest to the date of the Order of \$635.17 making a total due as of December 4, 1981 in the amount of \$2,703.67.
40. Under the circumstances existing in this matter, no penalty should be assessed.
41. Appellant's W-2 tax statement for 1977 indicates that a Virginia State tax of \$862.40 was withheld from Appellant's wages. There was no evidence that Appellant had received a refund of any portion of such withheld wages.
42. The Minnesota Income Tax Return prepared by Appellee for Appellant for the year 1977 does not appear to provide the proper deduction for federal income taxes withheld or paid in 1977.
43. Appellant should be found to be domiciled in the State of Minnesota for the year 1977 and Appellant should be directed to recalculate Appellant's 1977 Minnesota Income Tax by providing the proper deduction for the federal income tax withheld or paid by Appellant in 1977 and by allowing a credit of \$862.40 for Virginia State Income Taxes withheld from Appellant's income and no penalty should be assessed.

Conclusions of Law

1. Appellee is directed to recalculate the Minnesota Income Tax due from Appellant for 1977 on the basis of his being a Minnesota resident during 1977. Appellee should provide the proper deduction for federal income taxes withheld or paid by Appellant in 1977 and should allow a credit of \$862.40 for state income taxes paid to Virginia. No penalty should be assessed. Interest on the net amount due shall be calculated from the due date for taxes due and payable for the year 1977.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

Dated: August 1, 1983

By the Court

Carl A. Jensen, Judge
Minnesota Tax Court

Memorandum

The first item in Appellant's Brief states the following:

"June 1975—Appellant abandons his Minnesota domicile."

The law is well settled that one always has a domicile and that the existing domicile continues until a new domicile is established.

It is also well settled that physical residence alone does not establish a new domicile without an intention to establish a new domicile. Also, intention alone does not establish a new domicile. Generally, there must be a clear demonstration of both acts and intention to establish a new domicile and this determination is not always easy especially where it is to one's financial benefit to prove that a change of domicile took place at some time in the past. In making this determination the Court will place more emphasis on acts than on statements made a considerable time after it is claimed that the change in domicile occurred.

Minn. Stat. 1976 § 290.17(1) provides that the income from personal services of all Minnesota residents shall be assigned to Minnesota for income tax purposes. A resident is "any individual domiciled in Minnesota and any other individual maintaining an abode therein during any portion of the tax year who shall not, during the whole year, have been domiciled outside the state." Minn. Stat. 1976 § 290.01, subd. 7. A Department of Revenue income tax regulation defines domicile:

Minn. Stat. 1976 § 290.17, subd. (2) also allocates income from intangibles to the state of domicile. If a taxpayer is domiciled in Minnesota, his income is subject to Minnesota income tax. See, e.g., *Lloyd M. Gonner v. Com'r, Mn. T.Ct. #315* (July 8, 1948).

The domicile of any person shall be that place in which that person's habitation is fixed, without any present intentions of removal therefrom, and to which whenever absent, that person intends to return.

A person who leaves home to go into another jurisdiction for temporary purposes only, is not considered to have lost that person's domicile. But if a person moves to another jurisdiction with the intention of remaining there permanently or for an indefinite time as a home, that person shall have lost that person's domicile in the state.

* * *

The mere intention to acquire a new domicile, without the fact of physical removal, does not change the status of the taxpayer, nor does the fact of physical removal, without the intention to remain, change the person's status. The presumption is that one's domicile is the place where one lives.

An individual can have only one domicile at any particular time. A domicile once shown to exist is presumed to continue until the contrary is shown. An absence of intention to abandon the domicile is equivalent to an intention to retain the existing one. No positive rule can be adopted with respect to the evidence necessary to prove an intention to change a domicile, but such an intention may be proved by acts and declarations, and of the two forms of evidence, acts shall be given more weight than declarations. (Emphasis added)

13 MCAR § 1.6001.

The regulation goes on to list a number of factors to consider in determining whether or not a person is domiciled in the State of Minnesota. No single item in the list, by itself, establishes domicile. Among the factors relevant to the case at bar are the following:

1. Location of domicile for prior years.

* * *

4. Classification of employment as temporary or permanent.

5. Location of employment.

6. Location of newly acquired living quarters whether rented or owned.

* * *

10. Jurisdiction in which a valid driver's license was issued.

* * *

13. Jurisdiction from which any motor vehicle license was issued and the actual physical location of the vehicle.

* * *

15. Whether an income tax return has been filed as a resident or nonresident.

16. Whether the person has fulfilled the tax obligations required of a resident.

17. Location of any bank accounts, especially the location of the most active checking account.

18. Location of other transactions with financial institutions.

* * *

20. Location of business relationships and the place where business is transacted.

* * *

22. Address where mail is received.

23. Percentage of time (not counting hours of employment) that the person is physically present in Minnesota and the percentage of time (not counting hours of employment) that the person is physically present in each jurisdiction other than Minnesota.

* * *

The regulation and the case law make it clear that once a domicile is established it continues until another domicile has been established elsewhere. *Sarek v. Commissioner*, Mn. T.Ct. #2524 (April 9, 1979). *American Law Institute, Restatement, Conflict of Laws*, ch. 2, § 23. The taxpayer has the burden of proving that he established a new domicile outside of Minnesota. *McCutchan v. Commissioner*, Mn. T.Ct. #563 (January 20, 1956).

To establish a new "domicile" requires physical presence in a given jurisdiction coupled with an intention to make such place one's home. *Miller's Estate v. Commissioner of Taxation*, 240 Minn. 18, 59 N.W. 2d 925 (1953). The question of intent, as gathered from a person's acts and declarations is a question of fact. *In re Estate of Smith*, 242 Minn. 85, 89, 64 N.W. 2d 129, 131

(1954). A person's course of conduct is accorded greater weight than his self-serving declaration of domicile. *See, Texas v. Florida*, 306 U.S. 398, 425 (1939); *Sucomb v. Bovey*, 135 Minn. 353, 356, 160 N.W. 1018, 1019 (1917). "A mere place of residence and a few other contacts are not enough to establish a new domicile." *Sauk v. Commissioner, supra*. Domicile is not something easily abandoned or accidentally changed. *Lindberg v. Commissioner*, Mn. T.Ct. #339 (March 30, 1950), *McCutchan, supra*.

