

84 Sept. 24

STATE REGISTER

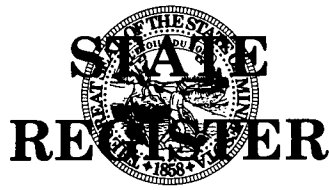
STATE OF MINNESOTA



VOLUME 9, NUMBER 13

September 24, 1984

Pages 629-684



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 9			
14	Monday Sept 17	Monday Sept 24	Monday Oct 1
15	Monday Sept 24	Monday Oct 1	Monday Oct 8
16	Monday Oct 1	Monday Oct 8	Monday Oct 15
17	Monday Oct 8	Monday Oct 15	Monday Oct 22

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

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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

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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 also.

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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES 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
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1983*.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

Department of Health

Proposed Rules Relating to the Merit System Compensation Plan for the Department of Health

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Amend Rules without a Hearing

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155 on November 2, 1984 commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process. PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO AMEND THE SAME RULES WITHOUT A HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HEALTH. To verify whether a hearing will be held, please call the Merit System before November 2, 1984 at (612) 296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7601 either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the Administrative Law Judge, the Administrative Law Judge shall write a report as provided for in Minn. Stat. § 14.50. Prior to writing the report, the Administrative Law Judge shall allow the agency and all interested persons three business days after the submission period ends to respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. The rule hearing is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rules part 1400.200-1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed rule changes would provide for a general salary adjustment of 4.4% for merit system employees effective January 1, 1985 and upgrading of minimum and maximum salary rates for all classes by 4.4%. 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 1985.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Department of Human Services, 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.

PROPOSED RULES

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Note: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted to the Secretary of State 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 Administrative Law Judge (in the case of the Administrative Law Judge's report), or to the agency (in the case of the agency's submission to the Secretary of State).

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 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 31, 1984

Sister Mary Madonna Ashton
Commissioner of Health

Notice of Intent to Amend Rules without a Public Hearing and Notice of Intent to Amend Rules with a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health proposes to adopt the above-entitled rule changes without a public hearing unless twenty-five or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28.

Interested persons shall have 30 days (until October 24, 1984) to submit comments in support of or in opposition to the proposed rule changes. Comment is encouraged. Each comment should identify the portion of the proposed rule change being addressed, the reason for the comment, and any change proposed. The proposed changes may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 2, 1984, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT. To verify whether a hearing will be held, please call the Merit System before November 2, 1984, at (612) 296-3996.

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

PROPOSED RULES

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor—Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone (612) 296-3996

Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

The statutory authority of the Department to make the proposed rule changes is contained in Minn. Stat. § 144.071.

If adopted, the proposed changes would provide for a general salary adjustment of 4.4% for merit system employees effective January 1, 1985 and upgrading of minimum and maximum salary rates for all classes by 4.4%.

Copies of the proposed rules are now available and at least one free copy may be obtained from the Merit System upon request. A Statement of Need and Reasonableness that describes the need for and the reasonableness of each provision of the proposed changes and identifies the data and information relied upon to support the proposed changes has been prepared and is also available from the Merit System upon request.

The cost to local public bodies of implementing the proposed rule changes will not exceed \$100,000 for 1985.

If no hearing is required, the Department shall submit to the Attorney General the proposed rule and notice as published in the *State Register*, the rule as proposed for adoption, any written comments received by the Department and the Statement of Need and Reasonableness. On the same day that these materials are submitted to the Attorney General, the Department shall give notice to all persons who requested to be informed of this submittal. If the proposed rule has been modified, this notice shall state that fact, and a free copy of the proposed rule, as modified, will be available upon written request to Ralph W. Corey.

August 31, 1984

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4670.1320 RECOMMENDED ADJUSTMENTS.

The merit system general adjustment recommended for incumbents is ~~four~~ $4\frac{1}{10}$ percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

4670.4200 PUBLIC HEALTH COMPENSATION PLAN, ~~1984~~ 1985.

The tables in parts 4670.4210 to 4670.4240 list minimum and maximum salary steps in monthly salary amounts for the specified classes of positions.

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN.

Subpart 1. Plan A.

	Minimum		Maximum	
Assistant Director of Environmental Health	1901	1985	2714	2833
Assistant Director of Public Health Nursing	1737	1813	2597	2711
Business Administrator	1737	1813	2481	2590
Business Supervisor	1274	1330	1816	1896
Director of Environmental Health	2174	2270	3105	3242
Director of Public Health Nursing I	1737	1813	2597	2711
Director of Public Health Nursing II	1901	1985	2714	2833
Medical Technologist	1392	1453	1816	1896
Public Health Educator I	1392	1453	1901	1985
Public Health Educator II	1737	1813	2373	2477
Public Health Nurse	1456	1520	1993	2081
Public Health Nurse (Team Leader)	1523	1590	2079	2170

PROPOSED RULES

	Minimum	Maximum
Public Health Nutritionist	1592 <u>1662</u>	2174 <u>2270</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1392 <u>1453</u>	1816 <u>1896</u>
Sanitarian I	1392 <u>1453</u>	1665 <u>1738</u>
Sanitarian II	1523 <u>1590</u>	2079 <u>2170</u>
Sanitarian III	1665 <u>1738</u>	2373 <u>2477</u>
Sanitarian IV	1816 <u>1896</u>	2597 <u>2711</u>
School Health Coordinator	1456 <u>1520</u>	1993 <u>2081</u>
Senior Public Health Nurse	1592 <u>1662</u>	2174 <u>2270</u>

Subp. 2. Plan B.

	Minimum	Maximum
Assistant Director of Environmental Health	1993 <u>2081</u>	2838 <u>2963</u>
Assistant Director of Public Health Nursing	1816 <u>1896</u>	2714 <u>2833</u>
Business Administrator	1816 <u>1896</u>	2597 <u>2711</u>
Business Supervisor	1331 <u>1390</u>	1901 <u>1985</u>
Director of Environmental Health	2271 <u>2371</u>	3248 <u>3391</u>
Director of Public Health Nursing I	1816 <u>1896</u>	2714 <u>2833</u>
Director of Public Health Nursing II	1993 <u>2081</u>	2838 <u>2963</u>
Medical Technologist	1456 <u>1520</u>	1901 <u>1985</u>
Public Health Educator I	1456 <u>1520</u>	1993 <u>2081</u>
Public Health Educator II	1816 <u>1896</u>	2481 <u>2590</u>
Public Health Nurse	1523 <u>1590</u>	2079 <u>2170</u>
Public Health Nurse (Team Leader)	1592 <u>1662</u>	2174 <u>2270</u>
Public Health Nutritionist	1665 <u>1738</u>	2271 <u>2371</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1456 <u>1520</u>	1901 <u>1985</u>
Sanitarian I	1456 <u>1520</u>	1737 <u>1813</u>
Sanitarian II	1592 <u>1662</u>	2174 <u>2270</u>
Sanitarian III	1737 <u>1813</u>	2481 <u>2590</u>
Sanitarian IV	1901 <u>1985</u>	2714 <u>2833</u>
School Health Coordinator	1523 <u>1590</u>	2079 <u>2170</u>
Senior Public Health Nurse	1665 <u>1738</u>	2271 <u>2371</u>

Subp. 3. Plan C.

	Minimum	Maximum
Assistant Director of Environmental Health	2079 <u>2170</u>	2965 <u>3095</u>
Assistant Director of Public Health Nursing	1993 <u>2081</u>	2838 <u>2963</u>
Business Administrator	1901 <u>1985</u>	2714 <u>2833</u>
Business Supervisor	1392 <u>1453</u>	1993 <u>2081</u>
Director of Environmental Health	2373 <u>2477</u>	3395 <u>3544</u>
Director of Public Health Nursing I	1993 <u>2081</u>	2838 <u>2963</u>
Director of Public Health Nursing II	2079 <u>2170</u>	2965 <u>3095</u>
Medical Technologist	1523 <u>1590</u>	1993 <u>2081</u>
Public Health Educator I	1523 <u>1590</u>	2079 <u>2170</u>
Public Health Educator II	1901 <u>1985</u>	2597 <u>2711</u>
Public Health Nurse	1699 <u>1774</u>	2318 <u>2420</u>
Public Health Nurse (Team Leader)	1774 <u>1852</u>	2425 <u>2532</u>
Public Health Nutritionist	1737 <u>1813</u>	2373 <u>2477</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1628 <u>1700</u>	2124 <u>2217</u>
Sanitarian I	1523 <u>1590</u>	1816 <u>1896</u>
Sanitarian II	1665 <u>1738</u>	2271 <u>2371</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

Sanitarian III	1816	1896	2597	2711
Sanitarian IV	1993	2081	2838	2963
School Health Coordinator	1592	1662	2174	2270
Senior Public Health Nurse	1856	1938	2539	2651

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. Plan A.

	Minimum	Maximum
Animal Warden	994 1038	1302 1359
Bookkeeper	1041 1087	1488 1553
Home Health Aide	799 834	994 1038
Home Health Aide Coordinator	1091 1139	1423 1486
Inspector I	1116 1165	1274 1330
Inspector II	1216 1270	1592 1662
Laboratory Technician	952 994	1243 1298
Licensed Practical Nurse	1065 1112	1331 1390
Medical Laboratory Assistant	994 1038	1302 1359
Nutrition Assistant	1041 1087	1423 1486
Public Health Aide	668 697	872 910

Subp. 2. Plan B.

	Minimum	Maximum
Animal Warden	1041 1087	1359 1419
Bookkeeper	1091 1139	1555 1623
Home Health Aide	831 868	1041 1087
Home Health Aide Coordinator	1140 1190	1488 1553
Inspector I	1165 1216	1331 1390
Inspector II	1274 1330	1665 1738
Laboratory Technician	994 1038	1302 1359
Licensed Practical Nurse	1116 1165	1392 1453
Medical Laboratory Assistant	1041 1087	1359 1419
Nutrition Assistant	1091 1139	1488 1553
Public Health Aide	701 731	911 951

Subp. 3. Plan C.

	Minimum	Maximum
Animal Warden	1091 1139	1423 1486
Bookkeeper	1140 1190	1628 1700
Home Health Aide	872 910	1091 1139
Home Health Aide Coordinator	1192 1244	1555 1623
Inspector I	1216 1270	1392 1453
Inspector II	1331 1390	1737 1813
Laboratory Technician	1041 1087	1359 1419
Licensed Practical Nurse	1165 1216	1456 1520
Medical Laboratory Assistant	1091 1139	1423 1486
Nutrition Assistant	1140 1190	1555 1623
Public Health Aide	733 765	952 994

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. Plan A.

	Minimum	Maximum
Clerk I	691 721	940 981
Clerk II	789 824	1075 1122
Clerk III	879 918	1203 1256
Clerk-Typist I	723 755	983 1026

PROPOSED RULES

	Minimum	Maximum
Clerk-Typist II	789 <u>824</u>	1075 <u>1122</u>
Clerk-Typist III	879 <u>918</u>	1203 <u>1256</u>
Clerk-Steno I	758 <u>791</u>	1029 <u>1074</u>
Clerk-Steno II	859 <u>897</u>	1176 <u>1228</u>
Switchboard Operator I	789 <u>824</u>	1075 <u>1122</u>
Switchboard Operator II	838 <u>875</u>	1151 <u>1202</u>

Subp. 2. Plan B.

	Minimum	Maximum
Clerk I	789 <u>824</u>	1029 <u>1074</u>
Clerk II	898 <u>938</u>	1176 <u>1228</u>
Clerk III	1004 <u>1048</u>	1314 <u>1372</u>
Clerk-Typist I	823 <u>859</u>	1075 <u>1122</u>
Clerk-Typist II	898 <u>938</u>	1176 <u>1228</u>
Clerk-Typist III	1004 <u>1048</u>	1314 <u>1372</u>
Clerk-Steno I	859 <u>897</u>	1125 <u>1175</u>
Clerk-Steno II	983 <u>1026</u>	1285 <u>1342</u>
Switchboard Operator I	898 <u>938</u>	1176 <u>1228</u>
Switchboard Operator II	961 <u>1003</u>	1254 <u>1309</u>

Subp. 3. Plan C.

	Minimum	Maximum
Clerk I	859 <u>897</u>	1125 <u>1175</u>
Clerk II	983 <u>1026</u>	1285 <u>1342</u>
Clerk III	1101 <u>1149</u>	1436 <u>1499</u>
Clerk-Typist I	898 <u>938</u>	1176 <u>1228</u>
Clerk-Typist II	983 <u>1026</u>	1285 <u>1342</u>
Clerk-Typist III	1101 <u>1149</u>	1436 <u>1499</u>
Clerk-Steno I	940 <u>981</u>	1226 <u>1280</u>
Clerk-Steno II	1075 <u>1122</u>	1404 <u>1466</u>
Switchboard Operator I	983 <u>1026</u>	1285 <u>1342</u>
Switchboard Operator II	1050 <u>1096</u>	1371 <u>1431</u>

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. Shift differential. Employees in the classes specified in subparts 2 and 3 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.

Subp. 2. Plan A.

	Minimum	Maximum
Custodian	765 <u>799</u>	898 <u>938</u>
Janitor	898 <u>938</u>	1151 <u>1202</u>

Subp. 3. Plan B.

