

85, June 24

# STATE REGISTER

STATE OF MINNESOTA

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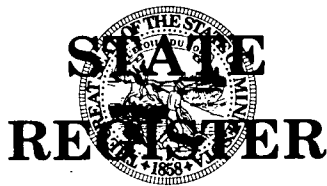
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### Printing Schedule for Agencies

| Issue Number           | *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices | Issue Date     |
|------------------------|---|--|----------------|
| SCHEDULE FOR VOLUME 10 |   |  |                |
| 1                      | Monday June 17  | Monday June 24   | Monday July 1  |
| 2                      | Monday June 24  | Friday June 28   | Monday July 8  |
| 3                      | Friday June 28  | Monday July 8  | Monday July 15 |
| 4                      | Monday July 8   | Monday July 15   | Monday July 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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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:

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- 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.
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#### 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:

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| Issues 1-13, inclusive        | Issue 39, cumulative for 1-39 |
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| 4351.0100-.0800 (adopted) .....   | 990  |
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| 4605.7000-.7800; 4735.0100-.0300 [8 SR 2690]<br>(adopted) .....         | 2584 |
| 4615.0500 (proposed) .....  | 2365 |
| 4620.1800 [Amend] (adopted) .....                                       | 1576 |
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| 4670.1320; .4200-.4240 (adopted) . . . . .   | 1339 | 5221.2900 [Amend] (proposed) . . . . .   | 1035 |
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| 4830.0200-.0700 (adopted) . . . . .  | 991  | 5225.0090-.0300; .0500-.1200; .1350; .2100; .2200;<br>.2400-.2600; .2800; .3100; .3200; .3400; .3500; .4000-.5200;<br>.6000-.6800; .7000; .7250-.7450 (withdrawn) . . . . .                              | 2000 |
| 4830.0300 (proposed) . . . . .   | 1613 | 5230.0100 (proposed) . . . . .   | 726  |
| 4830.0300 (adopted) . . . . .  | 2341 | 5230.0100 [9 SR 726] (withdrawn) . . . . .   | 1097 |
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| 4900.0290-.0296 (proposed) . . . . .   | 552  | 5510.0110-.3210 (adopted) . . . . .  | 735  |
| 4900.0290-.0296 (adopted) . . . . .  | 1249 | <b>BOARD OF MEDICAL EXAMINERS</b>  |      |
| 4900.0293 (proposed) . . . . .   | 1550 | 5600.2600-.2665 (proposed) . . . . .   | 1020 |
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| 4900.0590-.0594 [Emer] (proposed) . . . . .  | 506  | 6000.0100; .0110; .0200; .0400; .0500; .0600; .0700; .0800;<br>.0900; .1000; .1150; .1200; .1310; .1400; .1510; .1600;<br>.1700; .1900; .2210; .2500; .2600; .3000; .3100; .3400<br>(adopted) . . . . .  | 2442 |
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| 4900.0640 (proposed) . . . . .   | 1548 | 6100.5700 (proposed) . . . . .   | 1037 |
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| 4900.1200; .1210 (proposed) . . . . .  | 2400 | 6105.0100; .1681 (adopted) . . . . .   | 296  |
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| 5000.3400-.3600 (proposed) . . . . .   | 1306 | 6500.0900-.1100; .1500; .1600; .2000; .2100; .2300-.2400<br>(adopted) . . . . .  | 1690 |
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| 7045.0020; .0261; .0302; .0476; .0582 (adopted) .....  | 2118 |
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| 8105.0100-.9900 [Emer] (adopted) .....  | 555  |
| 8105.0100-.9900 [Emer] (extended) ..... | 1754 |
| 8105.0400 [Emer] (proposed) .....       | 2336 |
| 8105.0400 [Emer] (adopted) .....        | 2756 |
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| 8300.0100; .0300; .0500-.0600; .1000-.1200;<br>.1500-.2200 (proposed) .....  | 111  |
| 8300.2400 [Emer] (proposed) .....  | 315  |
| 8300.2400 [Emer] (adopted) .....   | 734  |
| 8300.2500-.2509 (proposed) .....   | 822  |
| 8300.2500-.2509 (adopted) .....  | 1614 |
| 8300.3000-.3004 [Emer] (proposed) .....  | 544  |
| 8300.3000-.3004 [Emer] (adopted) .....   | 1190 |
| 8300.3000-.3004 [Emer] (extended) .....  | 2383 |
| 8300.3010-.3035 [Emer] (proposed) .....  | 826  |
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| 8300.3010-.3035 [Emer] (extended) .....  | 2748 |
| 8300.3060-.3070 [Emer] (proposed) .....  | 1996 |
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| 8300.3081; .3090 [Emer] (adopted) .....  | 2700 |
| 8300.3091-.3097 [Emer] (proposed) .....  | 2745 |
| 8300.4010-.4014; .4020-.4038 [Emer] (proposed) .....   | 967  |
| 8300.4010-.4014; .4020-.4038 [Emer] (adopted) .....  | 1815 |
| 8300.4010-.4014; .4020-.4038 [Emer] (extended) .....   | 2748 |
| 8300.4100-.4112 [Emer] (proposed) .....  | 1544 |
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| 8400.0100;.0200;.0300;.0400;.0600;.0700;.0900;<br>.1000;.1100;.1200;.1300;.1400;.1405;.1500;.1600;<br>.1700;.1800;.1950;.2000;.2100;.2200;.2300;.2400;<br>.2500;.2600;.2700;.2705;.2800 [Amend] (adopted) .....  | 2439 |

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|   |      |
|---|------|
| 9200.6000-.6009 [Emer] (adopted) .....                            | 336  |
| 9200.6000-.6011 (proposed) .....                                  | 2271 |
| 9200.8100;.8600;.8700;.8800;.9000;.9100;.9200<br>(proposed) ..... | 660  |
| 9200.8100;.8600;.8700;.8800;.9000;.9100;<br>.9200 (adopted) ..... | 1480 |
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| 9200.9500-.9508 (adopted) .....                                   | 994  |

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|---|------|
| 9500.0031;.0051;.0071;.0081;.0091;.0111;<br>.0331-.0339;.0351-.0353 [Emer] (proposed) ..... | 450  |
| 9500.0031;.0051;.0071;.0081;.0091;.0111;<br>.0331-.0339;.0351-.0353 [Emer] (adopted) .....  | 1190 |
| 9500.0031;.0051;.0071;.0081;.0091;.0111;<br>.0331-.0339;.0351-.0353 [Emer] (extended) ..... | 2175 |
| 9505.0500-.0540 (proposed) .....  | 1027 |
| 9505.0500-.0540 [Errata] .....  | 1265 |
| 9505.0500-.0540 (adopted) .....   | 2296 |
| 9500.0530;.0361;.0531-.0533; 9555.3400-.3408<br>(adopted) .....                             | 593  |
| 9500.1050-.1065 [Emer] (proposed) .....   | 464  |
| 9500.1050-.1065 [Emer] (adopted) .....  | 1203 |