Continued existence of Minnesota domicile does not require continued physical presence in Minnesota or continued maintenance of an abode in Minnesota. In *Lindberg v. Commissioner*, Mn. T.Ct. #339 (March 30, 1950), the Tax Court said:

"Taxpayer's position apparently is, that since he didn't actually live in Minnesota . . . , he was not a resident and therefore no tax can be imposed on him by reason of residence in Minnesota. This understanding of the use of the word resident is understandable but is not the correct interpretation of the word as used in the income tax statutes defining resident . . . It is not correct to assume, as taxpayer does, that if one's place of abode is not Minnesota, he cannot be a resident of this State. Actual physical presence in one's place of abode, and one's domicile would, in most cases, and with individuals, be identical, but *one's domicile and one's place of abode need not necessarily be the same.*" (Emphasis added)

In the present case, we are confronted with just such a situation. Appellant was undisputably domiciled in Minnesota until he began his employment with Computer Sciences Corporation in June, 1975.

Between June, 1975 and February, 1978, Appellant did not maintain his abode in Minnesota. Although Appellant contends that from June 1975 to February 1978 he was domiciled in Virginia, the facts show that during his absence from Minnesota, he did not establish a new domicile elsewhere. During this interval of absence, Appellant was employed on a permanent basis by Computer Sciences Corporation. Appellant expected that his work location would change as he was assigned to particular jobs and this in fact did occur. Appellant's first eighteen months were on assignment in Iran. Even Appellant does not claim that he was a domiciliary of Iran. Thereafter Appellant returned briefly to Minnesota. Appellant was then assigned to work at the Government Services Administration for nine months and at the Customs Bureau for three months. These were in Washington, D.C. While on assignment to Washington, Appellant lived first in apartments in Arlington, Virginia (one month) and then in Falls Church, Virginia.

Appellant returned to Minnesota in February, 1978, and has been employed and maintained his abode here to the present.

During his absence from Minnesota, Appellant did not establish a permanent home in Virginia. Rather, Appellant maintained his ties with Minnesota.

In January, 1976, (while in Iran) Appellant filed an application for extension of time for filing his United States Income Tax Return. On the application he stated that his last permanent address in the United States was 6508 62nd Avenue North, Minneapolis, Minnesota.

In January, 1977, Appellant returned from Iran. He returned to 6508 62nd Avenue North, Minneapolis, Minnesota. Appellant purchased a new car in Minneapolis. He financed the purchase with a loan obtained from GMAC in Minneapolis. The automobile was registered in Minnesota. It was insured with a Minnesota Company through a Minnesota agent. For all purposes Appellant gave 6508 62nd Avenue North, Minneapolis, Minnesota as his address.

At about this time, Appellant opened a savings account at Northwestern National Bank of Minneapolis, the institution where he continued to maintain his checking account.

On January 28, 1977 (after Appellant left Minneapolis for Virginia) Appellant filed his 1975 Minnesota Income Tax Return showing his address as 6508 62nd Avenue North, Minneapolis, Minnesota.

During the period of his absence, Appellant not only established new financial connections with Minnesota, but also retained his existing personal financial connections with the State. In 1968, Appellant opened a checking account with Northwestern National Bank in Minneapolis, and a share account with the Minneapolis Federal Employees Credit Union. Appellant maintained these accounts throughout his absence and continues them to the present time. Appellant maintained his loan from the Minneapolis Federal Employees Credit Union (obtained before 1975) and refinanced the loan in March, 1978.

Appellant held a Master Charge card from 1975 through 1978. The billing address was 6508 62nd Avenue North, Minneapolis, Minnesota. See Appellant's Answer No. 10 to Discovery Requests Set No. 1.

The address stated on his 1977 Federal Income Tax Return was the same.

Appellant maintained his other ties to Minnesota. Appellant kept his vehicle registered in Minnesota. Appellant maintained a Minnesota driver's license. He did not apply for Virginia registration or driver's license.

Throughout the period of his absence from Minnesota, Appellant admits that for all important matters he consistently gave his home address as 6508 62nd Avenue North, Minneapolis, Minnesota. He did so because he moved frequently and stayed in each location for only a short period of time.

Although Appellant claims to have been a Virginia domiciliary in 1977, he did not file a Virginia State Income Tax Return for that year.

In the case of *Blaine R. McCutchan v. Commissioner of Taxation*, Dkt. #563 (January 20, 1956), the Tax Court said:

“Even assuming that taxpayer was sincere in his intention never to again return to Minnesota, this would not in and of itself be sufficient for him to lose his Minnesota domicile. There would also have to be a simultaneous intent to establish a new domicile elsewhere. *The rule on the continuing quality of a domicile is quite clear.* American Law Institute, Restatement, Conflict of Laws, Chapter 2, Section 23, reads as follows:

A domicile once established continues until it is superseded by a new domicile.

Comment b . . . If a domicile of choice is abandoned without acquiring a new domicile of choice, the domicile of origin is not thereby revived, but *the last domicile of choice continues to be the domicile.*” (Emphasis added)

In the present case, Appellant has failed to show any evidence that he intended to make Virginia his new permanent home other than his allegations to that effect. Having failed to establish a new *domicile* in Virginia, Appellant remained domiciled in Minnesota, despite his verbal statements to the contrary. Appellant was a domiciliary of this State for 1977 income tax purposes.