	Minimum	Maximum
Custodian	898 <u>938</u>	1062 <u>1109</u>
Janitor	1062 <u>1109</u>	1366 <u>1426</u>

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PROPOSED RULES

Department of Human Services

Proposed Emergency Rules Relating to General Assistance

Notice of Intent to Adopt Emergency Rules

The State Department of Human Services proposes to adopt the above-entitled emergency rules to implement Laws of Minnesota 1984, chapter 654, section 26.

Persons interested in these rules have until 4:30 p.m. on October 19, 1984 to submit written comments. The proposed emergency rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Written comments should be sent to:

Debra Flanagan
Rulemaking Unit
Department of Human Services
Fourth Floor
Space Center Building
444 Lafayette Road
St. Paul, MN 55101

Upon adoption of these emergency rules, this notice, all written comments received, and the adopted emergency rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

Notice of the date of submission of the proposed emergency rule to the Attorney General will be mailed to any person requesting to receive this notice. The Attorney General shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the agency.

The adopted emergency rules will not become effective without the Attorney General's approval and the Revisor of Statutes' certification of the rules' form. Emergency rules take effect five working days after approval by the Attorney General.

As required by the Administrative Procedures Act, Minnesota Statutes, chapter 14, these emergency rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the Commissioner gives notice of continuation by publishing notice in the *State Register* and mailing the same notice to all persons registered with the Commissioner to receive notice of rulemaking proceedings. The emergency rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

The purpose of the general assistance program is to provide financial assistance to persons unable to provide for themselves and who are not otherwise provided for by law.

The proposed emergency rule establishes standards of assistance, payment, and state participation under the general assistance program. The proposed rule also establishes reduced standards of assistance for general assistance applicants and recipients who reside with responsible relatives. The proposed emergency rule includes a definition of terms, applicability, state assistance standards, reduced state assistance standards, payment in excess of standards, and verification of income.

These emergency rules will not result in any additional state or county spending beyond the amount of funds appropriated by the legislature.

A free copy of the proposed emergency rule may be obtained by contacting

Mike Sirovy
Police Department
Department of Human Services
Second Floor
Space Center Building
444 Lafayette Road
St. Paul, MN 55101

Leonard W. Levine
Commissioner of Human Services

Emergency Rules as Proposed (all new material)

9555.3410 [Emergency] DEFINITIONS.

Subpart 1. Scope. The definitions in parts 9555.3400 [Emergency] and 9500.0500 to 9500.0610 apply to this part.

Subp. 2. AFDC. "AFDC" means the federally aided program of aid to families with dependent children.

Subp. 3. Household. "Household" means persons with whom the general assistance applicant or recipient resides. Only the following persons shall be included in the household:

- A. the applicant or recipient;
- B. responsible relatives of the applicant or recipient;
- C. the spouse of the responsible relative;
- D. the minor children of the responsible relative and of his or her spouse.

Subp. 4. Household countable income. "Household countable income" means monthly net earned and unearned income of all members of a household, excluding the applicant or recipient. Household countable income shall not include income that is exempt or disregarded under the general assistance program or benefits received by a responsible relative under the supplemental security income program, the social security disability program, the Minnesota supplemental aid program, or other benefits based on the responsible relative's disability.

Subp. 5. State participation. "State participation" means state aid to local agencies for general assistance expenditures as specified in Minnesota Statutes, section 256D.03, subdivision 2.

9555.3411 [Emergency] APPLICABILITY.

Parts 9555.3410 to 9555.3412 [Emergency] establish the state standards of assistance, the reduced standards of assistance, and the monthly payment under the general assistance program, and shall be read together with parts 9500.0500 to 9500.0610 and 9555.3400 to 9555.3409 [Emergency] for purposes of administering the general assistance program. To the extent that parts 9555.3410 to 9555.3412 [Emergency] conflict with parts 9500.0500 to 9500.0610 or 9555.3400 to 9555.3409 [Emergency], parts 9555.3410 to 9555.3412 [Emergency] shall prevail.

9555.3412 [Emergency] ASSISTANCE STANDARDS, PAYMENT, AND STATE PARTICIPATION.

Subpart 1. Full state assistance standard, payment, and state participation. The full state assistance standard must be computed as follows:

A. The full state assistance standard must be the combined minimum standards for shelter and basic needs that were in effect under the general assistance program on February 1, 1983. Except as in subparts 2 and 3, the full state assistance standard must be the minimum amount used to calculate the monthly payment to the assistance unit. The full state assistance standards are:

Full State Assistance Standards

Number of Persons in Assistance Unit	1	2	3	4	5	6	7	8	9	10
Assistance Standard	\$199	\$260	\$305	\$343	\$381	\$424	\$452	\$488	\$529	\$548

If the assistance unit contains more than ten persons, the full state assistance standard is \$28 for each additional person. The full state assistance standard shall be based on the number of persons in the assistance unit.

B. Except as in subparts 2 and 3, the monthly payment to an assistance unit must be the difference between the full state assistance standard, or the local agency standard as in subpart 4, and the assistance unit's countable and seasonal income.

C. Except as in subparts 2 and 3, the full state assistance standard minus the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 2. Reduced state assistance standard, payment, and state participation. The reduced state assistance standard shall be used to calculate the monthly payment to an assistance unit as follows:

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PROPOSED RULES

A. The reduced state assistance standard for an assistance unit composed of one person who resides with a responsible relative receiving general assistance shall be the first audit standard in AFDC.

B. The reduced state assistance standard for an assistance unit composed of one person who resides with a responsible relative who is receiving AFDC shall be:

(1) if the applicant or recipient is a spouse of the responsible relative, the AFDC standard for a second adult; or

(2) if the applicant or recipient is not a spouse of the responsible relative, the AFDC standard for an additional child if he or she were added to the AFDC grant.

C. The monthly payment to an assistance unit covered under item A or B must be the difference between the applicable reduced state assistance standard or the local agency standard as in subpart 4 and the assistance unit's countable and seasonal income.

D. The reduced state assistance standard for an assistance unit composed of one person who is not exempt from the work registration requirements under part 9555.3403 [Emergency], subdivision 11, item A, B, H, I, or J, who resides with a responsible relative, and who is not provided for under item A or B, shall be determined by:

(1) Calculating the AFDC standard applicable to the household. The applicant or recipient is considered a child in determining the AFDC standard applicable to the household.

(2) Subtracting household countable income from the standard in subitem (1). If the income of a household member who is not a responsible relative exceeds the AFDC standard applicable to that person, the excess shall be disregarded in determining household countable income.

(3) The reduced state assistance standard is the amount calculated in subitem (2) or the full state assistance standard as in subpart 1, whichever is less.

(4) When more than one assistance unit resides with a responsible relative common to each assistance unit, the reduced state assistance standard as in subitem (3) or the local agency standard as in subpart 4 shall be divided equally among the assistance units to determine the reduced state assistance standard for each assistance unit.

E. The monthly payment to an assistance unit covered under item D must be the reduced state assistance standard as in item D, subitem (3) or (4) or the local agency standard as in subpart 4, minus the countable and seasonal income of the assistance unit.

F. The difference between the applicable reduced state assistance standard and the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 3. State assistance standard and payment. The state assistance standard and payment for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be as follows:

A. The state assistance standard for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be the clothing and personal needs allowance that has been established for medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 1.

B. The monthly payment for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be determined by calculating the sum of the negotiated rate and either the clothing and personal needs allowance paid to the person as in item A or the local agency standard as in subpart 4. The monthly payment shall be the difference between this amount and the assistance unit's countable and seasonal income.

C. The sum of the negotiated rate and the clothing and personal needs allowance minus the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 4. Payment in excess of standards. A local agency may establish a monthly payment in excess of the state assistance standards in subpart 1, 2, or 3 and may provide special need items. The local agency shall pay the full cost of the excess and the special need items.

Subp. 5. Countable income. The countable income of a recipient's spouse or parent is the spouse's or parent's monthly net earned and unearned income that is not exempt or disregarded under the general assistance program. When a spouse or parent of a recipient is eligible to be included in the recipient's assistance unit and chooses not to be included, the spouse's or parent's countable income available to the assistance unit shall be calculated as follows:

A. calculate the assistance standard applicable to the parent or spouse who chooses not to be included in the assistance unit. The applicable assistance standard for each of those persons shall be the full state assistance standard for one person or the local agency standard as in subpart 4, for one person;

B. subtract the amount calculated in item A from the spouse's or parent's countable income;

C. the difference calculated in item B shall be considered countable income available to the assistance unit.

The provisions of subpart 2 shall not apply to the remaining members of an assistance unit covered by the provisions of subpart 5.

Subp. 6. Unmarried couple with minor child. Countable income of an unmarried couple with a minor child in common shall be determined as follows:

A. When an unmarried couple has a minor child in common and the minor child's paternity has been legally established, relative responsibility extends from each parent to the child.

B. If the unmarried couple reside together, the minor child shall be included in the assistance unit of the parent who applies first for general assistance. If both parents apply for general assistance at the same time, the parents must choose which assistance unit shall include the minor child. The countable income available for the support of the minor child shall be calculated as follows:

(1) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit which contains the minor child;

(2) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit in subitem (1), excluding the minor child;

(3) subtract the amount calculated in subitem (2) from the amount calculated in subitem (1);

(4) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit that does not contain the minor child;

(5) calculate the countable income of the assistance unit which does not contain the minor child;

(6) subtract the amount calculated in subitem (4) from the amount of countable income calculated in subitem (5);

(7) any excess countable income from the subtraction in subitem (6) up to and including the amount calculated in subitem (3) shall be considered countable income available to the assistance unit which contains the minor child.

Subp. 7. Verification of household income. If the assistance unit is covered by subpart 2, item D, or subpart 5, and if the responsible relative refuses or is unable to provide verification concerning his or her income, the assistance unit shall be ineligible for general assistance. The period of ineligibility shall continue until the responsible relative provides the verification or until the assistance unit is no longer subject to subpart 2, item D, or subpart 5.

Department of Human Services

Proposed Rules Relating to the Merit System Compensation Plan for the Department of Human Services In the Matter of the Proposed Amendments to Existing Rules Concerning the Compensation Plan and Salary Adjustments

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Amend Rules without a Hearing

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155 on November 2, 1984, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process. PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO AMEND THE SAME RULES WITHOUT A HEARING PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Merit System before November 2, 1984, at (612) 296-3996.

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

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7601 either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the Administrative Law Judge, the Administrative Law Judge shall write a report as provided for in Minn. Stat. §14.50. Prior to writing the report, the Administrative Law Judge shall allow the agency and all interested persons three business days after the submission period ends to respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. The rule hearing is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rules part 1400.200-1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed rule changes would provide for a general salary adjustment of 4.4% for merit system employees effective January 1, 1985, an upgrading of minimum and maximum salary rates for all classes by 4.4% and would also provide class titles and minimum and maximum salary rates for new classes established. 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 1985.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Department of Human Services, 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 is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Note: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted to the Secretary of State 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 Administrative Law Judge (in the case of the Administrative Law Judge's report), or to the agency (in the case of the agency's submission to the Secretary of State).

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 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. Question should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

August 31, 1984

Leonard W. Levine
Commissioner

Notice of Intent to Amend Rules without a Public Hearing and Notice of Intent to Amend Rules with a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services proposes to adopt the above-entitled rule changes without a public hearing unless twenty-five or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28.

Interested persons shall have 30 days (until October 24, 1984) to submit comments in support of or in opposition to the proposed rule changes. Comment is encouraged. Each comment should identify the portion of the proposed rule change being addressed, the reason for the comment, and any change proposed. The proposed changes may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 2, 1984, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT. To verify whether a hearing will be held, please call the Merit System before November 2, 1984, at (612) 296-3996.

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor—Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone (612) 296-3996

Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

The statutory authority of the Department to make the proposed rule change is contained in Minn. Stat. § 256.012.

If adopted, the proposed changes would provide for a general salary adjustment of 4.4% for merit system employees effective January 1, 1985, an upgrading of minimum and maximum salary rates for all classes by 4.4% and would also provide class titles and minimum and maximum salary rates for new classes established.

Copies of the proposed rules are now available and at least one free copy may be obtained from the Merit System upon request. A Statement of Need and Reasonableness that describes the need for and the reasonableness of each provision of the proposed changes and identifies the data and information relied upon to support the proposed changes has been prepared and is also available from the Merit System upon request.

The cost to local public bodies of implementing the proposed rule changes will not exceed \$100,000 for 1985.

If no hearing is required, the Department shall submit to the Attorney General the proposed rule and notice as published in the *State Register*, the rule as proposed for adoption, any written comments received by the Department and the Statement of Need and Reasonableness. On the same day that these materials are submitted to the Attorney General, the Department shall give notice to all persons who requested to be informed of this submittal. If the proposed rule has been modified, this notice shall state that fact, and a free copy of the proposed rule, as modified, will be available upon written request to Ralph W. Corey.

August 31, 1984

Leonard W. Levine
Commissioner

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

Rules as Proposed

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Recommended adjustment. The merit system general adjustment recommended for incumbents is ~~four~~ $4\frac{1}{10}$ percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

Subp. 4. and 5. [Unchanged.]