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| 9500.1090-.1155 (proposed) .....        | 1927 |
| 9500.1450-.1475 [Emer] (proposed) ..... | 488  |
| 9500.1450-.1475 [Emer] (adopted) .....  | 2063 |
| 9500.1450-.1475 [Emer] (extended) ..... | 2176 |
| 9505.5000-.5030 [Emer] (proposed) ..... | 500  |
| 9505.5000-.5030 [Emer] (adopted) .....  | 1250 |
| 9505.5000-.5030 [Emer] (extended) ..... | 2176 |
| 9505.5000-.5105 (proposed) .....        | 2367 |
| 9510.1020-.1140 [Emer] (proposed) ..... | 379  |
| 9510.1020-.1140 [Emer] (adopted) .....  | 1062 |
| 9510.1020-.1140 [Emer] (extended) ..... | 2176 |
| 9525.0015-.0145 [Emer] (proposed) ..... | 470  |
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| 9525.0015-.0145 (proposed) .....        | 2632 |
| 9525.1200-.1330 (proposed) .....        | 2094 |
| 9525.1800-.1930 [Emer] (proposed) ..... | 317  |
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| 9549.0050-.0059 [Temp] (adopted) .....  | 2669 |
| 9550.0010-.0092 (proposed) .....        | 2566 |
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| 9555.3410-.3412 [Emer] (extended) ..... | 2177 |
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| 9555.3415 [Emer] (adopted) .....        | 1968 |
| 9555.3415 [Emer] (extended) .....       | 2175 |
| 9555.3417 [Emer] (proposed) .....       | 482  |
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| 9555.3417 [Emer] (extended) .....       | 2176 |
| 9575.0300;.1500 (proposed) .....        | 643  |
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# EXECUTIVE ORDERS

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## Executive Order No. 85-13

### Providing for the Establishment of the Governor's Council on Fire Prevention and Control; Repealing Executive Order No. 83-9

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, it is vital for state government to encourage the development of the best possible fire protection for the people of the State of Minnesota; and

WHEREAS, to achieve this goal requires a concerted effort to improve existing delivery systems at state, federal, and local levels and to provide new services and directions; and

WHEREAS, there presently exists a complex array of agencies and organizations involved in the delivery of fire prevention and control services in Minnesota; and

WHEREAS, no single state agency coordinates the delivery of these services; and

WHEREAS, Minnesota can improve the coordination, quantity, and quality of the delivery of these services by creating a liaison body to the United States Fire Administration;

NOW, THEREFORE, I order:

1. That there be established the Governor's Council on Fire Prevention and Control, consisting of fifteen members to be appointed by the Commissioner of Public Safety. Members shall be representatives of persons employed in the fire prevention and control occupations, persons engaged in teaching fire prevention and control, representatives of state and municipal government units, and other special interest groups involved in fire prevention and control on a permanent basis. The following individuals or their designees shall serve in an ex-officio, non-voting capacity: the Director of the State Board of Vocational Technical Education, the Director of the Division of Forestry in the Department of Natural Resources, the Director of the State Building Code Division in the Department of Administration, the Director of the Division of Emergency Services in the Department of Public Safety, the State Fire Marshal, and the Director of the University of Minnesota Fire Center.

2. That membership terms, removal of members, compensation of members, and filling of vacancies be in accordance with Minnesota Statutes 1984, Section 15.0593.

3. That the Council advise the Governor, the Commissioner of Public Safety, and other state agencies and political subdivisions of the development, administration, and scope of fire protection research and fire prevention and control; the needs of Minnesota fire suppression and control services; and the development and provision of coordinated program of education and training for such fire suppression and control services and for the general public.

4. That the Council, in performing its duties, shall receive assistance from the Minnesota State Fire Marshal, the Minnesota Board of Vocational Technical Education, and other state agencies where appropriate.

5. That the Council shall serve as Minnesota's principal contact with the United States Fire Administration for purposes of the application and receipt of federal funds issued by the United States Fire Administration and shall facilitate direct and accurate communication with the United States Fire Administration. The Council shall disburse such funds to carry out the purposes for which the funds are received in accordance with all laws of the state except where federal laws, rules, or regulations differ.

6. That this Order does not preclude other state agencies from applying for, receiving, accepting, and expending funds available through the above-named federal agency where said agencies are authorized under law and independently of this Order to accept such funds.

This Order repeals Executive Order No. 83-9.

Pursuant to Minnesota Statutes 1984, Section 4.035, this Order shall be effective 15 days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I hereunto set my hands this Fourth day of June, 1985.



## 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 Agriculture

### Proposed Rule Relating to Seed Variety Labels

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

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rule without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule, and shall have 30 days to do so. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

**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

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Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit them to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt this rule is contained in Minnesota Statutes, Sections 21.85, subd. 11 and 21.82, subd. 2. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed amendment has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final 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 rule as adopted, should submit a written statement of such request to Mr. Heil.

The Department is authorized by Minnesota Statutes, Section 21.85, subd. 11, to adopt rules to properly enforce the seed law, and Minnesota Statutes, section 21.82, subd. 2, specifically directs the Department to adopt rules to designate which seeds are required to be labeled as to variety.

The proposed rule will eliminate an unfair market place advantage held by some small seed businesses caused by a loophole in the U.S. Plant Variety Protection Act. The rule will provide more for competition among small seed businesses.

One free copy of this notice and the proposed rule are available and may be obtained by contacting Mr. Heil.

June 5, 1985

Jim Nichols  
Commissioner of Agriculture

### Rule as Proposed (all new material)

#### 1510.0011 LABELING VARIETY, VARIETY NOT STATED, AND BRAND; EXAMPLES.

**Subpart 1. Definition; brand.** As used in this part, "brand" means a word, mark, or picture representing a trademark or a term taken from a trademark which indicates the owner, originator, or labeler of the seed and does not indicate the genetic identity of the seed.

**Subp. 2. Labeling variety.** In accordance with Minnesota Statutes, section 21.82, subdivision 2, paragraph (a), the commissioner designates that all kinds of agricultural and vegetable seed must be labeled to show the variety name unless otherwise specified in subpart 3.

**Subp. 3. Labeling variety not stated.** Unless otherwise specified in this subpart, the words "variety not stated" must be shown on agricultural seed labels if any of the following circumstances exist:

A. the variety name is not known for a nonhybrid seed and it cannot be determined by examining the seed and records of the seed lot;

B. the variety name is known for a nonhybrid biennial or perennial seed, in which case the variety name may be omitted from the seed label but only when written permission to do so is signed by the owner or originator and is part of the record for the seed lot;

C. two or more varieties are combined to form a blend, in which case the variety names and the percentages by weight of the components together may be omitted from the seed label but only when information concerning the varieties used and the proportion of each in the blend is part of the record for the seed lot; or

D. lawn and turf grass seeds are sold in mixtures, in which case the variety name and the words "variety not stated" may be omitted from the seed label if none of the components are listed and sold by brand name.

**Subp. 4. Labeling brands.** When agricultural seed is labeled with a brand, trademark, or term taken from a brand or trademark, the seed label must clearly identify the term with the word "brand" and as being other than part of the variety name.