Appellant states on page 5 of his brief that one of the reasons he did not change his car registration to the State of Virginia was that Virginia levies a personal property tax on motor vehicles. A person is not allowed to choose one domicile for one tax purpose and another domicile for another tax purpose. If in fact, Appellant's domicile had been Virginia for the entire year of 1977, it appears from his own brief that he should have paid Virginia personal property taxes on his vehicle.

The failure to change his driver's license is of some significance. Many states require that if one moves into the state for permanent residence that a new driver's license must be obtained often within 30 days of moving into the new state. If this is in fact the case with the State of Virginia and if Appellant had been questioned about this, he would have had no difficulty in establishing to the Virginia authorities that he was in fact domiciled in Minnesota and that his Virginia residence was temporary. It would appear to us that it would have been virtually impossible for the State of Virginia to prove that Virginia was his residence. We have found no physical acts done by the Appellant that would be inconsistent with a temporary residence in Virginia. All of the items listed by Appellant as an indication of change of domicile such as establishing new bank accounts, new mailing address, and other similar things, are not inconsistent with a temporary residence.

Appellant states that he attempted to file a State of Virginia tax return for 1977. We don't find this of importance since he would be required to file a State of Virginia tax return regardless of whether or not he had to file a Minnesota tax return. We do find it of some significance that Appellant indicated a Minnesota address on his 1977 Federal Income Tax Return.

We find no acts of Appellant that are inconsistent with a continuous domicile in the State of Minnesota and we find very little that would be consistent with a finding that Appellant had in fact changed his domicile. Under these circumstances, we are compelled to find that Appellant was domiciled in Minnesota during the year 1977.

C.A.J.

SUPREME COURT**Decisions Filed Friday, August 12, 1983
Compiled by Wayne O. Tschimperle, Clerk**

CX-82-771 State of Minnesota v. Gary L. Bland, Appellant. Hennepin County.

State met its burden of proving that defendant committed an assault with a dangerous weapon and that he did not act in self-defense.

Defendant was not prejudiced by prosecutor's failure to call a witness referred to in the prosecutor's opening statement.

Trial court did not improperly restrict defense counsel's cross-examination of the victim about his prior acts of violence.

Prosecutor did not commit plain error in eliciting evidence that defendant's possession of the weapon he used, a sawed-off shotgun, was a separate crime.

Trial court did not err in its instructions on self-defense.

Affirmed. Amdahl, C.J.

SUPREME COURT

C6-82-1058 State of Colorado, on behalf of Jean E. McDonnell, petitioners, Appellants v. James T. McCutcheon, Washington County.

In a standard action under the Uniform Reciprocal Enforcement of Support Act (URESA), Minn. Stat. ch. 518C (1982), the responding court is not required to conform its support order to the provisions of a decree of a foreign state, but instead makes an independent award based on Minnesota law. The awarding ongoing support in the instant case is affirmed.

In a standard URESA action, the responding court does not grant an award of accrued arrearages under the foreign order; it may instead make an award for reimbursement of proved expenses reasonably paid by the obligee for past support of the child. The responding court in a standard URESA action has no power to modify the terms of the foreign decree. The denial of an award for accrued arrearages or past support in the instant case is affirmed.

Affirmed. Peterson, J.

C0-82-679, C1-82-867 State of Minnesota v. James Mallory, Appellant (C0-82-679) and Keith Mayes, Appellant (C1-82-867). Hennepin County.

Police did not violate defendants' Fourth Amendment rights in stopping automobile when police had particularized and objective basis for suspecting the occupant(s) of criminal activity.

Identification procedures used by police did not create a very substantial likelihood of irreparable misidentification of defendants.

Affirmed. Kelley, J.

C7-82-1523 Agri Credit Corporation v. Raleigh Liedman, Appellant. Kandiyohi County.

Where the maker of a promissory note agreed to pay reasonable costs of collection including attorney fees paid or incurred, the creditor was only entitled an award of reasonable attorney fees paid or incurred by it up to the time of entry of judgment. Such attorney fees should not be computed by reference to any arbitrary court schedule or policy.

Reversed and remanded. Kelley, J.

C2-82-893 State of Minnesota v. Gary L. Williams, Appellant. Hennepin County.

Evidence was sufficient to identify defendant as participant in burglary of house and armed robbery of residents of house.

Trial court's instructions on circumstantial evidence were adequate.

Trial court properly sentenced defendant to consecutive prison terms for robberies of two people even though different judges sentenced defendant's accomplices to concurrent terms for the same offenses.

Affirmed. Coyne, J.

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 Administration

Notice of Request for Proposals for Rental of Office Space

The Department of Administration desires proposals for the rental of up to 36,000 usable square feet of office space and approximately 2,000 usable square feet of warehouse space for the Department of Energy and Economic Development in the City of St. Paul.

Contact: Department of Administration
Real Estate Management Division
50 Sherburne Avenue, Room G-22
St. Paul, Minnesota 55155
Telephone: (612) 296-6674

Proposals must be submitted by 2:00 p.m. (CDST) on Friday, September 9, 1983.

State Designer Selection Board

Notice of Request for Proposal

To Architects and Engineers Registered in Minnesota

The State Designer Selection Board has been requested to select designer for three projects. Design firms who wish to be considered for these projects should submit proposals on or before 4:00 p.m., September 14, 1983, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
 - a) Number and name of project.
 - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
 - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
 - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
 - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
 - f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-address stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.

STATE CONTRACTS

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the board will retain one copy of each proposal submitted.

Any questions concerning the board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7a) PROJECT 11-83

Correct Water Infiltration Problems

Trafton Science Center

Mankato State University

Mankato, Minnesota

State University System

Allocation: \$850,000.00 for construction, fees, testing and administration.

General Description: Numerous problem areas have been identified and described in a consultant prepared survey report titled "Trafton Science Center Water Damage — Phase II". This report identifies the sources of the leaks, other than roof and plaza areas, and the recommended solutions are included for each incident. The areas identified with leaks are masonry exterior walls, foundation, curtain walls, return air shafts, area well drainage, and roof top sheet metal ducts. Also included are 1982 cost estimates for the recommended solutions.