9575.1500 COMPENSATION PLAN; PUBLIC WELFARE, 1984 1985.

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

	Minimum		Maximum	
Accountant	1665	<u>1738</u>	2373	<u>2477</u>
Accounting Supervisor	1901	<u>1985</u>	2838	<u>2963</u>
Administrative Assistant I	1774	<u>1852</u>	2652	<u>2769</u>
Administrative Assistant II	1944	<u>2030</u>	2897	<u>3024</u>
Administrative Assistant III	2271	<u>2371</u>	3248	<u>3391</u>
Adult Day Care Center Supervisor	1456	<u>1520</u>	2174	<u>2270</u>
Assistant Human Services Director	2373	<u>2477</u>	3395	<u>3544</u>
Assistant Welfare Director	2965	<u>3095</u>	4219	<u>4405</u>
Associate Methods & Procedures Analyst	1392	<u>1453</u>	1592	<u>1662</u>
Auditor	1737	<u>1813</u>	2597	<u>2711</u>
Center Coordinator	1592	<u>1662</u>	2373	<u>2477</u>
Chemical Dependency Coordinator	1592	<u>1662</u>	2373	<u>2477</u>
Collection Services Supervisor II	1699	<u>1774</u>	2539	<u>2651</u>
Community-Health Services Supervisor	1774	<u>1852</u>	2775	<u>2897</u>
Community-Relations Specialist	1816	<u>1896</u>	2597	<u>2711</u>
Computer Programmer	1392	<u>1453</u>	1816	<u>1896</u>
Day Care Center Teacher	1331	<u>1390</u>	1993	<u>2081</u>
Developmental Achievement Center Director	1456	<u>1520</u>	2174	<u>2270</u>
Developmental Achievement Center Teacher	1331	<u>1390</u>	1993	<u>2081</u>
Developmental Disabilities Coordinator	1456	<u>1520</u>	2174	<u>2270</u>
Dietitian	1392	<u>1453</u>	1993	<u>2081</u>
Director of Business Management I	2124	<u>2217</u>	2897	<u>3024</u>
Director of Business Management II	2597	<u>2711</u>	3698	<u>3861</u>
Director of Financial Assistance	2373	<u>2477</u>	3395	<u>3544</u>
Director of Planning	2373	<u>2477</u>	3395	<u>3544</u>
Director of Public Health Nursing I	1737	<u>1813</u>	2597	<u>2711</u>
Director of Social Services	2373	<u>2477</u>	3395	<u>3544</u>
Director of Support Services	2373	<u>2477</u>	3395	<u>3544</u>
Education Supervisor	1665	<u>1738</u>	2373	<u>2477</u>
Employment Guidance Counselor I	1331	<u>1390</u>	1901	<u>1985</u>
Employment Guidance Counselor II	1392	<u>1453</u>	1993	<u>2081</u>
Employment Guidance Counselor III	1456	<u>1520</u>	2079	<u>2170</u>
Family Service Coordinator II	1523	<u>1590</u>	2079	<u>2170</u>
Financial Assistance Supervisor III	1774	<u>1852</u>	2652	<u>2769</u>
Financial Assistance Supervisor IV	1944	<u>2030</u>	2897	<u>3024</u>
Fiscal Manager	2373	<u>2477</u>	3395	<u>3544</u>
Fiscal Supervisor III	1665	<u>1738</u>	2373	<u>2477</u>
Fiscal Supervisor IV	1901	<u>1985</u>	2838	<u>2963</u>
Gerontology Counselor		<u>1662</u>		<u>2477</u>
Homemaker Supervisor	1665	<u>1738</u>	2373	<u>2477</u>
Human Services Director III	2714	<u>2833</u>	3860	<u>4030</u>
Human Services Supervisor I	1774	<u>1852</u>	2652	<u>2769</u>
Marriage Counselor	1737	<u>1813</u>	2481	<u>2590</u>
Medical-Care Advisor	1456	<u>1520</u>	2079	<u>2170</u>

PROPOSED RULES

	Minimum	Maximum
Mental Health Program Manager	1944 2030	2897 3024
Mental Health Worker	1592 1662	2373 2477
Methods & Procedures Analyst	1628 1700	2318 2420
Methods & Procedures Supervisor	1901 1985	2714 2833
Nutrition Project Assistant Director	1331 1390	1993 2081
Nutrition Project Director	1774 1852	2652 2769
Office Manager	1331 1390	1901 1985
Office Services Supervisor II	1331 1390	1901 1985
Personnel Officer	1331 1390	1993 2081
Personnel Director	1856 1938	2775 2897
Planner (Human Services)	1665 1738	2373 2477
Programmer Analyst	1665 1738	2271 2371
Psychologist I	1592 1662	2271 2371
Psychologist II	1901 1985	2714 2833
Psychologist III	2222 2320	3036 3170
Psychologist IV	2425 2532	3320 3466
Public Health Educator I	1392 1453	1901 1985
Public Health Educator II	1737 1813	2373 2477
Public Health Nurse	1456 1520	1993 2081
Public Health Nurse (Team Leader)	1523 1590	2079 2170
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1392 1453	1816 1896
Resident Activity Coordinator	1331 1390	1993 2081
Sanitarian I	1392 1453	1665 1738
Sanitarian II	1523 1590	2079 2170
Senior Public Health Nurse	1592 1662	2174 2270
Social Worker I	1331 1390	1993 2081
Social Worker II	1456 1520	2174 2270
Social Worker III	1592 1662	2373 2477
Social Services Supervisor I	1774 1852	2652 2769
Social Services Supervisor II	1944 2030	2897 3024
Social Welfare Supervisor III	2271 2371	3248 3391
<u>Staff Development Specialist</u>	<u>1662</u>	<u>2477</u>
Staff Training Supervisor I	1816 1896	2597 2711
Staff Training Supervisor II	1993 2081	2838 2963
Student Social		
Worker (Intern) Rate proposed by appointing authority.		
Student Social		
Worker (SWEP) Rate proposed by appointing authority.		
Systems Programmer Analyst	1901 1985	2597 2711
Trainee		
Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of <u>public welfare</u> <u>human services</u> .		
Volunteer Services Coordinator I	1331 1390	1993 2081
Volunteer Services Coordinator II	1665 1738	2373 2477
Welfare Director I	2079 2170	3105 3242
Welfare Director II	2271 2371	3395 3544
Welfare Director III	2539 2651	3619 3778
Welfare Director IV	2775 2897	3945 4119
Welfare Director V	3698 3861	5376 5613
Work-Experience & Training Specialist	1665 1738	2373 2477

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PROPOSED RULES

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

	Minimum	Maximum
Accountant	1665 1738	2373 2477
Accounting Supervisor	1901 1985	2838 2963
Administrative Assistant I	1856 1938	2775 2897
Administrative Assistant II	2033 2122	3036 3170
Administrative Assistant III	2373 2477	3395 3544
Adult Day Care Center Supervisor	1523 1590	2271 2371
Assistant Human Services Director	2373 2477	3995 3544
Assistant Welfare Director	2965 3095	4219 4405
Associate Methods & Procedures Analyst	1456 1520	1665 1738
Auditor	1816 1896	2714 2833
Center Coordinator	1665 1738	2481 2590
Chemical Dependency Coordinator	1665 1738	2481 2590
Collections Services Supervisor II	1774 1852	2652 2769
Community-Health Services Supervisor	1856 1938	2897 3024
Community-Relations Specialist	1901 1985	2714 2833
Computer Programmer	1456 1520	1901 1985
Day Care Center Teacher	1392 1453	2079 2170
Developmental Achievement Center Director	1523 1590	2271 2371
Developmental Achievement Center Teacher	1392 1453	2079 2170
Developmental Disabilities Coordinator	1523 1590	2271 2371
Dietitian	1456 1520	2079 2170
Director of Business Management I	2124 2217	2897 3024
Director of Business Management II	2597 2711	3698 3861
Director of Financial Assistance	2481 2590	3544 3700
Director of Planning	2481 2590	3544 3700
Director of Public Health Nursing I	1816 1896	2714 2833
Director of Social Services	2481 2590	3544 3700
Director of Support Services	2481 2590	3544 3700
Education Supervisor	1737 1813	2481 2590
Employment Guidance Counselor I	1392 1453	1993 2081
Employment Guidance Counselor II	1456 1520	2079 2170
Employment Guidance Counselor III	1523 1590	2174 2270
Family Service Coordinator II	1592 1662	2174 2270
Financial Assistance Supervisor III	1856 1938	2775 2897
Financial Assistance Supervisor IV	2033 2122	3036 3170
Fiscal Manager	2373 2477	3395 3544
Fiscal Supervisor III	1665 1738	2373 2477
Fiscal Supervisor IV	1901 1985	2838 2963
Gerontology Counselor	1738 1738	2590 2590
Homemaker Supervisor	1737 1813	2481 2590
Human Services Director III	2714 2833	3860 4030
Human Services Supervisor I	1856 1938	2775 2897
Marriage Counselor	1816 1896	2597 2711
Medical-Care Advisor	1523 1590	2174 2270
Mental Health Program Manager	2033 2122	3036 3170
Mental Health Worker	1665 1738	2481 2590
Methods & Procedures Analyst	1699 1774	2425 2532
Methods & Procedures Supervisor	1993 2081	2838 2963
Nutrition Project Assistant Director	1392 1453	2079 2170
Nutrition Project Director	1856 1938	2775 2897
Office Manager	1392 1453	1993 2081
Office Services Supervisor II	1392 1453	1993 2081
Personnel Officer	1392 1453	2079 2170

PROPOSED RULES

	Minimum	Maximum
Personnel Director	1944 <u>2030</u>	2897 <u>3024</u>
Planner (Human Services)	1737 <u>1813</u>	2481 <u>2590</u>
Programmer Analyst	1737 <u>1813</u>	2373 <u>2477</u>
Psychologist I	1665 <u>1738</u>	2373 <u>2477</u>
Psychologist II	1993 <u>2081</u>	2838 <u>2963</u>
Psychologist III	2318 <u>2420</u>	3174 <u>3314</u>
Psychologist IV	2539 <u>2651</u>	3465 <u>3617</u>
Public Health Educator I	1456 <u>1520</u>	1993 <u>2081</u>
Public Health Educator II	1816 <u>1896</u>	2481 <u>2590</u>
Public Health Nurse	1523 <u>1590</u>	2079 <u>2170</u>
Public Health Nurse (Team Leader)	1592 <u>1662</u>	2174 <u>2270</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1456 <u>1520</u>	1901 <u>1985</u>
Resident Activity Coordinator	1392 <u>1453</u>	2079 <u>2170</u>
Sanitarian I	1456 <u>1520</u>	1737 <u>1813</u>
Sanitarian II	1592 <u>1662</u>	2174 <u>2270</u>
Senior Public Health Nurse	1665 <u>1738</u>	2271 <u>2371</u>
Social Worker I	1392 <u>1453</u>	2079 <u>2170</u>
Social Worker II	1523 <u>1590</u>	2271 <u>2371</u>
Social Worker III	1665 <u>1738</u>	2481 <u>2590</u>
Social Services Supervisor I	1856 <u>1938</u>	2775 <u>2897</u>
Social Services Supervisor II	2033 <u>2122</u>	3036 <u>3170</u>
Social Welfare Supervisor III	2373 <u>2477</u>	3395 <u>3544</u>
Staff Development Specialist	<u>1738</u>	<u>2590</u>
Staff Training Supervisor I	1901 <u>1985</u>	2714 <u>2833</u>
Staff Training Supervisor II	2079 <u>2170</u>	2965 <u>3095</u>
Student Social Worker (Intern) Rate proposed by appointing authority.		
Student Social Worker (SWEP) Rate proposed by appointing authority.		
Systems Programmer Analyst	1993 <u>2081</u>	2714 <u>2883</u>
Trainee Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare <u>human services</u> .		⁷⁷
Volunteer Services Coordinator I	1392 <u>1453</u>	2079 <u>2170</u>
Volunteer Services Coordinator II	1737 <u>1813</u>	2481 <u>2590</u>
Welfare Director I	2079 <u>2170</u>	3105 <u>3242</u>
Welfare Director II	2271 <u>2371</u>	3395 <u>3544</u>
Welfare Director III	2539 <u>2651</u>	3619 <u>3778</u>
Welfare Director IV	2775 <u>2897</u>	3945 <u>4119</u>
Welfare Director V	3698 <u>3861</u>	5376 <u>5613</u>
Work-Experience & Training Specialist	1737 <u>1813</u>	2481 <u>2590</u>

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

	Minimum	Maximum
Accountant	1665 <u>1738</u>	2373 <u>2477</u>
Accounting Supervisor	1901 <u>1985</u>	2838 <u>2963</u>
Administrative Assistant I	1944 <u>2030</u>	2897 <u>3024</u>
Administrative Assistant II	2124 <u>2217</u>	3174 <u>3314</u>