**Subp. 5. Examples.** The examples in this subpart indicate the required arrangements of terms used to label variety, variety not stated, and brand. The size type used to indicate the kind name on the seed label must also be used for all other terms specified in the examples.

A. When the variety name is stated, the terms designating the kind and variety may appear in any order but must be in close proximity to each other.



B. When both a brand and variety name are stated, the terms must be shown in the following order from left to right to top to bottom: the brand name, the word "brand," the variety name, and the kind name.

C. When a brand name but no variety name is stated, the terms must be shown on the seed label in the following order from left to right or top to bottom: the brand name, the word "brand," the kind name, and the words "variety not stated." If the seed offered for sale is a blend, the word "blend" must be inserted between the kind name and the words "varieties not stated."

**EFFECTIVE DATE.** Part 1510.0011 is effective July 1, 1987.

## Department of Commerce

### **Proposed Rules Relating to the Market Assistance Plan for Liquor Liability Assistance; and Proposed Rules Relating to the Liquor Liability Assigned Risk Plan**

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

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing unless twenty-five more persons submit written requests for a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 14.21-14.28.

PLEASE NOTE, HOWEVER, 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 PURSUANT TO MINNESOTA STATUTES SECTION 14.14-14.20 AND IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED ON THIS DATE.

Persons or groups interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed rule.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 14.14-14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, telephone (612) 296-5689 Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her or his name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, Section 340.11 subdivisions 21 and 23 and Section 45.023. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available from the Department upon request.

Pursuant to Minnesota Laws 1983, chapter 188 codified as Minnesota Statutes Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness. The rules will affect liquor vendors who are in most cases small businesses in respect to obtaining liquor liability insurance. Insurers will be affected by the rules but are generally not small businesses and will only be affected if there is an assessment; then their involvement will be pro-rated according to their size so that if they are a small business they will only be burdened in proportion to their size.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form

**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

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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 rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

The text of the proposed rules appear in this *State Register*. Copies of this notice and the proposed rules are available and may be obtained by contacting Richard G. Gomsrud, Department Counsel, at the above address.

Michael A. Hatch  
Commissioner of Commerce

### Notice of Hearing

Notice is given that a public hearing will be held pursuant to Minnesota Statute Section 14.14, subdivision 1 (1984), in the above-entitled matter in the Large Hearing Room, 500 Metro Square Building, St. Paul, Minnesota 55101, on August 15, 1985, at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements, briefs or written material may be submitted within the comment period described in this notice without appearing at the hearing by sending them to Administrative Law Judge, George Beck, 4th Floor, Summit Bank Building, 310-4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601. The rule hearing procedure is governed by Minnesota Statute Section 14.14-14.20 and by Minnesota Rules Parts 1400.0200-1400.1200, as amended (Amended Rules published at 9 S.R. 2276). Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED THE SAME DATE AS THIS NOTICE.

The Commissioner proposes to adopt rules relating to The Liquor Liability Assigned Risk Plan and Rules Relating to the Liquor Liability Market Assistance Program. Authority for the adoption of these rules is contained in Minnesota Statute Section 340.11, subdivisions 21 and 23 and Section 45.023. A text of the proposed rules follows this notice in the *State Register*.

The proposed rules, if adopted will govern the operation and other aspects of the liquor liability market assistance program and the liquor liability assigned risk plan.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Department of Commerce and is available at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all of the evidence and arguments which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Department of Commerce or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Pursuant to Minnesota Laws 1983, chapter 188 codified as Minnesota Statute Section 14.155, subdivision 2, the impact on small business has been considered in the promulgation of the rules. The rules will affect liquor vendors who are in most cases small businesses in respect to obtaining liquor liability insurance. Insurers will also be affected by the rules but are generally not small businesses and will only be affected if there is an assessment; then their involvement will be pro-rated according to their size so if they are a small business they will only be burdened in proportion to their size. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to explain the purpose or intended operation of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rule may be modified.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period will be available for review at the Office of Administrative Hearings. Following the five to twenty day comment period, there will be a three-day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three-day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available after which date the Department of Commerce may not take any final action on the rules for a period of five working days. 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. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Department of Commerce at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes chapter 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 Minnesota Statute Section 10A.01, subdivision 11 as an 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 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 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.

One free copy of this notice and the proposed rules may be obtained by contacting Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

June 10, 1985

Michael A. Hatch  
Commissioner of Commerce

### **Rules as Proposed (all new material)**

#### **2782.0100 PURPOSE.**

Parts 2782.0100 to 2782.0800 establish a marketing assistance program to assist liquor licensees in obtaining liquor liability insurance coverage.

#### **2782.0200 DEFINITIONS.**

**Subpart 1. Scope.** For the purposes of parts 2782.0100 to 2782.0800, the terms defined in this part have the meanings given them.

**Subp. 2. Applicant.** "Applicant" means a liquor vendor who makes application to the market assistance plan or the liquor liability assigned risk plan for insurance coverage.

**Subp. 3. Assigned risk plan.** "Assigned risk plan" means the methods and procedures established pursuant to Minnesota Statutes, section 340.11, subdivision 23 to provide liquor liability coverage as required by Minnesota Statutes, section 340.11, subdivision 21 to those liquor vendors unable to obtain coverage through insurance companies.

**Subp. 4. Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

**Subp. 5. Liquor vendor.** "Liquor vendor" means any person required by Minnesota Statutes, section 340.11, subdivision 21 to demonstrate proof of financial responsibility.

**Subp. 6. Market assistance plan.** "Market assistance plan" means the methods and procedures established pursuant to Minnesota Statutes, section 340.11, subdivision 21.

**Subp. 7. Monoline liquor liability policy.** "Monoline liquor liability policy" means an insurance policy for only one type of coverage. In regard to this chapter, it refers to a policy for only liquor liability insurance without any other type of coverage.

**Subp. 8. Multiline liquor liability policy.** "Multiline liquor liability policy" means an insurance policy which includes more than one type of insurance coverage. In regard to this chapter, it refers to liquor liability insurance offered in conjunction with other types of coverage such as general liability insurance, or fire insurance offered in a single package or policy.

#### **2782.0300 MARKETING ASSISTANCE PROGRAM COMMITTEE.**

**Subpart 1. Structure.** A market assistance program committee is created consisting of 12 members appointed by the commissioner of commerce. The commissioner or the commissioner's designated representative shall serve as an ex officio member.

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## PROPOSED RULES

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The commissioner shall appoint four members representing casualty insurance companies; two members who are surplus lines agents or brokers; two members who are insurance agents; two members from the liquor industry; and two public members. If at any time after their appointment a member of the committee through change of employment or similar circumstances no longer is representative of the group he or she was appointed to represent, that member will be deemed to be unable to continue to serve as a member of the committee.

**Subp. 2. Terms and vacancies.** In the event of a member's inability to continue to serve, the commissioner shall appoint a replacement. The committee shall elect a chairperson and a vice chairperson from among the members. The term of each member is one year commencing on the first day of June.

### **2782.0400 MEETINGS.**

The committee shall convene upon the call of the commissioner, the chairperson, or the vice chairperson, or at the request of one-third of the committee members. No quorum requirements are necessary.