The consultant selected is expected to review the site conditions and survey report, concur with, or recommend alternate corrective measures before proceeding with final corrective construction program.

In the selection of the consultant, the board will expect the consultant to address:

- 1) Experience in similar type of projects.
- 2) Staff available for a timely completion of the documents and observation of the work.

7b) PROJECT 12-83

Roof Repairs and Replacements

Minnesota Correctional Facility

Stillwater, Minnesota

Department of Corrections

Allocation: \$700,000.00 for construction, fees, testing and administration.

The project consists of major repairs and replacements of the roofs, gutters, rainleaders, and downspouts on the various buildings at the Minnesota Correctional Facility, Stillwater, Minnesota. These buildings include the Administration, Cell Hall A, Cell Hall B, Education Unit, Cell Hall C, Laundry, Operations, Security Center and the main corridor.

In the selection of a consultant the board will be considering the following:

- 1) The experience of similar types of projects including tile and flat roofs.
- 2) Staff available for a timely completion of the documents and observation of the work.

A fee of 6% is considered appropriate for this project.

7c) PROJECT 13-83

Expansion and Addition

Bierman Field Athletic Buildings

University of Minnesota

Minneapolis, Minnesota

Project Description: The expanding growth for the Mens and Womens Intercollegiate Athletics programs has stressed the capacity of the existing facility to a maximum. Since the original facility was intended to serve the Mens Intercollegiate Athletics alone, space has been relinquished and shared with the Womens Intercollegiate Athletics, Recreational Sports, and the School of Health Education. Approximately 11,000 assignable square feet in office space (17,800 GSF) is needed to properly house the present staff and the projected expansions. The construction budget for the new construction is \$1,142,000.00 and includes some adaptive remodeling in the existing spaces. A feasibility study has shown that the roof of the existing building will support an additional floor where the new office space will be located.

Consultant Services: The consultant will be required to prepare, in cooperation with owner's Building Advisory Committee for the owner's approval, schematic design presentation proposals, design development drawings and specifications, and

construction drawings and specifications for public bidding. Construction phase services will include shop drawing reviews, construction observation, and the production of a set of "as-built" drawings.

Fees: The fees for the project will be negotiated on the basis of general guidelines for similar type projects.

Questions concerning Project 13-83 may be referred to Clint Hewitt at 373-2250.

Roger D. Clemence, Chairman
State Designer Selection Board

Department of Energy and Economic Development Division of Community Development

Juvenile Justice Grants

The Minnesota Juvenile Justice Advisory Committee and the Department of Energy and Economic Development announce the availability of \$200,000 for Youth Intervention Projects to begin January 1, 1984 and end December 31, 1984. Applications must be submitted before October 7, 1983.

Application forms and other program information can be obtained by contacting:

Steve Gustafson
Juvenile Justice Grants
Division of Community Development
Department of Energy and Economic Development
100 Hanover Building
480 Cedar Street
St. Paul, Minnesota 55101
(612) 296-8243

City of Hermantown

Notice of Availability of Contract for Preliminary Engineering for the Design, Development and Engineering of the Rebuilding of Arrowhead Road, a Distance of Approximately 3 Miles

The City of Hermantown requires the services of a consulting engineer with extensive experience in the construction of roadways.

Proposed work includes:

1. Provide assistance to the City of Hermantown in determining final design of the project.
2. Prepare survey work.
3. Prepare project memorandum including project development report and location design study report as well as environmental analysis as needed and other required documents necessary for the City to file for construction funds and secure permits.
4. Prepare plans, specifications and estimates and other documentation as may be required.
5. Perform all required on-site staking, surveying, reporting, inspection and related services through construction completion.
6. Prepare documentation necessary for FHWA final approval.

Firms desiring consideration shall express their interest and submit their current federal forms 254 and 255 by 4:30 p.m., Wednesday, August 31, 1983. Four (4) copies must be submitted. Technical proposals will be requested from qualifying firms.

This is not a request for proposal. Send your response to:

Nancy Sirois, City Clerk
CITY OF HERMANTOWN
3161 Maple Grove Road
Hermantown, MN 55811
(218) 729-6331

Metropolitan Council Developmental Disabilities Program

Notice of Request for Proposals for Developmental Disabilities Resource Developer/Vocational Trainer

Notice is hereby given that the Metropolitan Council's Developmental Disabilities Program is seeking two consultants under a one-year contract to provide services to developmentally disabled adults. The consultants will work as part of the Developmental Disabilities Community Work Training project and will be primarily responsible for recruiting job-training sites in Metro Area businesses and for initiating and supervising the training of project clients.

Qualifications include a college degree plus 2-3 years experience in vocational rehabilitation for people who have substantial physical or mental retardation handicaps. Should also have ability or experience to aggressively market the project to prospective employers.

The contract period is from October 1, 1983 through September 30, 1984. The selected consultants will be paid \$22,000 to \$28,000 depending on qualifications. The project has the potential of being renewed for two additional years. A copy of the Request for Proposals may be obtained from:

Toni Lippert, Manager
Developmental Disabilities Program
Metropolitan Council
300 Metro Square
St. Paul, Minn. 55101
Tel. (612) 291-6364

Minnesota Historical Society

Notice of Availability of Contract for Services for a Historic Preservation Survey

It is anticipated that the Minnesota Historical Society will require the services of a qualified contractor or consultant to conduct a State Historic Preservation survey of historic state-owned buildings.

The scope of the work will include updating the inventory of historic state-owned buildings, completing evaluations of significant structures, and developing a strategy for promoting the preservation of those structures deemed most significant. Work may also include writing *National Register* nominations for some structures.

The period of the contract will be from approximately November 1-June 30, 1984.