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PROPOSED RULES

	Minimum		Maximum	
Administrative Assistant III	2481	2590	3544	3700
Adult Day Care Center Supervisor	1592	1662	2373	2477
Assistant Human Services Director	2373	2477	3395	3544
Assistant Welfare Director	2965	3095	4219	4405
Associate Methods & Procedures Analyst	1523	1590	1737	1813
Auditor	1901	1985	2838	2963
Center Coordinator	1737	1813	2597	2711
Chemical Dependency Coordinator	1737	1813	2597	2711
Collections Services Supervisor II	1856	1938	2775	2897
Community-Health Services Supervisor	2033	2122	3036	3170
Community-Relations Specialist	1993	2081	2838	2963
Computer Programmer	1523	1590	1993	2081
Day Care Center Teacher	1456	1520	2174	2270
Developmental Achievement Center Director	1592	1662	2373	2477
Developmental Achievement Center Teacher	1456	1520	2174	2270
Developmental Disabilities Coordinator	1592	1662	2373	2477
Dietitian	1523	1590	2174	2270
Director of Business Management I	2124	2217	2897	3024
Director of Business Management II	2597	2711	3698	3861
Director of Financial Assistance	2597	2711	3698	3861
Director of Planning	2597	2711	3698	3861
Director of Public Health Nursing I	1993	2081	2838	2963
Director of Social Services	2597	2711	3698	3861
Director of Support Services	2597	2711	3698	3861
Education Supervisor	1816	1896	2597	2711
Employment Guidance Counselor I	1456	1520	2079	2170
Employment Guidance Counselor II	1523	1590	2174	2270
Employment Guidance Counselor III	1592	1662	2271	2371
Family Service Coordinator II	1665	1738	2271	2371
Financial Assistance Supervisor III	1944	2030	2897	3024
Financial Assistance Supervisor IV	2124	2217	3174	3314
Fiscal Manager	2373	2477	3395	3544
Fiscal Supervisor III	1665	1738	2373	2477
Fiscal Supervisor IV	1901	1985	2838	2963
Gerontology Counselor		1813		2711
Homemaker Supervisor	1816	1896	2597	2711
Human Services Director III	2714	2833	3860	4030
Human Services Supervisor I	1944	2030	2897	3024
Marriage Counselor	1901	1985	2714	2833
Medical-Care Advisor	1592	1662	2271	2371
Mental Health Program Manager	2124	2217	3174	3314
Mental Health Worker	1737	1813	2597	2711
Methods & Procedures Analyst	1774	1852	2539	2651
Methods & Procedures Supervisor	2079	2170	2965	3095
Nutrition Project Assistant Director	1456	1520	2174	2270
Nutrition Project Director	1944	2030	2897	3024
Office Manager	1456	1520	2079	2170
Office Services Supervisor II	1456	1520	2079	2170
Personnel Officer	1456	1520	2174	2270
Personnel Director	2033	2122	3036	3170
Planner (Human Services)	1816	1896	2597	2711
Programmer Analyst	1816	1896	2481	2590
Psychologist I	1737	1813	2481	2590
Psychologist II	2079	2170	2965	3095
Psychologist III	2425	2532	3320	3466
Psychologist IV	2652	2769	3619	3778

PROPOSED RULES

	Minimum	Maximum
Public Health Educator I	1523 1590	2079 2170
Public Health Educator II	1901 1985	2597 2711
Public Health Nurse	1699 1774	2318 2420
Public Health Nurse (Team Leader)	1774 1852	2425 2532
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1628 1700	2124 2217
Resident Activity Coordinator	1456 1520	2174 2270
Sanitarian I	1523 1590	1816 1896
Sanitarian II	1665 1738	2271 2371
Senior Public Health Nurse	1856 1938	2539 2651
Social Worker I	1456 1520	2174 2270
Social Worker II	1592 1662	2373 2477
Social Worker III	1737 1813	2597 2711
Social Services Supervisor I	1944 2030	2897 3024
Social Services Supervisor II	2124 2217	3174 3314
Social Welfare Supervisor III	2481 2590	3544 3700
Staff Development Specialist		1813 2711
Staff Training Supervisor I	1993 2081	2838 2963
Staff Training Supervisor II	2174 2270	3105 3242
Student Social Worker (Intern) Rate proposed by appointing authority.		
Student Social Worker (SWEP) Rate proposed by appointing authority.		
Systems Programmer Analyst	2079 2170	2838 2963
Trainee Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare <u>human services</u> .		
Volunteer Services Coordinator I	1456 1520	2174 2270
Volunteer Services Coordinator II	1816 1896	2597 2711
Welfare Director I	2079 2170	3105 3242
Welfare Director II	2271 2371	3395 3544
Welfare Director III	2539 2651	3619 3778
Welfare Director IV	2775 2897	3945 4119
Welfare Director V	3698 3861	5376 5613
Work-Experience & Training Specialist	1816 1896	2597 2711

Subp. 4. Support personnel: 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	974 1017	1331 1390
Accounting Technician	1041 1087	1423 1486
Adult Day Care Center Program Coordinator	994 1038	1423 1486
Assistant Residential Facility Operator(s)	799 834	1091 1139
Case Aide	994 1038	1423 1486
Chemical Dependency Counselor	1274 1330	1665 1738
Child Health Aide	872 910	1192 1244
Child Support Officer I	1216 1270	1737 1813
Child Support Officer II	1359 1419	1856 1938
Collections Officer		1270 1813
Collection Services Supervisor I	1555 1623	2124 2217

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PROPOSED RULES

	Minimum		Maximum	
Community Service Aide	668	697	872	910
<u>Computer Operations Specialist</u>		1216		1590
Coordinator of Aging	1018	1063	1456	1520
Data Entry Supervisor	1216	1270	1665	1738
Developmental Achievement Center Instructor	799	834	994	1038
Family Service Aide I	799	834	994	1038
Family Service Aide II	872	910	1192	1244
Family Service Coordinator I	1091	1139	1423	1486
Family Service/Home Health Aide	799	834	994	1038
Financial Assistance Specialist	1274	1330	1737	1813
Financial Assistance Supervisor I	1488	1553	2124	2217
Financial Assistance Supervisor II	1628	1700	2318	2420
Financial Worker I	994	1038	1423	1486
Financial Worker II	1116	1165	1592	1662
Fiscal Officer	1274	1330	1816	1896
Fiscal Supervisor I	1392	1453	1993	2081
Fiscal Supervisor II	1555	1623	2222	2320
Food Stamp Quality Control Reviewer	1274	1330	1737	1813
Home Health Aide	799	834	994	1038
Home Health Aide Coordinator	1091	1139	1423	1486

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

Housing Coordinator	1243	1298	1774	1852
<u>Housing Rehabilitation Specialist</u>		1270		1813
Licensed Practical Nurse	1065	1112	1331	1390
Office Services Supervisor I	1165	1216	1592	1662
Personnel Aide	1116	1165	1523	1590
Public Health Aide	668	697	872	910
Residential Facility Operator(s)	831	868	1140	1190
Senior Case Aide	1116	1165	1592	1662
Senior Citizen's Aide	668	697	872	910
Welfare Fraud Investigator	1555	1623	2033	2122

Subp. 5. Support personnel: 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	1018	1063	1392	1453
Accounting Technician	1091	1139	1488	1553
Adult Day Care Center Program Coordinator	1041	1087	1488	1553
Assistant Residential Facility Operator(s)	831	868	1140	1190
Case Aide	1041	1087	1488	1553
Chemical Dependency Counselor	1331	1390	1737	1813
Child Health Aide	911	951	1243	1298
Child Support Officer I	1274	1330	1816	1896
Child Support Officer II	1423	1486	1944	2030
<u>Collections Officer</u>		1270		1813
Collection Services Supervisor I	1628	1700	2222	2320
Community Service Aide	701	731	911	951
<u>Computer Operations Specialist</u>		1270		1662
Coordinator of Aging	1065	1112	1523	1590
Data Entry Supervisor	1274	1330	1737	1813
Developmental Achievement Center Instructor	831	868	1041	1087
Family Service Aide I	831	868	1041	1087
Family Service Aide II	911	951	1243	1298
Family Service Coordinator I	1140	1190	1488	1553

PROPOSED RULES

	Minimum	Maximum
Family Service/Home Health Aide	831 <u>868</u>	1041 <u>1087</u>
Financial Assistance Specialist	1331 <u>1390</u>	1816 <u>1896</u>
Financial Assistance Supervisor I	1555 <u>1623</u>	2222 <u>2320</u>
Financial Assistance Supervisor II	1699 <u>1774</u>	2425 <u>2532</u>
Financial Worker I	1041 <u>1087</u>	1488 <u>1553</u>
Financial Worker II	1665 <u>1216</u>	1665 <u>1738</u>
Fiscal Officer	1274 <u>1330</u>	1816 <u>1896</u>
Fiscal Supervisor I	1392 <u>1453</u>	1993 <u>2081</u>
Fiscal Supervisor II	1555 <u>1623</u>	2222 <u>2320</u>
Food Stamp Quality Control Reviewer	1331 <u>1390</u>	1816 <u>1896</u>
Home Health Aide	831 <u>868</u>	1041 <u>1087</u>
Home Health Aide Coordinator	1140 <u>1190</u>	1488 <u>1553</u>
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of <u>public welfare human services</u> .	
Housing Coordinator	1302 <u>1359</u>	1856 <u>1938</u>
Housing Rehabilitation Specialist	<u>1330</u>	<u>1896</u>
Licensed Practical Nurse	1116 <u>1165</u>	1392 <u>1453</u>
Office Services Supervisor I	1216 <u>1270</u>	1665 <u>1738</u>
Personnel Aide	1165 <u>1216</u>	1592 <u>1662</u>
Public Health Aide	701 <u>731</u>	911 <u>951</u>
Residential Facility Operator(s)	872 <u>910</u>	1192 <u>1244</u>
Senior Case Aide	1165 <u>1216</u>	1665 <u>1738</u>
Senior Citizen's Aide	701 <u>731</u>	911 <u>951</u>
Welfare Fraud Investigator	1628 <u>1700</u>	2124 <u>2217</u>

Subp. 6. Support personnel: 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	1065 <u>1112</u>	1456 <u>1520</u>
Accounting Technician	1140 <u>1190</u>	1555 <u>1623</u>
Adult Day Care Center Program Coordinator	1091 <u>1139</u>	1555 <u>1623</u>
Assistant Residential Facility Operator(s)	872 <u>910</u>	1192 <u>1244</u>
Case Aide	1091 <u>1139</u>	1555 <u>1623</u>
Chemical Dependency Counselor	1392 <u>1453</u>	1816 <u>1896</u>
Child Health Aide	952 <u>994</u>	1302 <u>1359</u>
Child Support Officer I	1331 <u>1390</u>	1901 <u>1985</u>
Child Support Officer II	1488 <u>1553</u>	2033 <u>2122</u>
Collections Officer	<u>1390</u>	<u>1985</u>
Collection Services Supervisor I	1699 <u>1774</u>	2318 <u>2420</u>
Community Service Aide	733 <u>765</u>	952 <u>994</u>
Computer Operations Specialist	<u>1330</u>	<u>1738</u>
Coordinator of Aging	1116 <u>1165</u>	1592 <u>1662</u>
Data Entry Supervisor	1331 <u>1390</u>	1816 <u>1896</u>
Developmental Achievement Center Instructor	872 <u>910</u>	1091 <u>1139</u>
Family Service Aide I	872 <u>910</u>	1091 <u>1139</u>
Family Service Aide II	952 <u>994</u>	1302 <u>1359</u>
Family Service Coordinator I	1192 <u>1244</u>	1555 <u>1623</u>
Family Service/Home Health Aide	872 <u>910</u>	1091 <u>1139</u>

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PROPOSED RULES

	Minimum	Maximum
Financial Assistance Specialist	1392 1453	1901 1985
Financial Assistance Supervisor I	1628 1700	2318 2420
Financial Assistance Supervisor II	1774 1852	2539 2651
Financial Worker I	1091 1139	1555 1623
Financial Worker II	1216 1270	1737 1813
Fiscal Officer	1274 1330	1816 1896
Fiscal Supervisor I	1392 1453	1993 2081
Fiscal Supervisor II	1555 1623	2222 2320
Food Stamp Quality Control Reviewer	1392 1453	1901 1985
Home Health Aide	872 910	1091 1139
Home Health Aide Coordinator	1192 1244	1555 1623

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

Housing Coordinator	1359 1419	1944 2030
<u>Housing Rehabilitation Specialist</u>	1390	1985
Licensed Practical Nurse	1165 1216	1456 1520
Office Services Supervisor I	1274 1330	1737 1813
Personnel Aide	1216 1270	1665 1738
Public Health Aide	733 765	952 994
Residential Facility Operator(s)	911 951	1243 1298
Senior Case Aide	1216 1270	1737 1813
Senior Citizen's Aide	733 765	952 994
Welfare Fraud Investigator	1699 1774	2222 2320

Subp. 7. Clerical: plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	961 1003	1314 1372
Clerk I	691 721	940 981
Clerk II	789 824	1075 1122
Clerk III	879 918	1203 1256
Clerk-Typist I	723 755	983 1026
Clerk-Typist II	789 824	1075 1122
Clerk-Typist III	879 918	1203 1256
Clerk-Steno I	758 791	1029 1074
Clerk-Steno II	859 897	1176 1228
Data Entry Operator	789 824	1075 1122
Information Systems Specialist	879 918	1203 1256
<u>Legal Secretary</u>	960	1309
Switchboard Operator I	789 824	1075 1122
Switchboard Operator II	838 875	1151 1202

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.