### **2782.0500 ELIGIBILITY FOR ASSISTANCE.**

A Minnesota liquor vendor or an insurance agent licensed by the Department of Commerce must submit a copy of the completed assigned risk plan application form to the Department of Commerce. The Department of Commerce will immediately advise the committee of the receipt of the application and forward the copy to the committee at an address the committee designates. Submission of the copy of the application to the Department of Commerce is submission to the market assistance program for all purposes under this chapter or applicable statutes.

### **2782.0600 DISPOSITION OF APPLICATION.**

**Subpart 1. Action upon application.** Upon receipt of an application, the committee or such persons as the committee appoints or designates will immediately review the application to determine what assistance the committee can give. The assistance may include:

- A. discussion with the applicant liquor vendor's most recent underwriter, if any, to determine if the applicant's coverage can be maintained with the most recent carrier;
- B. discussion with other known available insurance markets to determine if any other carrier will accept the applicant;
- C. negotiating extensions of coverage with the most recent carrier or temporary carrier, if possible, to permit additional exploration of insurance markets or accumulation of essential underwriting data; and
- D. referring the application to the first five participating insurers (participants) on the list in subpart 2. Subsequent applications will be sent to the next five participants on a rotating basis. If at any time there are less than ten participants on the master list this item will no longer be utilized.

**Subp. 2. List of participating insurers.** A list of participants shall be prepared and updated at least every two years in the following manner:

- A. The committee will secure a mailing list from the Department of Commerce of every licensed casualty insurer admitted to do business in Minnesota as an eligible surplus lines licensee.
- B. The committee will mail to each admitted casualty insurer and eligible surplus lines licensee an outline of the conditions of participation. The department will assist the committee by including the committee's mailing with any appropriate departmental mailings.
- C. A master list of participants willing to take part in the market assistance program will be created from responses to the initial mailing. The master list will be updated at least every two years pursuant to items A and B. Order on the master list shall be determined by random selection.

**Subp. 3. Referral to participants.** Upon receipt of an application, the committee or such persons as the committee appoints or designates may mail or telex copies of the application to the first five participants on the master list.

**Subp. 4. Quotes.** A participant must quote on at least one out of every three applications submitted to it. Each participant will have the right to individually evaluate the risk the applicant poses and develop a price commensurate with that risk.

**Subp. 5. Rereferral.** If no quote is received from the first five participants on the list, the next five participants on the list shall receive the application and the same procedure shall be followed until a quote is obtained or the list is exhausted. All participants may, if the committee feels it appropriate, be given the application at once.

**Subp. 6. Response from participant.** Participants may provide a quote on the same coverage basis they normally provide liquor liability insurance in Minnesota. Participants will return their quotation or refusal to quote for a monoline liquor liability policy or a multiline liquor liability policy to the committee within ten days. The applicant or the applicant's agent, if any, will be notified of quotations. The agent will then complete the placement of the insurance, if the applicant accepts coverage from a

participant at the price quoted, without need for an agency appointment from that participant. The insurer is not required to pay the agent any commission, but the agent may negotiate a fee with the applicant prior to initial submission of the copy of the application.

**Subp. 7. Limitation on reapplication.** An applicant provided a quotation in accordance with the above procedure will not be eligible to seek additional quotations from the market assistance plan or to obtain coverage from the liquor liability assigned risk plan if the quotation received would not be a notice of refusal for purposes of determining eligibility for participation in the assigned risk plan.

**Subp. 8. Review by full committee.** If the procedures in subparts 1 to 7 do not produce a quote, the application may be submitted to the committee. The committee, after reviewing the application, shall proceed as follows:

A. attempt to place the applicant with a single carrier;

B. attempt to arrange coverage on a quota-share basis with a number of carriers; and

C. advise the applicant on where it may engage loss control or consulting services that will enhance its marketability or reduce future premium costs.

**Subp. 9. Disqualification after coverage granted.** If an application is filed with the market assistance program less than 15 business days before the expiration date of the applicant's current insurance coverage, the market assistance program may continue to seek coverage for the applicant after coverage is extended by the assigned risk plan. The market assistance program will have 15 business days from the date of filing of the application with the market assistance program to obtain an offer of coverage for the applicant. If the market assistance program is able to secure an offer of coverage for the applicant within 15 business days of filing of the application and if the offer of coverage would not otherwise be considered a refusal for purposes of the assigned risk plan, the applicant will be deemed to not be qualified to participate in the assigned risk plan and coverage, if any, shall be terminated.

**Subp. 10. Notification of failure to place.** If the market assistance program does not produce a quota, it shall advise the submitting agent or the applicant with a copy to the commissioner at least 24 hours before the time the applicant's current insurance coverage terminates. Notwithstanding this subpart the market assistance program may continue to act pursuant to subpart 9. Notice that the market assistance program is continuing to act pursuant to subpart 9 shall be included in the notice required by this subpart.

#### **2782.0700 PROGRAM PARTICIPATION.**

**Subpart 1. Termination.** A participant may terminate its participation in the program at any time by providing written notice 90 days in advance of the termination to the commissioner and to the committee.

**Subp. 2. New participants.** New participants may join the program at any time by submitting a written request to the commissioner and to the committee.

#### **2782.0800 REPORTS.**

The committee shall prepare and submit to the commissioner an annual report specifying the number and type of applicant, liquor vendors assisted and results of the assistance for each liquor vendor. At the request of the commissioner, periodic reports shall be prepared.

#### **Rules as Proposed (all new material)**

### **CHAPTER 2783 DEPARTMENT OF COMMERCE LIQUOR LIABILITY ASSIGNED RISK PLAN**

#### **2783.0010 PURPOSE AND SCOPE.**

This chapter governs administration of the liquor liability assigned risk plan hereby established pursuant to Minnesota Statutes, section 340.11, subdivisions 21 and 23.

#### **2783.0020 AUTHORITY.**

This chapter is adopted under the authority of Minnesota Statutes, sections 45.023 and 340.11, subdivisions 21 and 23.

#### **2783.0030 DEFINITIONS.**

**Subpart 1. Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them unless the context clearly indicates a different meaning.

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## PROPOSED RULES

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**Subp. 2. Administrator.** "Administrator" means the person or persons selected pursuant to part 2783.0040 to administer the assigned risk plan.

**Subp. 3. Applicant.** "Applicant" means a liquor vendor who makes application to the market assistance plan or the liquor liability assigned risk plan for insurance coverage.

**Subp. 4. Assigned risk plan.** "Assigned risk plan" means the methods and procedures established pursuant to Minnesota Statutes, section 340.11, subdivision 23 to provide liquor liability coverage as required by Minnesota Statutes, section 340.11, subdivision 21 to those liquor vendors unable to obtain coverage through insurance companies.

**Subp. 5. Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

**Subp. 6. Liquor vendor.** "Liquor vendor" means any person required by Minnesota Statutes, section 340.11, subdivision 21 to demonstrate proof of financial responsibility.

**Subp. 7. Loss.** "Loss" means a demand for damages due or allegedly due on which some payment has been made or for which money has been reserved in good faith for actual or possible payment on the demand, exclusive of investigative or legal expenses.