The monthly minimum will be approximately \$1,623.00.

Requirements:

1. B.A. in history, historic preservation, architectural history, or closely related field and knowledge of Minnesota history.
2. A valid Minnesota Driver's license.
3. Demonstrated experience in the survey and evaluation of cultural resources. Documentation of evaluation experience should include a description of the kinds of resources evaluated and the specific nature of the evaluation applied to them.
4. Successful experience in completing a *National Register* nomination form as demonstrated by a completed form for a property that has been placed on the *Register* within the last five years.

The contractor or consultant will work a 40-hour week under the Assistant State Historic Preservation Officer. Some travel will be required.

Send resume, documentation of experience, references, and sample of *National Register* nomination to Gloria A. Thompson, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 by September 12, 1983.

Department of Public Safety Office of Public Information

Notice of Availability of Television Public Service Filming Contract

The Department of Public Safety is seeking proposals for filming and producing four 30-second television public service announcements to increase Minnesota citizens' knowledge about public safety. Details of the plan for filming and production of the public service announcements are contained in a Request for Proposal. Copies of the Request for Proposal may be obtained at the Department of Public Safety, Office of Public Information, 318 Transportation Building, St. Paul, MN 55155.

Estimated cost of the contract is \$8,000.

Final date for requesting the RFP is September 9, 1983.

Department of Transportation Technical Services Division

Notice of Availability of a Contract for Preliminary Engineering—Environmental Study and Detail Design

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified consultant to perform an environmental impact study; and to perform design and prepare construction plans for an approximate 17 mile segment of Trunk Highway 169 between Grand Rapids and Pengilly.

Firms desiring consideration shall express their interest and submit their current Federal Forms 254 and 255 and/or their brochure by twelve o'clock (12:00) midnight September 6, 1983.

This is not a request for proposal. Please send your response to:

B. E. McCarthy
Consultant Services Engineer
Transportation Building—Room 612B
St. Paul, Minnesota 55155
Telephone (612) 296-3051

Department of Transportation Operations Division

Notice of Availability of Contract for Supportive Services Contractor

The Minnesota Department of Transportation (Mn/DOT) is seeking a qualified individual or organization to provide supportive services support to the On-the-Job Training Program, sponsored by the Federal Highway Administration (FHWA). This contractor will be responsible for locating, recruiting, and monitoring the hiring and training of skilled and unskilled people in the construction field, with particular emphasis on minorities and females. The contractor will be responsible for providing monthly and annual reports as to the accomplishments under the contract conditions, as prescribed in the *Federal Highway Program Manual 6-4-1-2*. This is not a request for a proposal. Those interested in being considered should send a response and resume no later than August 28, 1983, to:

B. E. McCarthy
Consultant Services Engineer
612B Transportation Building
St. Paul, Minnesota 55155
Telephone: 612/296-3051

The estimated cost for providing supportive services will not exceed a total cost to the state of \$60,000. The services under this contract must be completed between October 1, 1983, and September 30, 1984.

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 Administration Procurement Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Administration of the Buy Minnesota Legislation

Notice is hereby given that the State Department of Administration is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the administration of the Buy Minnesota legislation. The promulgation of these rules is authorized by Minn. Stat. § 16.05, which empowers the Commissioner of Administration to make and amend rules and regulations, not inconsistent with law, respecting any matter within the scope of the powers and duties conferred by §§ 16.01 to 16.23.

The State Department of Administration requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements, information or comments orally or in writing. Written statements should be addressed to:

Mr. James Weyandt
Director
Department of Administration
Division of Procurement
Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at 296-2600 and in person at the above address.

All statements of information and comments shall be accepted until September 30, 1983. Any written material received by the State Department of Administration shall become part of the record in the event that the rules are promulgated.

Sandra J. Hale
Commissioner of Administration

Department of Commerce Financial Institutions Division

Notice of Intent to Solicit Outside Opinion Concerning Amendments to Rules Governing the Operation of Credit Unions

Notice is hereby given that the Minnesota Department of Commerce, Division of Financial Institutions, is soliciting information and opinions from sources outside the agency and is preparing to promulgate amendments to existing rules relating to credit unions. Minn. Rules BD 135-149 are to be reviewed for any necessary or desirable modifications, with a particular view toward removing burdensome or unnecessary requirements.

The Commerce Department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Allyn R. Long, Assistant Commissioner
Division of Financial Institutions
500 Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 297-2750

All statements of information and comment shall be accepted until September 22, 1983. Any written material received by the Division of Financial Institutions shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Economic Security

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Minnesota Energy Assistance Program

Notice is hereby given that the Department of Economic Security is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the administration of the Low Income Home Energy Assistance Act (Title XXVI of the Omnibus Budget Reconciliation Act of 1981). The Department of Economic Security has been designated by Executive Order of the Governor (Executive Order No. 83-10) as the grantee of record for the federal Low Income Home Energy Assistance Block Grant. The department is authorized to promulgate rules under Minn. Stat. § 268.021 enacted by Minnesota Laws 1983, Chapter 268.

The Minnesota Department of Economic Security requests information or comments concerning the subject matter of these rules. Interested or affected persons or groups may submit written statements to:

R. Jane Brown, Director
Minnesota Energy Assistance Program
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral comments or information concerning the subject matter will be accepted at public hearings being held throughout the state regarding the Proposed Plan for the Minnesota Energy Assistance Program—1984. Persons or interested groups wishing to make oral comments may attend any of the public hearings as published in the August 8, 1983 issue of the *State Register* (pages 206 and 207). Notice is given that the hearings scheduled for St. Paul on September 1, 1983 will be held at 2-4 & 7-9 p.m. and not as published.

Statements of information and comments will be accepted until September 7, 1983. Any written material or oral presentation received by the Department of Economic Security shall become part of the record in the event that rules are promulgated.