Subp. 8. Clerical: plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	1101 1149	1436 1499
Clerk I	789 824	1029 1074
Clerk II	898 938	1176 1228
Clerk III	1004 1048	1314 1372
Clerk-Typist I	823 859	1075 1122
Clerk-Typist II	898 938	1176 1228
Clerk-Typist III	1004 1048	1314 1372

PROPOSED RULES

	Minimum	Maximum
Clerk-Steno I	859 <u>897</u>	1125 <u>1175</u>
Clerk-Steno II	983 <u>1026</u>	1285 <u>1342</u>
Data Entry Operator	898 <u>938</u>	1176 <u>1228</u>
Information Systems Specialist	1004 <u>1048</u>	1314 <u>1372</u>
<u>Legal Secretary</u>	<u>1096</u>	<u>1431</u>
Switchboard Operator I	898 <u>938</u>	1176 <u>1228</u>
Switchboard Operator II	961 <u>1003</u>	1254 <u>1309</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.

Subp. 9. Clerical: 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	1203 <u>1256</u>	1569 <u>1638</u>
Clerk I	859 <u>897</u>	1125 <u>1175</u>
Clerk II	983 <u>1026</u>	1285 <u>1342</u>
Clerk III	1101 <u>1149</u>	1436 <u>1499</u>
Clerk-Typist I	898 <u>938</u>	1176 <u>1228</u>
Clerk-Typist II	983 <u>1026</u>	1285 <u>1342</u>
Clerk-Typist III	1101 <u>1149</u>	1436 <u>1499</u>
Clerk-Steno I	940 <u>981</u>	1226 <u>1280</u>
Clerk-Steno II	1075 <u>1122</u>	1404 <u>1466</u>
Data Entry Operator	983 <u>1026</u>	1285 <u>1342</u>
Information Systems Specialist	1101 <u>1149</u>	1436 <u>1499</u>
<u>Legal Secretary</u>	<u>1202</u>	<u>1569</u>
Switchboard Operator I	983 <u>1026</u>	1285 <u>1342</u>
Switchboard Operator II	1050 <u>1096</u>	1371 <u>1431</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.

Subp. 10. Maintenance and trades: 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	824 <u>860</u>	1062 <u>1109</u>
Bus Driver	898 <u>938</u>	1151 <u>1202</u>
Janitor	898 <u>938</u>	1151 <u>1202</u>
Laborer	\$5.16/hr. <u>\$5.39/hr.</u>	\$5.16/hr. <u>\$5.39/hr.</u>

Subp. 11. Maintenance and trades: 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	1062 <u>1109</u>	1366 <u>1426</u>
Bus Driver	1106 <u>1155</u>	1424 <u>1487</u>
Janitor	1062 <u>1109</u>	1366 <u>1426</u>
Laborer	\$6.36/hr. <u>\$6.64/hr.</u>	\$6.36/hr. <u>\$6.64/hr.</u>

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PROPOSED RULES

Department of Public Safety

Proposed Rules Relating to the Merit System Compensation Plan for the Department of Public Safety

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Amend Rules without a Hearing

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155 on November 2, 1984 commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process. PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO AMEND THE SAME RULES WITHOUT A HEARING PUBLISHED IN THE *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Merit System before November 2, 1984 at (612) 296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7601 either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the Administrative Law Judge, the Administrative Law Judge shall write a report as provided for in Minn. Stat. § 14.50. Prior to writing the report, the Administrative Law Judge shall allow the agency and all interested persons three business days after the submission period ends to respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. The rule hearing is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rules part 1400.200-1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed rule changes would provide for a general salary adjustment of 4.4% for merit system employees effective January 1, 1985, and upgrading of minimum and maximum salary rates for all classes by 4.4%. 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 1985.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Department of Human Services, 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 is hereby given that 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 includes a summary of all the evidence and argument justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Note: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted to the Secretary of State 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 Administrative Law Judge (in the case of the Administrative Law Judge's report), or to the agency (in the case of the agency's submission to the Secretary of State).

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 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.

September 5, 1984

Rudy Perpich
Governor

Notice of Intent to Amend Rules without a Public Hearing and Notice of Intent to Amend Rules with a Public Hearing If Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Safety proposes to adopt the above-entitled rule changes without a public hearing unless twenty-five or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28.

Interested persons shall have 30 days (until October 24, 1984) to submit comments in support of or in opposition to the proposed rule changes. Comment is encouraged. Each comment should identify the portion of the proposed rule change being addressed, the reason for the comment, and any change proposed. The proposed changes may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 2, 1984, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT. To verify whether a hearing will be held, please call the Merit System before November 2, 1984, at (612) 296-3996.

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor—Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone (612) 296-3996

Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

The statutory authority of the Department to make the proposed rule changes is contained in Minn. Stat. § 12.22, subd. 3.

If adopted, the proposed changes would provide for a general salary adjustment of 4.4% for merit system employees effective January 1, 1985, and upgrading of minimum and maximum salary rates for all classes by 4.4%.

Copies of the proposed rules are now available and at least one free copy may be obtained from the Merit System upon request. A Statement of Need and Reasonableness that describes the need for and the reasonableness of each provision of the proposed changes and identifies the data and information relied upon to support the proposed changes has been prepared and is also available from the Merit System upon request.

The cost to local public bodies of implementing the proposed rule changes will not exceed \$100,000 for 1985.

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

If no hearing is required, the Department shall submit to the Attorney General the proposed rule and notice as published in the *State Register*, the rule as proposed for adoption, any written comments received by the Department and the Statement of Need and Reasonableness. On the same day that these materials are submitted to the Attorney General, the Department shall give notice to all persons who requested to be informed of this submittal. If the proposed rule has been modified, the notice shall state the fact, and a free copy of the proposed rule, as modified, will be available upon written request to Ralph W. Corey.

September 5, 1984

Rudy Perpich
Governor

Rules as Proposed

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Recommended adjustment. The merit system general adjustment recommended for incumbents is ~~four~~ 4-4/10 percent for employees on the professional and clerical salary schedules.

Subp. 4. and 5. [Unchanged.]

7520.1000 COMPENSATION PLAN (EMERGENCY SERVICES), 1984 1985; PROFESSIONAL.

Subpart 1. Plan A.

	Minimum		Maximum
Administrative Officer	1456 1520	1993	2081
Assistant Civil Defense Director I	974 1017	1331	1390
Assistant Civil Defense Director II	1165 1216	1592	1662
Assistant Civil Defense Director III	1392 1453	1901	1985
Assistant Civil Defense Director IV	1665 1738	2271	2371
Communications Officer	1274 1330	1737	1813
County Civil Defense Director I	1392 1453	1901	1985
County Civil Defense Director II	1592 1662	2174	2270
County Civil Defense Director III	1816 1896	2481	2590
County Civil Defense Director IV	2597 2711	3544	3700
Local Civil Defense Director I	1116 1165	1523	1590
Local Civil Defense Director II	1274 1330	1737	1813
Local Civil Defense Director III	1456 1520	1993	2081
Local Civil Defense Director IV	1816 1896	2481	2590
Local Civil Defense Director V	2597 2711	3544	3700
Operations Officer	1456 1520	1993	2081
Public Information Officer	1456 1520	1993	2081
Radiological Defense Officer	1274 1330	1737	1813
Safety Services Coordinator	1456 1520	1993	2081

Subp. 2. Plan B.

	Minimum		Maximum
Administrative Officer	1523 1590	2079	2170
Assistant Civil Defense Director I	1018 1063	1392	1453
Assistant Civil Defense Director II	1216 1270	1665	1738
Assistant Civil Defense Director III	1456 1520	1993	2081
Assistant Civil Defense Director IV	1737 1813	2373	2477
Communications Officer	1331 1390	1816	1896
County Civil Defense Director I	1392 1453	1901	1985
County Civil Defense Director II	1592 1662	2174	2270
County Civil Defense Director III	1816 1896	2481	2590
County Civil Defense Director IV	2597 2711	3544	3700
Local Civil Defense Director I	1116 1165	1523	1590
Local Civil Defense Director II	1274 1330	1737	1813
Local Civil Defense Director III	1456 1520	1993	2081
Local Civil Defense Director IV	1816 1896	2481	2590
Local Civil Defense Director V	2597 2711	3544	3700

PROPOSED RULES

	Minimum	Maximum
Operations Officer	1523 <u>1590</u>	2079 <u>2170</u>
Public Information Officer	1523 <u>1590</u>	2079 <u>2170</u>
Radiological Defense Officer	1331 <u>1390</u>	1816 <u>1896</u>
Safety Services Coordinator	1523 <u>1590</u>	2079 <u>2170</u>

Subp. 3. Plan C.

	Minimum	Maximum
Administrative Officer	1592 <u>1662</u>	2174 <u>2270</u>
Assistant Civil Defense Director I	1065 <u>1112</u>	1456 <u>1520</u>
Assistant Civil Defense Director II	1274 <u>1330</u>	1737 <u>1813</u>
Assistant Civil Defense Director III	1523 <u>1590</u>	2079 <u>2170</u>
Assistant Civil Defense Director IV	1816 <u>1896</u>	2481 <u>2590</u>
Communications Officer	1392 <u>1453</u>	1901 <u>1985</u>
County Civil Defense Director I	1392 <u>1453</u>	1901 <u>1985</u>
County Civil Defense Director II	1592 <u>1662</u>	2174 <u>2270</u>
County Civil Defense Director III	1816 <u>1896</u>	2481 <u>2590</u>
County Civil Defense Director IV	2597 <u>2711</u>	3544 <u>3700</u>
Local Civil Defense Director I	1116 <u>1165</u>	1523 <u>1590</u>
Local Civil Defense Director II	1274 <u>1330</u>	1737 <u>1813</u>
Local Civil Defense Director III	1456 <u>1520</u>	1993 <u>2081</u>
Local Civil Defense Director IV	1816 <u>1896</u>	2481 <u>2590</u>
Local Civil Defense Director V	2597 <u>2711</u>	3544 <u>3700</u>
Operations Officer	1592 <u>1662</u>	2174 <u>2270</u>
Public Information Officer	1592 <u>1662</u>	2174 <u>2270</u>
Radiological Defense Officer	1392 <u>1453</u>	1901 <u>1985</u>
Safety Services Coordinator	1592 <u>1662</u>	2174 <u>2270</u>

7520.1100 COMPENSATION PLAN (EMERGENCY SERVICES), ~~1984~~ 1985; CLERICAL.

Subpart 1. Plan A.

	Minimum	Maximum
Clerk I	691 <u>721</u>	940 <u>981</u>
Clerk II	789 <u>824</u>	1075 <u>1122</u>
Clerk III	879 <u>918</u>	1203 <u>1256</u>
Clerk-Typist I	723 <u>755</u>	983 <u>1026</u>
Clerk-Typist II	789 <u>824</u>	1075 <u>1122</u>
Clerk-Typist III	879 <u>918</u>	1203 <u>1256</u>
Clerk-Steno I	758 <u>791</u>	1029 <u>1074</u>
Clerk-Steno II	859 <u>897</u>	1176 <u>1228</u>

Subp. 2. Plan B.

	Minimum	Maximum
Clerk I	789 <u>824</u>	1029 <u>1074</u>
Clerk II	898 <u>938</u>	1176 <u>1228</u>
Clerk III	1004 <u>1048</u>	1314 <u>1372</u>
Clerk-Typist I	823 <u>859</u>	1075 <u>1122</u>
Clerk-Typist II	898 <u>938</u>	1176 <u>1228</u>
Clerk-Typist III	1004 <u>1048</u>	1314 <u>1372</u>
Clerk-Steno I	859 <u>897</u>	1125 <u>1175</u>
Clerk-Steno II	983 <u>1026</u>	1285 <u>1342</u>

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PROPOSED RULES

Subp. 3. Plan C.

	Minimum	Maximum
Clerk I	859 897	1125 1175
Clerk II	983 1026	1285 1342
Clerk III	1101 1149	1436 1499
Clerk-Typist I	898 938	1176 1228
Clerk-Typist II	983 1026	1285 1342
Clerk-Typist III	1101 1149	1436 1499
Clerk-Steno I	940 981	1226 1280
Clerk-Steno II	1075 1122	1404 1466

Waste Management Board

Proposed Rules Governing the Solid Waste Processing Facilities Demonstration Program

Notice of Intent to Adopt Amendments to Existing Rules without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above-entitled amendments to existing rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22-14.28, as amended by Laws 1984, ch. 640, §§ 12-15.

Persons interested in these rules shall have 30 days in which to submit comments in support of or in opposition to the proposed amendments to existing rules. Comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The proposed amendments to existing rules may be modified if the modifications are supported by the data and views submitted to the Waste Management Board and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Waste Management Board will proceed according to the provisions of Minn. Stat. §§ 14.08-14.28, as amended by Laws 1984, ch. 640, §§ 4-15.

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

Waste Management Board
Attention: Ed Welsch
123 Thorson Building
7323 - 58th Avenue North
Crystal, MN 55428
(612) 536-0816

Authority for the adoption of these rules is contained in Minn. Stat. § 115A.49 (Supp. 1983). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments to existing rules and identifies the data and information relied upon to support the proposed amendments to existing rules has been prepared and is available from the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428, upon request.

If a hearing is not required, and upon adoption of the final amendments to existing rules without a public hearing, the proposed amendments to existing rules, this notice, the statement of need and reasonableness, all written comments received, and the final amendments to existing rules 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 amendments to existing rules as adopted, should submit a written statement of such request to the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

PROPOSED RULES

The amendments to existing rules proposed for adoption relate to the following matters: (1) eligibility for loans and grants; (2) procedures for submitting grant and loan applications; (3) procedures for initial review of applications; (4) procedures and criteria for evaluating loan and grant applications for selecting loan and grant recipients; (5) provisions relating to awarding loans and grants; (6) required contents of loan and grant agreements; and (7) provisions relating to apportioning available funds between loans and grants.