**Subp. 8. Market assistance program.** "Market assistance program" means the methods and procedures established pursuant to Minnesota Statutes, section 340.11, subdivision 21.

**Subp. 9. Monoline liquor liability policy.** "Monoline liquor liability policy" means an insurance policy for only one type of coverage. In regard to this chapter, it refers to a policy for only liquor liability insurance without any other type of coverage.

**Subp. 10. Multiline liquor liability policy.** "Multiline liquor liability policy" means an insurance policy which includes more than one type of insurance coverage. In regard to this chapter, it refers to liquor liability insurance offered in conjunction with other types of coverage such as general liability insurance, or fire insurance offered in a single package or policy.

**Subp. 11. Premium.** "Premium" means the price charged to a liquor vendor for coverage under the assigned risk plan for a one-year period.

**Subp. 12. Rate.** "Rate" means the cost of coverage under the assigned risk plan per \$100 of annual liquor sales.

**Subp. 13. Rating plan.** "Rating plan" means the criteria for calculation of rates.

**Subp. 14. Violation.** "Violation" means a conviction or citation for a violation of Minnesota Statutes, sections 340.70 to 340.86. If a citation is dismissed or does not result in a conviction within one year of issuance, the citation shall not be deemed to be a violation.

### 2783.0040 ASSIGNED RISK PLAN ADMINISTRATION.

**Subpart 1. Administrator.** The assigned risk plan shall be administered by a qualified insurer or vendor of risk management services selected by the commissioner. If the commissioner deems it necessary, he or she may select more than one person to administer the assigned risk plan.

**Subp. 2. Duties.** The administrator shall perform all services necessary to accomplish the purposes of the assigned risk plan, including the servicing of policies of contracts of coverage, data management, and collection of assessments.

**Subp. 3. Appeals.** A liquor vendor adversely affected by a decision of the administrator may object to the decision by appealing to the commissioner within 15 days after the decision. The appeal must be made by letter mailed to the commissioner, with a copy to the administrator, within the 15-day period. The letter must include a summary of the administrator's decision from which the appeal is taken, the basis for objection to the administrator's decision, and any argument or evidence in support of the appeal. Within 15 days after receipt of the letter, the administrator shall file a response, including the basis for the administrator's decision and all argument and evidence in support of the decision. Within ten days after receipt of the administrator's response, the commissioner shall either affirm, reverse, or modify the administrator's decision as the commissioner deems appropriate.

### 2783.0050 ASSIGNED RISK COVERAGE.

**Subpart 1. Generally.** Eligibility for assigned risk coverage is subject to the terms and conditions of subparts 2 and 3.

**Subp. 2. Minimum qualifications.** A liquor vendor who has a current written notice of refusal to insure from an insurer offering liquor liability insurance pursuant to Minnesota Statutes, section 340.11, subdivision 23, clause (2), is entitled to make written application to the assigned risk plan for coverage. Payment of the applicable premium or required portion thereof must be paid prior to coverage by the plan.

An offer of coverage at a rate in excess of the rate charged by the assigned risk plan for similar coverage and risk is a written notice of refusal for purposes of the assigned risk plan. It shall not be deemed to be a written notice of refusal if the rate for the coverage offered is less than 20 percent in excess of the assigned risk plan rates for similar coverage and risk. However, the offered rate must also be the rate that the insurer has filed with the Department of Commerce if the insurer is required to file its rates with the

department. If the insurer is not required to file its rates with the department, the offered rate must be the rate generally charged by the insurer for similar coverage and risk.

**Subp. 3. Disqualifying factors.** A liquor vendor shall be denied or terminated from coverage through the assigned risk plan if the liquor vendor:

- A. Applies for coverage for only a portion of the liquor vendor's statutory liability under Minnesota Statutes, section 340.11, subdivision 21.
- B. Has an outstanding debt due and owing to the assigned risk plan at the time of application or renewal arising from a prior policy.
- C. Refuses to permit completion of an audit requested by the commissioner or administrator.
- D. Submits misleading or erroneous information to the commissioner or administrator.
- E. Disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor. A combination of losses and violations within the last three years in excess of ten shall be a rebuttable presumption that a liquor vendor is ineligible for the assigned risk plan.
- F. Fails to supply information requested by the commissioner or administrator.
- G. Fails to comply with the terms of the policies or contracts for coverage issued pursuant to the assigned risk plan.
- H. Has not satisfied the requirements of the market assistance program established pursuant to Minnesota Statutes, section 340.11, subdivision 21.

**Subp. 4. Disqualification after coverage granted.** If an application is filed with the market assistance program less than 15 business days before the expiration date of the applicant's current insurance coverage, the market assistance program may continue to seek coverage for the applicant after coverage is extended by the assigned risk plan. The market assistance program will have 15 business days from the date of filing of the application with the market assistance program to obtain an offer of coverage for the applicant. If the market assistance program is able to secure an offer of coverage for the applicant within 15 business days of filing of the application and if the offer of coverage would not otherwise be considered a refusal for purposes of the assigned risk plan, the applicant will be deemed to not be qualified to participate in the assigned risk plan and coverage, if any, shall be terminated.

**Subp. 5. Notice.** An application for coverage under the assigned risk plan must be granted or denied within ten days after receipt by the administrator of a properly completed application and any supplemental information requested by the administrator. A liquor vendor covered under the assigned risk plan must be given at least 30 days' notice of nonrenewal or termination of the coverage.

**2783.0060 RATING PLAN.**

RATES APPLICABLE TO MINIMUM COVERAGE REQUIRED BY  
MINNESOTA STATUTES, SECTION 340.11, SUBDIVISION 21,  
PARAGRAPH (a)

ASSIGNED RISK LIQUOR LIABILITY RATES  
RATE FOR THREE OR FEWER INCIDENTS  
IN THE LAST THREE YEARS

| LIMITS | PACKAGE<br>GOODS | RESTAURANTS | BARS   |
|--------|------------------|-------------|--------|
| 50/100 | \$ .42           | \$1.52      | \$1.89 |

RATE FOR MORE THAN THREE INCIDENTS  
IN THE LAST THREE YEARS

|        |                |
|--------|----------------|
|        | Four Incidents |
| 50/100 | \$6.25         |

Each incident after the fourth incident will cause the rate charged to be increased by 20 percent over the rate charged for one less incident.

For purposes of the rating plan, no experience or scheduled credits apply.

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## PROPOSED RULES

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A combined bar and package establishment is rated as a bar for purposes of the plan.

A restaurant for purposes of the rating plan is a liquor vendor whose revenue from liquor sales is less than 50 percent of its combined liquor and food sales.

A bar for purposes of the rating plan is a liquor vendor whose revenues from liquor sales is 50 percent or more of its combined liquor and food sales.