Ethical Practices Board Advisory Opinion #84

Approved by the Ethical Practices Board on August 11, 1983

Issued to:

Hon. Mark Andrew
Hennepin County Commissioner
Board of Hennepin County Commissioners
2400 Government Center
Minneapolis, MN 55487

RE: Hennepin County Disclosure

Summary

84. Contributions to and payments from a legal defense fund are not subject to the registration and reporting requirements of Minn. Laws 1980, Chapter 362.

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

OFFICIAL NOTICES

State Board of Medical Examiners

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Regulating Advertising by Physicians and Osteopaths

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which will establish regulatory standards for those physicians and osteopaths seeking to advertise. The rules establish standards and prohibitions for advertising, the responsibilities the physician must assume in advertising, and the penalties for not complying with this rule.

The proposed rule is authorized by Minnesota Statutes § 147.021, which prohibits any misleading, deceptive, or fraudulent representations in the practice of medicine; physicians promoting that they have superior skills; or advertising any positive cure of a disease.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 S.E. Delaware Street, Suite 352
Minneapolis, Minnesota 55414

All statements of information and comments must be received by October 1, 1983.

Arthur W. Poore
Executive Secretary

Metropolitan Council

1984 Work Program and Budget

Notice of Public Hearing

The Metropolitan Council will hold a public hearing Monday, September 12, at 5 p.m. in the Council Chambers, 300 Metro Square Building, 7th and Robert Sts., St. Paul, Minn. 55101, on its proposed work program and budget for 1984. The council must decide on the work program and budget, and the amount that must be raised from property taxes to support the budget, by October 1. All interested people are encouraged to attend the hearing and offer comments. People may register to speak in advance by contacting Shirlee Smith of the council's communications staff at 291-6421. Questions on the proposed budget should be directed to Alan Morris of the council's budget staff, at 291-6446. Copies of the Proposed 1984 Work Program and Budget are available free of charge from the council's Communications Department, at 291-6464. Copies are also available for public inspection beginning Aug. 15 at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis

St. Paul Public Library
Science and Industry Room
90 W. Fourth St.
St. Paul

Anoka County Library—Blaine Branch
707 Highway 10
Blaine

Carver County Library—Chaska Branch
314 Walnut St.
Chaska

Dakota County Library—Burnsville Branch
1101 W. County Rd. 42
Burnsville

Hennepin County Library—Southdale Branch
7001 York Av.
Edina

Ramsey County Library—Roseville Branch
2180 N. Hamline Av.
Roseville

Scott County Library—Shakopee Branch
235 S. Lewis St.
Shakopee

Washington County Library—Park Grove Branch
7520-80th St. S.
Cottage Grove

Gerald J. Isaacs, Chair
Metropolitan Council

Public Utilities Commission

Notice of Intent to Solicit Outside Opinion Regarding Amendments to Existing Rules Governing Cogeneration and Small Power Production

Notice is hereby given that the Minnesota Public Utilities Commission (commission) is seeking information or opinion from sources outside the agency in preparing to promulgate amendments to its rules governing cogeneration and small power production (4 MCAR §§ 3.0450-3.0462). The amendment of these rules is authorized by Minn. Stat. § 216B.08 (1982) and § 216B.164, as amended by Minn. Laws 1983, ch. 301, §§ 166-171. The latter section specifically authorizes the commission to promulgate rules applicable to transactions between cogeneration and small power production facilities and electric utilities.

The commission requests information and comments concerning the need for and nature of possible amendments to these rules. Certain amendments, including the adoption of a uniform statewide form of contract for use between utilities and a qualifying facility having less than 40 kilowatt capacity, are necessitated by amendments to Minn. Stat. § 216B.164 adopted in the 1983 session of the Minnesota Legislature. Pursuant to authority found in those amendments, the commission has proposed temporary rules amending the existing cogeneration rules. The temporary rules were published in the *State Register* of July 25, 1983, at page 103. The commission is contemplating proposing permanent rules that are similar to the temporary rules found there. The commission thus intends to consider comments upon the temporary rules as well as comments submitted in response to this notice in proposing permanent cogeneration rules.

Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Randall D. Young
Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral comments, suggestions or questions will be received during regular business hours over the telephone by Stuart Mitchell at (612) 296-8662 or Paul Schweizer at (612) 296-7125 and in person at the above address.

All statements of information, comment and suggestion shall be received until September 30, 1983. Any written material received by the commission shall become part of the record in the event that any amendments to the rules are proposed for adoption.

Public Utilities Commission

Notice of Intent to Solicit Outside Opinion Regarding Amendments to Existing Rules Governing Automatic Adjustment Charges

Notice is hereby given that the Minnesota Public Utilities Commission (commission) is seeking information or opinion from sources outside the agency in preparing to propose amendments to its rules governing automatic adjustment charges (PSC 390-399). The authority to adopt and amend these rules is found in Minn. Stat. §§ 216B.03, 216B.05, 216B.08, 216B.09, and 216B.16, subd. 7. The latter section specifically authorizes the commission to permit utilities to file rate schedules containing provisions for the automatic adjustment of charges for retail utility service in direct relation to changes in federally regulated wholesale rates for energy delivered to interstate facilities or fuel used in the generation of electricity or the manufacture of gas.

The commission requests additional information and comments concerning the need for and nature of possible amendments to its existing rules. In response to a previous solicitation published at 7 S.R. 1000 (December 27, 1982), the commission has drafted certain proposed changes, which are found in Appendix A to this notice. Interested or affected persons or groups may submit statements of information or comment orally or in writing on these proposed changes as well as submit additional changes that such persons wish the commission to consider.

Written statements should be addressed to:

Randall D. Young
Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral comments, suggestions or questions will be received during regular business hours over the telephone by Harold Nicholson at (612) 296-7105 and in person at the above address.

All statements of information and comments shall be received until September 15, 1983. Any written material received by the Commission shall become part of the record in the event that any amendments to the rules are proposed for adoption.