Copies of this notice and the proposed amendments to existing rules are available and may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

Robert G. Dunn
Chairperson

Rules as Proposed

9200.8100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. [See repealer.]

Subp. 9. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, methods of securing the waste supply, or joint efforts between political subdivisions by more than one local government unit.

Subp. 10 to 24. [Unchanged.]

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subpart 1. [See repealer.]

Subp. 1a. **Applications.** An application may be submitted to the board when the applicant has met the information and documentation requirements in parts 9200.8400 and 9200.8500. The applicant is encouraged to contact the chairperson and request a preapplication review of the proposed project.

Subp. 2. [See repealer.]

Subp. 2a. **Review schedule.** When the chairperson or designee receives an application, he or she shall initially review the application. The board shall evaluate and select projects and award grants and loans.

Subp. 3. [See repealer.]

9200.8700 INITIAL REVIEW.

Subpart 1. **Applications reviewed.** The chairperson or ~~his~~ a designee shall review all applications received ~~during the application segment of each funding round.~~ Applications received after the last day of each application segment shall be returned to the applicant.

Subp. 2. **Eligibility and completeness review.** Upon receipt of a ~~timely-filed~~ an application, the chairperson or ~~his~~ a designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of the application.

Subp. 3. **Notice of determination.** Within 14 days after receiving the application, the chairperson shall notify each applicant of the chairperson's determinations. If the chairperson determines that the applicant or the project is not eligible, the application shall not be further considered and the applicant shall be notified of the determination. If the chairperson determines that any of the costs or any part of the project is not eligible or that the application is otherwise not complete, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application ~~or until two weeks following the final day of the application segment, whichever is later,~~ to correct any inadequacies identified in the application. Applications which are not resubmitted within the time period allowed shall not be further considered during the funding round. If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 4. and 5. [Unchanged.]

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

Subp. 6. Determination of sufficient documentation. If the chairperson determines that the documentation in the application is adequate, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800. If the chairperson determines that the documentation in the application is inadequate, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application ~~or two weeks after the final day of the application segment, whichever time period is greater,~~ to correct the inadequacies in the documentation. ~~Applications which are not resubmitted within the time periods allowed shall not be further considered during the funding round.~~

If the inadequacies in the documentation are corrected within the time allowed, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800.

9200.8800 PROJECT TYPE EVALUATION OF PROJECTS.

Subpart 1. Process of evaluation. Upon completion of the chairperson's initial review of the application as set out in part 9200.8700, the board shall ~~compare~~ evaluate projects of ~~similar technology~~ based on the factors set out in this part ~~and select the top project in each category for further evaluation.~~

Subp. 2. General factors. In evaluating all ~~five~~ six types of projects the board shall, to the extent the factor is relevant to the project, consider:

A. to D. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

Subp. 9. Legislative priorities. The board shall give priority to projects where:

A. the natural geologic and soil conditions are unsuitable for land disposal of solid waste;

B. the capacity of existing solid waste disposal facilities is less than five years; or

C. for a project outside of the metropolitan area, the project serves more than one local government unit.

9200.9000 AWARD OF GRANTS AND LOANS.

Subpart 1. General procedure. The board shall award a loan, or a grant and loan if the board determines a grant should be awarded under subpart 2, to the ~~project which receives the top rating under part 9200.8900. The board shall then award loans and grants, if applicable, to the extent funds remain available, to the other top-rated projects in order of preference. If all of the top-rated projects identified under part 9200.8900 are funded, the board shall select the second highest rated project in each category identified under part 9200.8800 and shall further evaluate those projects as provided for in part 9200.8900. The board shall then award grants or loans to the projects in the same manner and order as it did for the top-rated projects which in the board's judgment best meet the factors identified in part 9200.8800.~~

Subp. 2. Factors in awarding grants. In making its determination on whether to award grants ~~and loans~~, the board shall consider whether the project involves a significant risk to the local unit of government; whether the local unit of government has made a substantial commitment of its own funds to the project; and, in view of the applicant's financial capacity, whether a grant would affect the decision or ability to undertake the project.

Subp. 3. Amount of awards. The board shall determine the amount of the loans and grants it awards based on a review of the factors set out in part ~~9200.8900~~ 9200.8800 and the degree to which the project serves to demonstrate the uses of technology involved in Minnesota.

Subp. 4. and 5. [Unchanged.]

9200.9100 GRANT AND LOAN AGREEMENT.

Subpart 1. [Unchanged.]

Subp. 2. Rescission of grants and loans. Grants and loans If projects are not completed in accordance with the terms and conditions of the respective agreements, including time schedules, the grants and loans for those projects shall be rescinded, and the entire amount of grants and loans shall be repaid unless the board determines that the variances from the respective agreements are due to factors outside the control of the grant or loan recipient justified and that the original objectives of the project will be accomplished.

Subp. 3. to 6. [Unchanged.]

9200.9200 APPORTIONMENT.

Subpart 1. In general. For grants and loans to be awarded over the life of this program, the board shall apportion funds

ADOPTED RULES

allocated to it by the legislature for this program as set out in Article VI of the Waste Management Act, Minnesota Statutes, sections 115A.49 to 115A.54, as follows in subparts 2 ~~to~~ 5 and 3.

Subp. 2. [Unchanged.]

Subp. 3. Number of funding rounds Applications accepted. The board shall ~~distribute the money appropriated for the purposes of accept applications for assistance under the demonstration program during four funding rounds commencing on January 1, 1983. Each funding round entails a six-month period of time while funds remain available or until the program is terminated.~~

Subp. 4. and 5. [See repealer.]

REPEALER: Minnesota Rules, parts 9200.8100, subpart 8; 9200.8600, subparts 1, 2, and 3; 9200.8900; and 9200.9200, subparts 4 and 5 are repealed.

ADOPTED RULES

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

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and 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 strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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

Department of Labor and Industry Occupational Safety and Health Division

Adoption by Reference of Occupational Safety and Health Standards

Pursuant to Minn. Stat. § 182.655 (1984) notice was duly published at *State Register*, Volume 9, Number 5, dated July 30, 1984 [9 SR 225] specifying the establishment and modification of certain Occupational Safety and Health Standards: specifically, the lifting of the administrative stay of the effective date for compliance plan requirements for primary and secondary smelting and battery manufacturing industries under the Occupational Exposure to Lead Standard, and the final rule governing Occupational Exposure to Ethylene Oxide.

No objections, comments or written requests for public hearing have been received; therefore, these Occupational Safety and Health Standards are adopted and are identical in every respect to their personal form.

Steve Keefe
Commissioner of Labor & Industry

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.

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 Energy and Economic Development Energy Division Office of Energy Conservation and Development

Outside Opinions or Information Sought Concerning Proposed Rules Governing Insulation Standards

Pursuant to Minnesota Statutes § 14.10, notice is hereby given that the Minnesota Department of Energy and Economic Development, Energy Division, is seeking information or opinions from sources outside the department in preparing to propose the adoption of rules governing the quality, information, and product safety specifications for the manufacture, labeling, installation and thermographing of insulation. Such rules are authorized by Minnesota Statutes § 325F.20.

Any persons desiring to submit information or comment on the subject may do so either orally or in writing. All statements of information and comment must be received by November 15, 1984. Any written material received by this date will become part of the record.

Written or oral information and comment should be addressed to:

Jay L. Johnson
DEED/Energy Division
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55101

Health Department Emergency Medical Services

Emergency Medical Services Licensure Application

As of September 17, 1984, a complete application for a change from basic life support transportation service to advanced life support transportation service was submitted by Buffalo Ambulance Service (a division of Health Control Emergency Medical Services), to operate a base of operation at Buffalo Memorial Hospital, 303 Catlin Street, Buffalo, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Central Minnesota Health Systems Agency, 113 Division Street, Sauk Rapids, MN 56379. Attention: Mary Schmid, Director 612/253-2930. The comments must reach the Health Systems Agency before October 17, 1984, or be submitted at the public hearing.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommendation that a modified license be granted. The Health Systems Agency shall make the recommendation and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

Department of Human Services Health Care Programs Division

Notice of Implementation of Fee Schedule for Clinical Diagnostic Laboratory Services

Notice is hereby given that the Department of Human Services, Health Care Programs Division will implement a fee

schedule for clinical diagnostic laboratory services furnished on or after October 1, 1984. The fee schedule is applicable to all independent laboratories and physicians laboratories participating in the Medical Assistance (MA) or General Assistance Medical Care (GAMC) Programs, including hospital laboratories furnishing services to persons who are not patients of the hospital.

The fee schedule establishes an initial payment level at 60 percent of the prevailing charge for tests performed in independent laboratories, hospital based laboratories, and in physicians offices. The computation is based on the prevailing charge levels in effect for the fee screen year beginning July 1, 1984.

The fee schedule is established on a permanent basis for independent laboratories and physicians laboratories. The fee schedule for services provided by hospitals to outpatients is effective for three years.

Please direct inquiries regarding the fee schedule for clinical diagnostic laboratory services to:

Jayne Draves
Health Care Programs Division
Department of Human Services
444 Lafayette Road
First Floor
St. Paul, MN 55101
612/296-2719

Metropolitan Waste Control Commission

Public Notice for Prequalifications for the Preparation of Functional and Design Documents for Design Construct Bidding Process for the Seneca Maintenance and Dispatch Building MWCC Project Number 72-07

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting prequalifications for the preparation of function and design documents for the design/construct bidding process for the Seneca Maintenance and Dispatch Building, MWCC Project Number 72-07.

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstratable experience of the firm.

The prequalifications should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms. The prequalification list will be used by the Commission as a mechanism for selecting a firm to prepare information on the function and design parameters of the Seneca Maintenance and Dispatch Building, which documents will then be the basis for soliciting bids for the design/construction of the building.

Firms not currently on the Commission's prequalification should submit a letter stating interest and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating interest and the necessary information, if any, to update the prior prequalification.

Please submit letters with prequalification or updated information within seven days of this notice to the Deputy Chief Administrator at the Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 55101. Inquiries regarding the solicitation should be directed to Mr. Ray Payne, Acting Director of Engineering, at 612-222-8423.

By Order Of
Louis J. Breimhurst
Deputy Chief Administrator

Pollution Control Agency Solid and Hazardous Waste Division

Notice to Solicit Participation by Public and Private Facilities Interested in a Program of Burning Waste Tires as a Fuel Source

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking facilities which are interested in the utilization of waste tires as a fuel source. Pursuant to Minnesota Laws 1984, Chapter 654, Article 2, Section 13h, the MPCA will be preparing a report evaluating the feasibility of using waste tires as a long-term fuel source for various types of facilities. In developing this report the MPCA intends to evaluate specific facilities for feasibility. As part of this evaluation

OFFICIAL NOTICES

selected facilities might need to assist in conducting test burns, making measurements, and preparing a report describing the test results and the feasibility of using waste tires as a long-term fuel source.

The MPCA requests facilities interested in participating in this study to contact Andrew Ronchak at the address listed below or at 612/296-7774, during regular business hours.

Andrew Ronchak
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113

Expressions of interest will be accepted until October 12, 1984.

September 14, 1984

Thomas J. Kalitowski
Executive Director

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825 T.H.s 6, 75, 261, 277; Nobles County Road

Order No. 69344

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, and 69270 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 6 — From North Jct. T.H. 1 to Jct. T.H. 71 (Big Falls) (effective 12/1).

T.H. 75 — From South State Line (Iowa Border) to Jct. I-90 (effective 5/15).

T.H. 261 — From Lester Prairie to Winsted (effective 5/15).

T.H. 277 — From Jct. T.H. 7 to Glueck (effective 5/15).

COUNTY ROADS

Nobles — C.S.A.H. 33 from south Jct. T.H. 60 to north Jct. T.H. 60 (effective 5/15).

September 12, 1984

Richard P. Braun
Commissioner

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825, T.H. 32

Order No. 69353

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 69270 and 69344 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

STATE CONTRACTS

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 32 — From Hitterdal Elevator in Hitterdal to Jct. T.H. 10 (effective July 15 each year).