An incident is either a loss or a violation. A loss and the violation that resulted in that loss are deemed to be one incident for purposes of the rating plan. A loss shall not be considered an incident for purposes of the rating plan if the circumstances which resulted in that loss would not result in a loss at the time of application to the assigned risk plan because state law prohibits recovery by an insurance company against any liquor vendor under subrogation clauses of the uninsured, underinsured, collision, or other first party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or in part under Minnesota Statutes, section 340.95. The applicant shall have the burden of proof to establish that a loss which occurred prior to the adoption of Minnesota Statutes, section 340.95, subdivision 2 should not be classified as a loss.

The rates charged by the assigned risk plan shall not be deemed to be the maximum rates allowed to be charged for liquor liability insurance in Minnesota.

Upon adoption of this chapter any certificate of coverage previously issued by the assigned risk plan shall be subject to retroactive rebate, dividend, surcharge or other charge as may be necessitated by the adoption of this rating plan. Premiums for certificates of coverage previously issued shall be determined as if this rating plan were in effect at the time of issuance of the certificate of coverage.

### **2783.0070 ASSESSMENTS.**

In the event the commissioner deems it necessary to make an assessment pursuant to Minnesota Statutes, section 340.11, subdivision 23, clause (4), an assessed insurer must pay the assessment within 30 days of receipt of notice of the assessment. The commissioner may suspend or revoke an insurer's certificate of authority, and/or impose a civil penalty in an amount not to exceed \$5,000, for an insurer's failure to pay the assessment within the 30-day period.

### **2783.0080 POLICY AND RATE FILING.**

All policies or riders of licensed insurers concerning liquor liability insurance, together with any rate schedules, must be filed with the Department of Commerce within 30 days of any sales in Minnesota.

All surplus lines brokers selling liquor liability insurance must file the policies, riders, as well as any scheduled rates regarding this insurance, with the Department of Commerce within 30 days of any sales in Minnesota.

### **2783.0090 ASSIGNED RISK PLAN ADVISORY COMMITTEE.**

**Subpart 1. Appointment.** The commissioner shall appoint a committee to advise the commissioner regarding operation of the assigned risk plan. The committee shall be comprised of 11 members, four of which shall be insurers, one of which shall be a vendor of risk management services, two of which shall be insurance agents, two of which shall be liquor vendors, and two of which shall be public members. The administrator and a representative of the commissioner shall be ex officio members of the assigned risk plan advisory committee.

**Subp. 2. Meetings.** The assigned risk plan advisory committee shall meet at such times as the commissioner may request.

### **2783.0100 REQUEST FOR INFORMATION.**

**Subpart 1. Commissioner's power.** The commissioner may require a liquor vendor or licensed insurer to provide the information the commissioner considers appropriate to implement the provisions and further the purposes of the assigned risk plan.

**Subp. 2. Administrator's power.** The administrator may require a liquor vendor to provide the information the administrator considers appropriate to administer the assigned risk plan.

## Department of Energy and Economic Development

### Proposed Emergency Rules Governing the Waste Tire Recycling Grant Program

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

Notice is hereby given that the Minnesota Energy and Economic Development Authority is proposing to adopt emergency rules for Waste Tire Recycling Grant. The agency is authorized by Minnesota Statutes, section 116M.08, subdivision 4, to adopt emergency rules for its financial assistance programs.



All interested parties have 25 days from the day of publication of this notice in the *State Register* to submit written comments to the agency in support of or in opposition to the proposed emergency rules, and comments are encouraged. With publication of this notice in the June 24, 1985 *State Register*, written comments must be received by the agency no later than 4:30 p.m. on July 19, 1985. Written comments should be sent to:

Terry Brown  
Financial Management Division  
Department of Energy & Economic Development  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Telephone: 612/297-1981

Please be advised that the proposed emergency rules may be modified as a result of the comments received. Any written material received by the agency will become part of the record in this matter.

The proposed emergency rules with any modifications adopted by the agency, will be submitted to the Attorney General for review as to form and legality after close of the comment period. Persons wishing to be informed of the date of submission of the proposed emergency rules to the Attorney General should notify the agency of such desire at the address given above. The Attorney General has ten working days to approve or disapprove the rules.

The emergency rules will be effective five working days following approval of the rules by the Attorney General. It is the agency's intent to keep the rules in effect for a period of 180 days, although the proposed emergency rules may be continued in effect for an additional period of up to 180 days if the agency publishes a separate notice to such effect in the *State Register* and mails the same notice to all persons on the agency's list to receive notice of rulemaking proceedings.

A full copy of the proposed emergency rules is available by contacting Terry Brown at the above address.

June 10, 1985

Mark B. Dayton,  
Commissioner of the Department of Energy & Economic Development  
and Chairman of the Minnesota Energy and Economic Development  
Authority

### **Emergency Rules as Proposed (all new material)**

#### **WASTE TIRE RECYCLING GRANT PROGRAM**

##### **8300.3091 [Emergency] SCOPE.**

Parts 8300.3092 to 8300.3097 [Emergency] specify procedures and criteria for grants from the waste tire recycling grant program of the authority for studies necessary to demonstrate the technical and economic feasibility of a proposed waste tire recycling project.

##### **8300.3092 [Emergency] DEFINITIONS.**

**Subpart 1. Scope.** The definitions in Minnesota Statutes, section 116M.03, part 8300.3082 and this part apply to parts 8300.3092 to 8300.3097 [Emergency].

**Subp. 2. Grant.** "Grant" means an award of funds for a study of a waste tire recycling project.

**Subp. 3. Study.** "Study" means the preparation and compilation of technical and economic data and analysis necessary to demonstrate the technical and economic feasibility of a proposed waste tire recycling project.

##### **8300.3093 [Emergency] APPLICATION AND PROCESSING PROCEDURE.**

To apply for a grant, an applicant shall submit an application to the authority on a form to be prepared by the commissioner. The application shall be processed under part 8300.3014 [Emergency] and parts 8300.3091 to 8300.3097 [Emergency].

##### **8300.3094 [Emergency] CONTENTS OF GRANT APPLICATION.**

A grant application must include the following:

- A. The information specified in part 8300.3012 [Emergency], subparts 1; 2, items A to I; and 3, items A, B, F, and J.

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## PROPOSED RULES

B. The application must include a detailed work plan explaining how the applicant intends to prepare the study. The work plan must include a breakdown of tasks, personnel assigned to and responsible for each task, estimate of time required to complete each task, and a study schedule including beginning and ending dates for each task. Expected results and products of each task must be identified. The study must include the following information:

- (1) identification of individuals responsible for the proposed eligible project;
- (2) development of detailed information about construction costs of the proposed eligible project;
- (3) development of a business profile and market analysis for the proposed eligible project;
- (4) development of an engineering plan for the proposed eligible project;
- (5) development of an economic analysis for the proposed eligible project; and
- (6) development of a funding strategy for successive stages of the proposed eligible project development.

C. The study must include an estimate of expenditures by categories and an estimate of costs by study plan task.

D. The study must include a personnel organization chart and plan for use of consultants, if any.

### **8300.3095 [Emergency] AUTHORITY REVIEW AND APPROVAL.**

**Subpart 1. Authority review and approval.** The authority will use the following criteria to evaluate applications:

- A. thoroughness of study plan, up to a maximum of 40 points;
- B. priority and public purpose of the proposed eligible project up to a maximum of 30 points;
- C. qualifications of study personnel, up to a maximum of ten points;
- D. benefit to the community based upon favorable preliminary economic analysis of the proposed eligible project up to a maximum of ten points; and
- E. clarity and conciseness of the proposed study plan up to a maximum of ten points.