Proposed Changes to Automatic Adjustment of Charges (PSC Rules 390-395)

PSC 390 Definitions. For the purpose of rules 390-395, the following definitions shall apply:

A. "Annual sales volume" is the sum of the Mcf, ~~or~~ Ccf or Btu of gas delivered during the most recent 12 months of the 14 month period preceding a change in the city gas rate or end of the heating season for which actual data is available.

B. "Annual demand sales volume" is the annual sales volume adjusted by an average percentage change in sales computed over the preceding ~~3~~ 4 year period, normalized for weather. Annual demand sales volume shall include interruptible sales to the extent that demand cost is incurred to service interruptible customers.

C. "Base cost" is the cost of fuel consumed in the manufacture of gas or generation of electricity and purchased gas or purchased power in the base period expressed as a cost per kilowatt hour sold or cost per Mcf, ~~or~~ Ccf or Btu sold.

D. "Base period" is the 12 month period during which the automatic adjustment of charges is set at zero.

E. "City gate rate" is the demand or commodity rate charged a distribution gas utility by its supplier. It refers to the cost of gas at the point at which the distribution utility takes title to the gas.

F. "Cost of energy purchased" is the cost of purchased power and net interchange defined by the Minnesota Uniform System of Accounts—Class A and B electric utilities, Account 555 and purchased under federally regulated wholesale rates for energy delivered through interstate facilities. All electric public utilities shall use this definition regardless of class.

G. "Cost of fuel consumed in the generation of electricity" is the cost of fossil and nuclear fuel.

H. "Cost of fossil fuel" is the current period withdrawals from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B utilities. All electric public utilities shall use this definition regardless of class.

G. "Cost of fuel consumed in the generation of electricity" is the cost of fossil and nuclear fuel.

H. "Cost of fossil fuel" is the current period withdrawals from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B utilities. All electric public utilities shall use this definition regardless of class.

I. "Cost of nuclear fuel" is the current period charges and credits to Account 518, of the Minnesota Uniform System of

Accounts—Class A and B electric utilities excluding any expenses for the cost of fossil fuel. All electric public utilities shall use this definition regardless of class.

J. “Cost of fuel consumed in the manufacture of gas” is the withdrawals, during the heating season, from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B gas utilities. All gas public utilities shall use this definition regardless of class.

K. “Cost of purchased gas” is the cost of gas as defined by the Minnesota Uniform System of Accounts—Class A and B gas utilities, Account 804, 808 and 809 and purchased under federally regulated wholesale rates for energy delivered through interstate facilities. All gas public utilities shall use this definition regardless of class.

L. “Current period” is the most recent ~~two~~ three month moving average used by electric utilities in computing an automatic adjustment of charges. Upon approval of the commission, a self billing utility may use a longer period, not to exceed 12 months, provided that the provision contains a settlement procedure. ~~All electric utilities shall use this definition.~~

M. “Heating season” is the period from October 1 to April 30.

N. “Kilowatt-hour sales” is the kilowatt-hour delivered during the current or base period less interchange sales. This is the divisor used to obtain current period cost and base period cost per Kwh in PSC 392 B.

O. “Prime interest rate” means the average of the daily prime lending rates offered to preferred customers at the largest bank in the Ninth Federal Reserve District during the period. The largest bank is that bank with the greatest total outstanding deposits as of the end of the calendar year preceding the notice of change in rates.

P. “Public utilities” is as defined by Section 2, Subdivision 4 of the Minnesota Public Utilities Act.

PSC 391 Applicability and types of automatic adjustment of charges.

A. The commission shall permit the filing of rate schedules containing provisions for the automatic adjustment of charges provided such provisions conform to PSC 392-395.

B. PSC 390-395 shall be applicable to all classes of public utilities.

C. Provisions for automatic adjustment of charges shall encompass:

1. Changes in cost resulting from changes in the federally regulated wholesale rate for energy purchased and changes in the cost of fuel consumed in the generation of electricity. This provision is entitled electric energy adjustment.

2. Changes in cost resulting from changes in the federally regulated wholesale rate for purchased gas and changes in the cost of fuel consumed in the manufacture of gas. This provision is entitled purchased gas adjustment.

PSC 392 Electric energy adjustment. The computations of the automatic adjustment to charges shall conform to the procedures set forth below:

A. The amount of the billing period adjustment to charges shall be determined by extending Kwh of sales in the billing period by an adjustment per Kwh. The adjustment per Kwh or the amount of the adjustment shall be stated on the customer’s bill to comply with PSC 313.

B. The adjustment per Kwh shall be the sum of the current period cost of energy purchased and cost of fuel consumed per Kwh less the base cost per Kwh.

C. The adjustment of charges shall be made in the next complete billing period succeeding the determination of the adjustment per Kwh provided the adjustment has been filed as defined by PSC 394 B. The adjustment factor shall be calculated monthly, ~~Except,~~ that upon commission approval, a self billing utility may calculate the adjustment less frequently but at least annually and must provide for a settlement procedure. The adjustment must be applied each month. The adjustment amount shall be rounded such that the projected recovery is within 2% of the change in total cost.

PSC 393 Purchase gas adjustment provision. The computation of the automatic adjustment to charges shall conform to the procedures set forth below:

A. The amount of the billing period adjustment to charges shall be determined by extending Mcf, ~~or~~ Ccf or Btu sales in the billing period by an adjustment per Mcf, ~~or~~ Ccf or Btu. The adjustment per Mcf, ~~or~~ Ccf or Btu or the amount of the adjustment shall be stated on the customer’s bill to comply with PSC 313.