September 17, 1984

Robert J. MacDonald
Deputy Commissioner
for Richard P. Braun
Commissioner

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.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
02-310-13446	Reroof Mechanic Arts High School	Administration— Mechanic Arts High School	St. Paul	Contact buyer
26-071-16748	Purchase of Portable Computers	St. Cloud State University	Same	Contact buyer
26-137-03006	Purchase of Terminals	Southwest State University	Same	Contact buyer
29-004-05762	Used Trucks	Natural Resources	St. Paul	Contact buyer
78-620-20487	Hot Rolled Steel Sheets	MN Correctional Facility	Stillwater	Contact buyer
02-430-44554	Tone & Voice Radio Pagers	Transportation	Same	Contact buyer
29-000-36348 & 36347	Lease/Purch. Word Processing System	Natural Resources	St. Paul	Contact buyer
77-900-08886	Chain Link Fencing for Coyote Enclosure	MN Zoo	Apple Valley	Contact buyer
77-900-08887	Utilities & Sitework for Coyote Enclosure	MN Zoo	Apple Valley	Contact buyer
65-300-02624, 1890	SJIS Civil Transaction Form	Supreme Court	St. Paul	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-071-14617	Function Generator	Mankato University	Mankato	Contact buyer
27-151-43093	Wall Mounted Wheelchair Lift	Minneapolis Community College	Minneapolis	Contact buyer
78-620-20431	Collision Repair System	MN Correctional Facility	Stillwater	Contact buyer
29-000-36635-36	Reconnaissance Flight—Aerial Spraying	Natural Resources	St. Paul	Contact buyer
79-000-44136	Rental of Photocopy Machines	Transportation	St. Paul	Contact buyer
12-100-80370	Rental of Photocopy Machines	Health	Various	Contact buyer
67-270-10190, 2776	Printed Envelopes	Revenue	St. Paul	Contact buyer
37-030-98818	Duplication of Cassette Tapes	Education	St. Paul	Contact buyer
07-500-31382 Rebid	Single Engine Aircraft	Public Safety—State Patrol	St. Paul	Contact buyer
Sch. 61	Electrical Supplies	Various Agencies	Various Agencies	Contact buyer
55-000-89836	Canned Pop Machines	Human Services—Services for the Blind	Fridley	Contact buyer
02-410-43858	Purchase of Squeezplexors	Administration—Information Services Bureau	St. Paul	Contact buyer
79-000-44436	Transmitter	Transportation	St. Paul	Contact buyer
02-310-13295	Carpeting—Rebid	MN Home School	Sauk Centre	Contact buyer
22-400-00546, 1780 Contract	Arts and Attractions Guide Handicraft & Occupational Therapy Supplies	Tourism	St. Paul	Contact buyer
78-830-07097	Rental of Photocopy Machine	Various	Various	—
55-105-06619	Rental of Photocopy Machine	MN Correctional Facility	St. Cloud	Contact buyer
79-000-44191	Slope Indicator Equipment	St. Peter State Hospital	St. Peter	Contact buyer
02-307-44996	Par-ex	Transportation	Materials Office G29B Trans. Bldg.—St. Paul	Contact buyer
Contract	Photographic Film Processing—Rebid	Administration/Plant Mgmt.	St. Paul	Contact buyer
30-000-14707 & 08	Purchase of Photocopy Machines	Various	Various	3500.-4000.
Pest Control	Pest Control	State Planning Agency	Same	Contact buyer
01-000-04077	Rebrick & Repair Boilers	Various	Various	Contact buyer
		Military Affairs	Various	Contact buyer

Contact the receptionist at 296-2513 for referral to specific buyers.

Department of Finance

Request for Proposals Regarding the Selection of a Financial Advisor for the Development of a Master Lease Program

I. Introduction

The State of Minnesota is seeking to implement a Master Lease Program. This program would provide by a single contract the payment for the acquisition of various equipment items to be used by various state agencies and departments. The Departments of Finance and Administration and the Attorney General's Office are working jointly to implement the program. The Financial Advisor would work with these state agencies to assist in the development of the Master Lease.

II. Purpose and Duties

The Financial Advisor would help in structuring the Master Lease. Included would be the following:

- A. What equipment should be included.
- B. The expected life of the equipment included.
- C. Which existing leases could be refunded.
- D. The form of the debt and sale procedures.
 - 1) Fixed rate or variable rate.
 - 2) Competitive sale or negotiated sale.
 - 3) Maturity Schedule.
 - 4) Agency repayment schedules.
- E. Work with bond counsel on legal documents.

III. Preparation of Financial Advisor Proposals

Each Financial Advisor is to respond to the following:

- A. Your prior involvement in developing a Master Lease for governmental agencies. Indicate:
 - 1) The names of the agencies.
 - 2) Dates.
 - 3) Amount of the Master Lease.
 - 4) Your role in structuring the Master Lease.

B. At least 2 references of governmental agencies from A above. Include the name, address and telephone number of the contact person.

- C. Your proposed approach to develop a Master Lease.
- D. State your interpretation of the required duties.
- E. State your costs of providing the service.
- F. Provide the name of a contact person within your company and a phone number.

IV. Timetable

<u>Event</u>	<u>Date</u>
RFP issued to Financial Advisors	September 24, 1984
Financial Advisors Proposals Due	October 15, 1984
Evaluation and Interviews	October 15-31, 1984
Financial Advisor Selected	November 1, 1984

V. Information Contact

STATE CONTRACTS

For additional information contact—after October 1, 1984

Peter Sausen
Department of Finance
State of Minnesota
309 Administration Building
St. Paul, MN 55155
(612) 296-8372

VI. Proposal Selection

A. Nature of Procurement

This procurement is undertaken by the State pursuant to the provisions of M.S. § 16.098. As such it is not governed by strict competitive bidding requirements frequently associated with the purchase of supplies and materials by the State.

Accordingly, the State shall select the consultant whose proposal demonstrates clear capability to best fulfill the purposes of the RFP in a cost effective manner. The State reserves the right to accept or reject proposals in whole or in part and to negotiate separately as necessary to serve the best interests of the State of Minnesota.

B. Selection Criteria

- 1) Knowledge of Master Leases.
- 2) Ability by past experiences to structure a Master Lease.
- 3) Costs.
- 4) Results of in person interviews.

VII. Additional Proposal and Contract Requirements

A. Duration of Offer

All proposals must indicate that they are valid for a minimum of ninety (90) calendar days.

B. Public Status of Proposals Submitted

Pursuant to Minnesota law, all proposals submitted in response to this RFP shall become the property of the State of Minnesota. Such proposals shall also constitute public records and shall be available for viewing and reproduction by any person.

C. Contractual Terms

The contract resulting from this procurement shall, in addition to terms negotiated by the parties, contain the terms and conditions set forth in State of Minnesota Form 1051.

Iron Range Resources and Rehabilitation Board

Request for Proposal for Bids on Insurance Coverage(s) for the Giant's Ridge Recreation Area

The Iron Range Resources and Rehabilitation Board is seeking proposals from Minnesota insurance carriers for bids on insurance coverage(s) for the Giant's Ridge Recreation Area, located in the Town of White, near Biwabik, Minnesota.

For the formal request for proposal documents, interested parties should contact:

Mr. Mike Gentile, Director
Giant's Ridge Recreation Area
Iron Range Resources and Rehabilitation Board
P.O. Box 441
Eveleth, MN 55734
Phone: 218-865-4620—Giant's Ridge, Biwabik, MN
218-744-2993—IRRRB Administration Building, Eveleth, MN

Proposals must be submitted no later than noon, October 10, 1984, at the IRRRB Administration Building, located adjacent to and west of Highway #53, four miles south of Eveleth, Minnesota.

Lawyer Trust Account Board

Notice of Grant Cycle, January 1, 1985 to June 30, 1985

The Minnesota Supreme Court has established a program to use the interest on lawyer trust accounts to improve the delivery of legal services to the poor, to promote the development of law-related education for the public, and to develop programs to enhance the administration of justice.

The Lawyer Trust Account Board has announced a grant program to distribute funds to projects in any of the three program areas. The Board will support not only traditional approaches, but will encourage projects that show innovative approaches to recognized needs throughout the state. The Board is soliciting proposals. For application information, contact the Executive Director, 300 Legal Education Center, 40 North Milton Street, St. Paul, MN 55104. The application deadline is October 31, 1984.

August 27, 1984

Minnesota Community College System

Request for Proposals for Computer Services

The Minnesota Community College System is seeking proposals from qualified firms to provide assistance in the upgrade of computing services to the eighteen (18) community colleges located throughout the state, and to the Chancellor's office located in St. Paul. The Minnesota Community College System currently provides a broad range of computing services in an IBM environment in support of instruction, administration, and community service. It is the intent of MCCS to provide enhanced computing support, initially in the student services area.

SCOPE OF PROJECT

The Minnesota Community College System desires to acquire and implement an integrated, data base managed, student information system on its IBM 4341 Group 2 computer. The System also desires to acquire management and technical assistance in the performance of this effort. The project is to support the management and operational student information requirements the Chancellor's Office, and to integrate the student system with other system-wide data bases.

EVALUATION OF QUALIFICATION STATEMENTS

Organizations desiring to submit proposals must satisfy all of the following criteria:

- Expertise and experience in developing and implementing data base managed systems on IBM equipment supporting administrative functions in an integrated manner. The student system to be implemented must support management and operational information requirements in support of registration, grading, classroom utilization, catalogue and class schedule development, financial aid, student assessment, and student accounts receivable.
- Expertise and experience in providing consulting assistance to similar educational institutions in the areas of facility planning, computer center management, academic computing and administrative systems.
- Experience and expertise in providing training assistance in the implementation and use of administrative applications.
- Previous depth of experience in developing computer networks for college systems supporting administrative applications consistent with current hardware and communicating capabilities.
- The firm's approach to implementation and support must be defined and will be a key factor in evaluating proposals.

Deadline for receipt of proposals is October 8, 1984 at 3 p.m. A copy of the Request for Proposals may be obtained from William B. Oatey, Director of Information Services, 301 Capitol Square Building, 550 Cedar St., St. Paul, MN 55101. Phone: (612) 296-3960

SUPREME COURT

Decisions of the Court of Appeals Filed Tuesday, September 11, 1984

Compiled by Wayne O. Tschimperle, Clerk

C5-84-49 Tonka Tours, Inc., Appellant, v. Jay Chadima, Jack Harris, et al. Dakota County.

Appellant's authorization of repairs after delivery of boat constituted an acceptance under Minn. Stat. § 336.2-606 (c) (1982) precluding rejection under Minn. Stat. § 336.2-602 (1982).

The parties' conduct did not modify their sales agreement or extinguish respondents' obligation to make repairs.

Reversed and remanded. Popovich, C.J.

C3-83-1772 Marian Schatz v. Cynthia Davis, Appellant. Le Sueur County.

Trial court's finding that appellant was guilty of unlawful detention and possession of real property was not clearly erroneous. The issue whether appellant was entitled to written notice to quit and vacate was not preserved for appeal.

Affirmed. Popovich, C.J.

C6-84-724 Jean Kaczor, Trustee for the Heirs of Steven Kaczor, Decedent, Appellant, v. James Murrow and The Brainerd Dispatch Newspapers, Inc. Crow Wing County.

A driver obeying all applicable traffic safety laws has no duty to warn a following driver of a potentially dangerous passing situation.

Affirmed. Parker, J.

C7-84-165 Howard Maurice Wesley, Appellant, v. Commissioner of Public Safety. Hennepin County.

The 30-day limitation on filing of a petition for judicial review of the Commissioner's order of driver's license revocation is jurisdictional.

Affirmed. Parker, J.

C2-84-638 State Farm Mutual Automobile Insurance Company, Appellant, v. Nancy Galloway. Hennepin County.

An insurance policy provision denying coverage for an uninsured motorist claim if the insured settles, without the insurer's written consent, with any person who or organization which may be liable for the bodily injury, is void as against public policies of the Minnesota No-Fault Automobile Insurance Act, Minn. Stat. §§ 65B.41-.71 (1982).

Consent-to-settlement provisions in insurance policies are invalid because they reduce the uninsured motorist coverage which an insurer is statutorily required to provide under Minn. Stat. § 65B.49, subd. 4(1).

Since an insurer's subrogation right does not arise until an insurer has paid benefits to its insured, release of joint tortfeasors by the insured before payment of benefits does not bar insured's claim for uninsured benefits.

An uninsured motorist insurer must pay to its insured that portion of damages attributable to the uninsured motorist's proportionate share of liability.

Affirmed. Parker, J.

C4-84-530 In Re: Estate of Marie M. O'Keefe, Deceased. Hennepin County.

The claim of a county against the estate of a recipient of medical assistance may be applied to the homestead for aid rendered prior to revocation of the homestead exemption.

Affirmed. Parker, J.

CX-84-712 Alexander Construction Company, Inc., v. C & H Contracting, Inc., City of Maplewood, Appellant, and American Druggists' Insurance Company, Defendant and Third-Party Plaintiff, Appellant, v. Duane Halstad, et al. Ramsey County.

The subcontractor's notice of claim was timely because it was filed before the city council resolved to accept the construction project. Earlier completion and use of the project did not constitute acceptance.

The trial court did not err in awarding the subcontractor attorneys' fees and prejudgment interest.

Affirmed as modified. Parker, J.

C3-84-308 State of Minnesota v. Willie Darrell Trotter, Appellant. Hennepin County.

Evidence was sufficient to convict defendant of criminal sexual conduct in the third degree and kidnapping.

Affirmed. Foley, J.

C0-83-1924 State of Minnesota, City of Minneapolis v. Donald Doherty Johnson, Appellant. Hennepin County.

The trial court did not err in permitting appellant to waive his right to a trial by jury and appellant was not prejudiced by his uncounseled decision to take the stand and testify on his own behalf.

Affirmed. Foley, J.

C6-84-481 Minnesota Department of Natural Resources, Appellant, v. City of Waterville and Joseph G. Poehler. Le Sueur County.

A municipal "shoreland ordinance," which refers to boundaries of a nonexistent official shorelands map, is so vague and uncertain as to be void.

Affirmed. Wozniak, J.

C8-84-546 State of Minnesota v. Terry Stacey, Appellant. Blue Earth County.

No felony point is generated in appellant's criminal history score from a six-month prison sentence for a federal conviction even if the federal offense is deemed a felony under federal law.

Modified. Wozniak, J.