The authority shall approve grants that comply with Minnesota Statutes, section 116M.07, and parts 8300.3096 [Emergency], subpart 3, and 8300.3097 [Emergency] on a first-come-first-serve basis based on the order in which eligible and complete grant applications are received by the authority and make the grant if funds are available.

**Subp. 2. Authority review and disapproval.** The authority shall disapprove the application if it finds that the criteria in parts 8300.3091 to 8300.3097 [Emergency] are not satisfied.

### **8300.3096 [Emergency] GRANT CONDITIONS.**

**Subpart 1. Grant agreement; execution of grant agreement and disbursement of funds.** Upon approval of a grant, the authority shall send a grant agreement to the applicant. The applicant shall have a duly authorized official execute and return the grant agreement to the authority for execution of the grant agreement by state officials and for disbursement of the grant funds. Grant funds must be issued upon execution of and according to the terms of the grant agreement.

**Subp. 2. Funding period.** Grants will be approved for a period of up to one year if the applicant demonstrates the study will take more than one year to complete.

**Subp. 3. Grant limitations.** Grants shall not exceed 75 percent of the cost of the study. No single grant shall exceed \$30,000.

**Subp. 4. Disbursement schedule.** Eighty percent of grant money must be disbursed at the outset upon receipt of a grant request from the grantee. The remaining 20 percent must be disbursed upon completion of the project, and receipt of a complete final report.

**Subp. 5. Required reports.** The grantee shall submit to the commissioner on the first of each month a one to two page report briefly stating the activities that have taken place during the month. The grantee shall provide the commissioner with three copies of the final planning report, one of which shall be camera-ready copy.

**Subp. 6. Records.** The grantee shall maintain financial records according to generally recognized accounting methods for a period of not less than three years from the date of the execution of the contract of all transactions relating to the receipt and expenditure of grant money.

**Subp. 7. Contract deviations.** No grant funds may be used for work done prior to the time the grant is awarded. No grant funds may be used to finance activities by consultants or local staff if the activities are not included in the grant contract, unless agreed upon in writing by the commissioner.

### **8300.3097 [Emergency] EVALUATION.**

**Subp. 1. Evaluation.** The commissioner shall conduct an evaluation of the final report and all required reports and financial

documents within 60 days of their submission by the grantee to the commissioner. The evaluation must assess whether the agreed upon work program was completed.

**Subp. 2. Review.** Upon completion of an evaluation, the remaining 20 percent of the grant must be disbursed to the grant recipient, if the commissioner determines that the grantee has complied with the grant agreement. If the commissioner determines the grantee has not complied with the terms of the grant agreement, the commissioner shall not disburse the remaining 20 percent of the grant funds and shall inform the applicant in writing of the reason for the commissioner's determination. Within 30 days of receipt of the notice, the grantee may request in writing that the commissioner submit the question of disbursement of grant funds to the authority for review at the next regularly scheduled authority meeting, for which the agenda has not been established.

## **Pollution Control Agency**

### **Proposed Rules Relating to Hazardous Waste**

#### **Notice of Intent to Adopt Amendments to Rules without a Public Hearing**

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt without a public hearing, in accordance with the provisions of Minn. Stat. § 14.22-14.28 (1984), amendments to Minn. Rules Parts 7045.0219, 7045.0292, 7045.0365, 7045.0450, and 7045.0552, hazardous waste rules governing small quantity generators, waste accumulation, and transfer facilities.

The proposed rule amendments are authorized by Minn. Stat. § 116.07, subd. 4 (1984). A copy of the proposed rule amendments is published below. One free copy of the rule amendments is available upon request from the Agency. Please contact the person whose name and address appears below.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available and may be obtained by contacting:

Carol Rogers  
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, Minnesota 55113  
Telephone: (612) 296-7776

Interested persons have until 4:30 p.m. on July 26, 1985, to submit comments on the proposed rule amendments. Comments should be submitted to Carol Rogers at the address stated above. The proposed rule amendments may be modified if the data and views received by the Agency before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed amendments.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the comment period, a public hearing will not be held. In the event that a public hearing is required, the Agency will proceed according to the provisions of Minn. Stat. § 14.131-14.20 (1984). If a person desires to request a public hearing, the Agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the amendments by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rule amendments as adopted will be sent 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 as adopted, should submit a written statement of such request to Carol Rogers at the address previously stated.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small Business Considerations in Rulemaking," that the proposed rule amendments will affect small businesses if they are small quantity generators of hazardous waste or if they operate hazardous waste transfer facilities. The amendments will require additional management of hazardous waste for these small

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## PROPOSED RULES

businesses. However, the amendments will not require small businesses to incur significant expense through increased material needs or management costs. The amendments relating to the satellite accumulation of hazardous waste represent a relaxation of management requirements and, therefore, waste management expenses will be decreased in many cases.

Thomas J. Kalitowski  
Executive Director

### Rules as Proposed

#### 7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE.

##### Subpart 1. to 4. [Unchanged.]

**Subp. 5. Management requirements.** A small quantity generator shall comply with the following requirements:

A. to D. [Unchanged.]

E. part 7045.0292, subpart 1, items ~~B D~~ to G and as applicable, subpart 4;

F. [Unchanged.]

G. Either treat or dispose of the hazardous waste in an on-site facility or ensure delivery to an off-site storage, treatment, or disposal facility. The facility used must be:

(1) to (4) [Unchanged.]

(5) another site belonging to the same owner for consolidation of shipments providing the receiving site complies with parts 7045.0205 to 7045.1030 and the waste is ultimately managed according to subitems (1) to (4); ~~and~~

H. Transport hazardous waste in accordance with all applicable requirements of Minnesota Statutes, section 221.033 and Code of Federal Regulations, title 49, parts 171 to 179 (1983);~~;~~

I. part 7045.0626, subparts 2, 3, and 4; and

J. each container is marked with the words "Hazardous Waste."

##### Subp. 6. [Unchanged.]

#### 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

**Subpart 1. When allowed without a permit.** A generator may accumulate hazardous waste on-site or hazardous waste received from off-site pursuant to part 7045.0219, subpart 5, item G, subitem (5) without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, shipped off-site to a designated facility or placed in an on-site facility either of which has interim status under parts 7045.0552 to 7045.0642 or has a hazardous waste facility permit issued by the agency; or has a hazardous waste facility permit issued by a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271 (1983); or has a hazardous waste facility permit issued by the Environmental Protection Agency; ~~and~~

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4 and are managed in accordance with part 7045.0626, subparts 4 to 6; or in tanks provided the generator complies with the requirements of part 7045.0628 except part 7045.0628, subpart 3; ~~and~~

C. the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container or the generator maintains a record of the accumulation starting date for each tank used for storage and the words "Hazardous Waste" are clearly labeled or marked and visible for inspection on each container or tank; ~~and~~

D. to H. [Unchanged.]

##### Subp. 2. to 3. [Unchanged.]

**Subp. 4. Accumulation of waste by generator.** The following apply to generators of hazardous waste:

A. A generator may, without a permit or interim status and without complying with subpart 1 provided the generator complies with items B and C, accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in part 7045.0135, subpart 4, item E, in containers located at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste.