B. The adjustment per Mcf, ~~or~~ Ccf or Btu is the sum of the commodity adjustment, demand adjustment and manufactured gas adjustment as computed below:

1. The commodity adjustment is the difference between the commodity cost which results from a change in the city gate rate and the commodity base cost. To properly reflect adjustment per Mcf, ~~or~~ Ccf or Btu billed, the divisor for a particular class

OFFICIAL NOTICES

of customer must include total sales volume delivered to that class of customer. The adjustment shall be applied to billings after the effective date of the commodity rate change provided the adjustment has been filed as defined by PSC 394 B.

2. The demand adjustment is the difference between the annual demand cost which results from a change in the city gate rate and the demand base cost. In the event the demand city gate rate does not change the demand adjustment shall be recalculated for each 12 month period from the date of the last change. The adjustment shall be computed on the basis of annual demand sales volume and applied to billings after the effective date of the demand rate change provided the adjustment has been filed as defined by PSC 394 B.

3. The manufactured gas adjustment is the difference between the cost of propane and other fuel consumed in the manufacture of gas during the heating season and the manufactured gas base cost. The manufactured gas adjustment shall be computed annually for the heating season ending April 30 of each year on the basis of firm annual sales volume adjusted to the extent manufactured gas is used to serve interruptible customers. The cost of manufactured gas shall be applied to interruptible customers. The adjustment shall be applied to billings during the next 12 month period commencing on June 1 of each year provided the adjustment has been filed as defined by PSC 394 B.

C. Refunds and interest thereon received from the suppliers of purchased gas which are attributable to the cost of gas previously sold shall be refunded by credits to bills or check within a period not to exceed ~~12 months~~ 90 days from the date the refund is received from a supplier, provided the refund amount per customer is equal to or greater than \$.01. Upon approval of the commission, refunds of less than \$.01 per customer may be retained by the utility and separately accounted for until such time as the balance, together with additional supplier refunds, would produce a refund of \$.01 or more per customer. Refunds shall be made to each customer class on the same basis as previously charged to customers. The utility shall add interest to any unrefunded balance at the prime interest rate.

PSC 394 Filing requirements and approvals electric energy and purchase gas adjustments.

A. All public utilities shall file annually on ~~October 31~~ August 1 of each year, the procurement policies for selecting sources of fuel and energy purchased and dispatching policies, if applicable, and a summary of actions taken to minimize cost.

B. Whenever a public utility changes its automatic adjustment of charges, the utility shall prior to effective date, file the following:

1. A summary of the computation of the adjustment.

2. An explanation of significant changes between the base cost and current cost. Changes for electric utilities shall be quantified as to price, mix, thermal efficiency and distribution loss. Changes for gas utilities shall be quantified as to price and mix changes.

3. A computation of standard cost for the current reporting period, if available. The standard cost for this computation may be either the planned or budgeted cost of fuel or simulation of the cost of fuel under normal operating and purchasing limits for the adjustment period or current period.

C. Automatic adjustment of charges shall be provisionally approved and may be placed into effect without commission action, but subject to the conditions specified in PSC 394 D and E.

D. Errors made in adjustment must be refunded by check or credits to bills to the consumer in an amount not to exceed the amount of the error plus interest computed at the prime rate upon the order of the commission provided that:

1. Such order is served within 90 days after the receipt of the filing defined in rule PSC 394 B or at the end of the next major rate proceeding, which ever is later.

2. The amount of the error is greater than 5% of the corrected adjustment charge.

E. The commission may upon complaint or upon its own motion, after appropriate investigation, notice and hearing, issue an order to fix at current levels, discontinue or modify an automatic adjustment provision for an individual utility.

F. By August 1 of each year, all gas and electric utilities shall:

1. Submit to the commission an annual reporting by billing cycle of all automatic adjustment charges for each customer class for the prior year commencing July 1 and ending June 30. This report shall include the:

a. Commission approved base coat of fuel or gas.

b. adjustment units charged customers from each type of energy cost; i.e., (nuclear, coal, purchased power, demand, commodity, manufactured gas, Btu, volumetric, Therms, Dekatherms).

c. adjustment units, by gas supplier, which were used to bill the utility during the reporting period.

- d. total cost of fuel or gas delivered to customers.
- e. revenues collected from customers for energy delivered.
- f. amount of supplier refunds received as defined by PSC 393 C.
- g. amount of refunds credited to customers.

- 2. Submit to the commission an independent auditor's report evaluating all accounting for automatic adjustments for the prior year commencing July 1 and ending June 30.
- 3. Submit to the commission a one year and a five year projection of fuel and gas costs by month by energy source.
- 4. Provide a copy of the reports defined in PSC 394 A and F to all intervenors in the prior two general rate cases.

PSC 395 Implementation.

A. Existing automatic adjustment provisions in effect on the effective date of these rules which will not result in adjustment amounts materially greater than those determined by PSC 390 to 395 shall continue in effect until the commission upon its own motion or upon complaint, after appropriate notice and hearing, shall order otherwise.

B. Adjustments made pursuant to automatic adjustment provisions in effect on the effective date of these rules which may result in adjustment amounts materially greater than those determined by PSC 390 to 395 shall be frozen by the utility at the level of charges in effect at the effective date of PSC 390 to 395. The existing level of any such automatic adjustments shall, on the effective date of PSC 390 to 395, be submitted to the Department of Public Service within 30 days.

C. When a utility proposes new or revised electric energy or purchased gas adjustment provisions, the proposal shall be deemed a change in rates and reviewed according to commission rules and practices relating to utility rate changes.

D. If existing automatic adjustments of charges are continued under the provision of PSC 395 A then the filing requirements of PSC 394 B shall apply.

PSC 396-399 Reserved for future use.

Errata

At 8 S.R. 206-207, Department of Economic Security Notice of Public Comment Period and Hearing on Proposed State Plan for the Minnesota Energy Assistance Program—1984, the time of the St. Paul meeting is incorrectly given as 2-3 & 7-9 p.m. The correct time for that meeting is 2-4 & 7-9 p.m.

STATE OF MINNESOTA
State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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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.

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