C1-83-2015 Mike's Fixtures, Inc., Appellant, v. Bombard's Access Floor Systems, Inc. Hennepin County.

Joint and several liability for damages in contract actions only applies where two persons independently and unintentionally breach separate contracts, closely related in point of time, to the same person and it is not reasonably possible to make a division of the damages caused by the separate breaches.

The definition of "fault" in the comparative fault statute does not apply generally to contract actions.

Affirm as modified. Sedgwick, J.

C4-83-1926 In the Matter of the Welfare of: A.J.M. Hennepin County.

Information in the application for a search warrant obtained from an unnamed concerned citizen was adequately corroborated by other stated facts and was not invalid because of staleness.

Affirmed. Sedgwick, J.

C5-83-1806, C7-83-1855 Robert N. Schmalz, Executor of the Estate of Jeanette Opsahl Vickery, and Marjorie Ironside Barnes v. Vera Maxwell, Appellant, (C5-83-1806), Betty Allen, Appellant, (C7-83-1855).

Defendant was not deprived of a fair trial because the trial judge required her co-defendant to adhere to the rules of evidence. Damages were not based in speculation and conjecture, nor were they the result of passion or prejudice.

The trial judge properly ruled on the authenticity of a signature even though the issue of forgery was not presented and no notice was given to defendant that a handwriting analysis would be performed.

Affirmed. Sedgwick, J.

C8-84-272 Steven W. Zieminski, et al., v. Raymond Caauwe, et al., Appellants. Douglas County.

A jury's special verdict finding no permanent injury to the respondent and awarding \$65,000 in damages is not inconsistent because the jury also found medical expenses in excess of the no-fault tort threshold.

A jury award of \$65,000 is not excessive as a matter of law when the medical evidence, at a minimum, shows that respondent sustained a severe, chronic neck injury.

Affirmed. Lansing, J.

C1-84-341 In the Matter of the Welfare of: V.R., P.R., and L.R. Hennepin County.

The trial court's denial of appellant's motion for a continuance of a dependency and neglect trial was not an abuse of its discretion which prejudiced the appellants by materially affecting the outcome of the trial.

The trial court's denial of appellant's motion for a new trial or, in the alternative, for reopening of the trial to permit introduction of testimony of additional witnesses not previously called and to recall a minor for recross-examination was not an abuse of the court's discretion.

The conclusion of the court that a minor was a neglected child was supported by clear and convincing evidence where minor

SUPREME COURT

maintained the truth of her report of sexual abuse by her father over many months, even though she was ostracized from her family, was subjected to a restraining order to prevent her from seeing her family, a psychologist who evaluated the minor believed she had been sexually abused, and there was no showing that the minor's testimony was inconsistent.

A finding that an older daughter was sexually abused by her adoptive father is insufficient to sustain a finding by the court that two younger daughters are neglected absent any other evidence of neglect on the record.

Affirmed in part and vacated in part. Huspeni, J.

C1-84-873 Sharon Liess, Appellant, v. Norma G. Lindemyer, Frnak Kreiser Real Estate, Inc. Hennepin County.

The determination of reasonable attorney's fees under the Minnesota private attorney general statute requires the court to consider the statute's underlying policies.

Remanded. Huspeni, J.

C5-84-391 Peoples National Bank of Mora, Appellant, v. Donald E. Boyer and Dorothy M. Boyer. Kanabec County.

Notes issued as substitutes for guaranteed notes are not binding on the guarantors, who did not sign as guarantors in the new notes.

Affirmed. Huspeni, J.

C7-84-649 Norwest Bank Hastings National Association, v. Louis Franzmeier and Dorothy M. Franzmeier, Appellants. Dakota County.

A mortgagee is entitled to a deficiency judgment in a foreclosure by action proceeding where the statutory period of redemption is six months.

Affirmed. Leslie, J.

C1-84-422 Brent James Wahl, Petitioner, Appellant, v. Commissioner of Public Safety. Lyon County.

Where an officer asks a driver to accompany him to the police station after the driver failed field sobriety tests, a reasonable driver would conclude that he was under arrest and, therefore, the record supports the trial court's finding that the driver was arrested before he consented to testing.

Affirmed. Nierengarten, J.

C3-84-776 In Re: the Marriage of: Janet E. Edelman, Petitioner, v. Stanley A. Edelman, Appellant, Hubbard County.

The trial court did not err in interpreting a judgment of dissolution and awarding the wife one-fourth of the parcel of land owned jointly by the parties.

Affirmed. Randall, J.

C5-84-486 Rose Ellen Johns, Petitioner, v. Joseph Charles Johns, Appellant. Lyon County.

The trial court did not err in its division of the parties' property.

Affirmed. Randall, J.

C8-84-661 State of Minnesota v. Heardian Robert Montjoy, Appellant. Dakota County.

When the period for appeal from an authorized prison sentence has expired, the trial court cannot increase the term of the sentence.

Reversed. Crippen, J.

C9-84-507 Baldinger Baking Company, Relator, v. Dean Stepan, Commissioner of Economic Security. Department of Economic Security.

Minn. Stat. § 268.10, subd. 1(3) (b) does not afford an additional review for an employer who has not filed a timely appeal from a determination of a claims deputy.

Affirmed. Crippen, J.

Memorandum Opinion and Order

C6-84-1033 State of Minnesota v. Michael Dean Myhro, Appellant. Anoka County.

In a criminal matter an order denying a motion for judgment of acquittal and motion for a new trial, is not directly appealable, but may be reviewed on appeal from the judgment.

Dismissed. Popovich, C.J.

Decisions of the Supreme Court Filed Friday, September 14, 1984

Compiled by Wayne O. Tschimperle, Clerk

CX-83-1204 Homer A. Bonhiver and Moira Bonhiver, Appellants, v. Fugelso, Porter, Simich and Whiteman, Inc., Wille Construction Company, Regents for University of Minnesota. St. Louis County.

Specific provision in Minn. Stat. § 573.02, subd. 1 (1976), concerning previously initiated personal injury suits is an exclusion to general provision that suit must be brought within 3 years.

Respondents have not demonstrated the prejudice necessary to dismiss appellant's claim for failure to prosecute.

Trial court's dismissal of appellant's loss of consortium claim as derivative was clearly erroneous.

Reversed and remanded. Amdahl, C.J.

Took no part, Kelley, J.

C3-83-282, C5-83-283, C9-83-884 John Burma, Deceased, and Barbara Burke, Guardian of John Burma, Incompetent, Charles Stransky, Appellant (C5-83-283); Jadco Special Haulers, Inc. Travelers Insurance Company, Appellant, (C9-83-884); and David J. Morris, Appellants, (C3-83-282); State Farm Insurance Company, Jay L. Bennett and Deborah Carlson, State Surety Company, Minnesota Department of Public Welfare. Pine County.

The district court, in this collateral proceeding, had jurisdiction to determine whether lack of notice to nearest kindred, which appeared affirmatively on the face of the record, was a jurisdictional defect in the guardianship proceeding in probate court.

Lack of notice to nearest kindred of a guardianship hearing required by Minn. Stat. § 525.55 (1978), did not deprive the probate court of jurisdiction to appoint a guardian where the ward received proper notice under that statute.

The district court, in granting defendants' motions for summary judgment, made determinations on the merits and could not thereafter dismiss without prejudice the claims with regard to which those determinations were made.

Reversed in part, affirmed in part, and remanded. Wahl, J.

Took no part, Coyne, J.

C4-83-386 State of Minnesota v. Craig Thomas Seifert, Appellant. St. Louis County.

Evidence of defendant's guilt of procuring a controlled substance by fraud was sufficient.

Record on appeal fails to mandate conclusion that defendant's trial counsel failed to represent him effectively.

Affirmed. Wahl, J.

C4-82-1463 State of Minnesota v. Todd W. Beckman, Appellant. Winona County.

Trial court in robbery prosecution did not err in refusing to suppress defendant's confession, which defendant claims was the fruit of an illegal arrest, was obtained in violation of *Miranda*, and was involuntary.

Affirmed, Wahl, J.

C6-83-423 Patrick Gerald Windschitl v. Commissioner of Public Safety, Appellant. Brown County.

A police officer who makes a lawful arrest outside his jurisdiction pursuant to Minn. Stat. § 629.40, subd. 1 (1982), may administer a preliminary screening test if during the course of the arrest the officer acquires probable cause to believe the individual arrest has been operating a motor vehicle while intoxicated.

Reversed and remanded. Coyne, J.

C5-83-400 State of Minnesota v. Raymond E. Fernow, Appellant. Ramsey County.

Offense of theft by retaining stolen property is a continuing offense for the purpose of the statute of limitations.

A criminal defendant is entitled to have all the elements of the offense submitted to the jury.

Affirmed. Coyne, J.

Orders Filed September 4, 1984

C8-84-1440 In the Matter of the Application for the Discipline of Edward M. Cohen, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Amdahl, C.J.

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CX-84-127 In the Matter of the Application for the Discipline of John R. Krouss, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely Suspended with exceptions, Amdahl, C.J.

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 Tax Court County of Ramsey, Regular Division

**Charles H. Palda, Jr. and Nancy J. Palda, Appellants, v. Commissioner of Revenue,
Appellee, Docket No 3994**

Findings of Fact, Conclusions of Law, and Order for Judgment

The above matter was submitted to the Minnesota Tax Court, Judge Carl A. Jensen presiding, on the basis of a Stipulation of Facts agreed to by the parties.

Appellants are represented by Bruce C. Eckholm, attorney at law.

Appellee is represented by Ronald E. Hunter, Special Assistant Attorney General.

Syllabus

The words in the Farm Loss Modification Statute "arising from a farm" are to be broadly construed and include income and expenses arising out of the racing of horses.

Findings of Fact

1. Appellants are married, cash basis taxpayers, who reside in St. Paul, Minnesota. They timely filed joint Minnesota income tax returns for the years 1980 and 1981.

2. Mr. Palda is an engineer, employed by the general contracting company he owns. His gross income was \$126,000.00 in 1980 and \$29,900 in 1981.

3. Mrs. Palda is a housewife and the owner of N. J. Palda Stable, a horse racing activity operated from Appellants' St. Paul home.

4. The gross profits, deductions and net profits reported from Appellants' horse racing activity for the years 1977 through 1981 are as follows:

	<u>Gross Profit</u>	<u>Deductions</u>	<u>Net Profits</u>
1981	(\$ 1,949.25)	\$ 7,614.30	(\$ 9,563.55)
1980	9,467.91	13,865.48	(4,397.57)
1979	16,782.83	29,764.24	(12,981.41)
1978	5,635.63	19,386.49	(13,750.86)
1977	14,505.00	22,046.98	(7,541.98)

5. Appellants purchased, retained for varying periods of time and sold thoroughbred race horses. At any one time during the period in question, they owned from one to two horses and entered most of the horses in races at race tracks in Ohio and Florida.

6. Appellants employed trainers to care for and train their race horses. The services provided by the trainers included training, feeding, grooming, exercising, provision of racing equipment and stall cleaning. Appellants paid their trainers \$9,989.00 in 1980 and \$6,040.00 in 1981.

7. Blacksmith, dentist and veterinarian services for the race horses were arranged and directly paid for by Appellants. Appellants also provided insurance and transportation for their horses.

8. Appellants did not own any land or stables for raising or keeping race horses. Their horses, once approved by track officials, were stabled, at no cost to Appellants, at the race tracks where they were to be raced.

9. All decisions with regard to the purchase and sale of their race horses, the hiring of jockeys, the selection of trainers, miscellaneous services for their horses, and when and where to race their horses were made by Appellants.

10. On their jointly filed Minnesota income tax returns for the period in question, Appellants reduced their non-farm income by the full amount of the loss derived from their horses racing activity. They did not apply Minnesota's Farm Loss Modification provision, Minn. Stat. § 290.09, subd. 29, to determine the deductible amount of their N. J. Palda Stable losses.

11. By Order dated August 26, 1983, the Commissioner of Revenue applied the Farm Loss Modification to Appellants' tax returns for the years 1980 and 1981. This resulted in the adding back of the N. J. Palda Stable losses deducted by Appellants and, thereby, increased their Minnesota taxable income. Appellants' income tax liability was increased by a total of \$2,120.14 (\$704.14 for 1980 and \$1,416.00 for 1981).

12. Appellants have not paid the additional tax assessed or the accrued interest. As of August 26, 1983, Appellants' total unpaid tax was:

	<u>Tax</u>	<u>Interest</u>		<u>Total</u>
1980	\$ 704.14	\$ 238.19	=	\$ 942.33
1981	\$1,416.00	\$ 331.76	=	<u>\$1,747.76</u>
				\$2,690.09

13. Income and expenses in connection with raising, racing, or raising and racing horses are construed as arising from a farm as those words are used in Minn. Stat. § 290.09, subd. 29.

14. The Order of the Commissioner of Revenue dated August 26, 1983, applying the Farm Loss Modification law to Appellants' tax returns for the years 1980 and 1981 should be affirmed.

Conclusions of Law

1. The Order of the Commissioner of Revenue dated August 26, 1983, applying the Farm Loss Modification law to Appellants' tax returns for the years 1980 and 1981 is affirmed.

IT IS SO ORDERED. A STAY OF 15 DAYS IS HEREBY ORDERED.

September 12, 1984

By Order of the Court.
Carl A. Jensen, Judge
Minnesota Tax Court

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