B. The generator must:

(1) comply with part 7045.0626, subparts 2, 3, and 4; and

(2) mark each container with the words "Hazardous Waste."

C. A generator who accumulates either hazardous waste or acutely hazardous waste listed in part 7045.0135, subpart 4, item E in excess of the amounts listed in item A at or near any point of generation must, with respect to the amount of excess waste, comply within three days with subpart 1 or, if applicable, part 7045.0219 or other applicable provisions of this chapter. During the three-day period for compliance the generator must continue to comply with item B. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

#### **7045.0365 TRANSFER FACILITY REQUIREMENTS.**

**Subpart 1. Applicability.** A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4 at a transfer facility for a period of ten days or fewer is not subject to regulation under parts 7045.0450 to 7045.0642 and a hazardous waste facility permit with respect to the storage of those wastes. The owner or operator must notify the director in writing of his or her activity.

**Subp. 2. Storage of less than 1,000 kilograms.** A transporter who stores less than 1,000 kilograms of hazardous waste is exempt from further regulation.

**Subp. 3. Storage of 1,000 kilograms or more.** A transporter who stores 1,000 kilograms or more of hazardous waste at any time shall comply with the following requirements:

- A. part 7045.0275, subparts 2 and 3;
- B. part 7045.0292, subpart 1, items E to G;
- C. part 7045.0556, subpart 5, items A, C, and D;
- D. part 7045.0558;
- E. part 7045.0562, subpart 1;
- F. part 7045.0566, subparts 2 to 4, and 6;
- G. part 7045.0572, subparts 2 to 6;
- H. part 7045.0626, subpart 4;

I. the transporter shall keep at the transfer facility a written operating record that contains the following information for each shipment:

- (1) the generator name and manifest document number;
- (2) the date the waste was received by the transfer facility; and
- (3) the date the waste was shipped by the transfer facility; and

J. storage areas must be protected from unauthorized access and inadvertent damage from vehicles or equipment.

#### **7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.**

**Subpart 1. and 2. [Unchanged.]**

**Subp. 3. Exemptions.** Parts 7045.0450 to 7045.0544 do not apply to the following:

A. to G. [Unchanged.]

H. a transporter storing manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4 at a transfer facility for a period of ten days or less in compliance with part 7045.0365;

I. and J. [Unchanged.]

#### **7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.**

**Subpart 1. and 2. [Unchanged.]**

**Subp. 3. Exemptions.** The requirements of parts 7045.0522 to 7045.0642 do not apply to:

A. to G. [Unchanged.]

H. A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4 at a transfer facility for a period of ten days or less in compliance with part 7045.0365.

I. and J. [Unchanged.]

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## 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 Energy and Economic Development Energy and Economic Development Authority

### Extension of Emergency Rules Governing Energy Financial Assistance

Notice is hereby given that Minnesota Rules 8300.4010-.4014 and 8300.4020-8300.4038 (Emergency), which were effective December 24, 1984, and which were published in the *State Register* on November 5, 1984, at Volume 9, Number 19, pages 967-979 (9 S.R. 967), and in the *State Register* on February 11, 1985, at Volume 9, Number 33, pages 1815-1817 (9 S.R. 1815), are being continued in effect for an additional 180 days. These rules govern energy financial assistance. This continuation is in accordance with Minnesota Statute 14.35.

The new expiration date for these rules will be December 19, 1985, or whenever replaced by permanent rules, whichever is earlier.

## Department of Energy and Economic Development Energy and Economic Development Authority

### Extension of Emergency Rules Relating to General Procedures, Small Business Development Loan Programs, and Minnesota Fund Loans

Notice is hereby given that Minnesota Rules 8300.3010-.3035 (Emergency), which were effective December 20, 1984, and which were published in the *State Register* on October 22, 1984, at Volume 9, Number 17, page 826 (9 S.R. 826), and in the *State Register* on January 14, 1985, at Volume 9, Number 24, pages 1615-1619 (9 S.R. 1615), are being continued in effect for an additional 180 days. The rules govern the Small Business Development Loan Program, the Minnesota Fund Program, and amend the rules governing authority procedures under the Minnesota Energy and Economic Development Authority.

The new expiration date for these rules will be December 20, 1985, or whenever replaced by permanent rules, whichever is earlier.

## Department of Human Rights

### Adopted Rules Relating to Certificates of Compliance for Public Contractors

The rules proposed and published at *State Register*, Volume 9, Number 24, pages 1306-1330, December 10, 1984 (9 S.R. 1306) are adopted with the following modifications:

#### Rules as Adopted

#### CERTIFICATES OF COMPLIANCE FOR PUBLIC STATE CONTRACTS

#### 5000.3400 DEFINITIONS.

**Subp. 7. Construction work.** "Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including ~~highways, or other changes or improvements to real property, including~~ facilities providing utility services. The term also includes the supervision, inspection, and other on-site functions incidental to the actual construction.

**5000.3420 CRITERIA FOR APPROVAL AND IMPLEMENTATION OF AFFIRMATIVE ACTION PLANS FOR CONTRACTORS.**

**Subp. 5. Identify plan coverage.** The contractor shall invite all applicants and employees who believe themselves covered by Minnesota Statutes, section 363.073 and who wish to benefit under the affirmative action plan to identify themselves to the contractor. The invitation must state that the information is voluntarily provided, that it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Human Rights Act and rules adopted under the act. If a disabled applicant or employee identifies himself or herself, the contractor shall also seek ~~their~~ his or her advice regarding proper placement and appropriate accommodation.

**5000.3440 PROCEDURES FOR DISSEMINATING POLICY INTERNALLY AND EXTERNALLY.**

**Subp. 2. External.** The contractor shall disseminate its policy externally as follows:

F. Send written notification of company policy to all subcontractors, vendors, and suppliers requesting ~~appropriate~~ cooperative action on their part.

**5000.3460 GOALS AND OBJECTIVES ESTABLISHED BY ORGANIZATIONAL UNITS AND JOB GROUPS INCLUDING TIMETABLES FOR COMPLETION.**

**Subpart 1. Factors.** The goals and timetables developed by the contractor must be attainable in terms of the contractor's analysis of its deficiencies and its entire affirmative action program. In establishing the size of its goals and the length of its timetables, the contractor shall consider the results which could reasonably be expected from its putting forth every good faith effort to make its overall affirmative action program work. In determining levels of goals, the contractor shall consider at least the factors listed in part 5000.3430, subpart 2, item C 5000.3450.

**Subp. 10. Support data.** Support data for the required analysis and program must be compiled and maintained as part of the contractor's affirmative action program. This data must include ~~but not be limited to~~ progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

**5000.3470 IDENTIFICATION OF PROBLEM AREAS OR DEFICIENCIES BY ORGANIZATIONAL UNITS AND JOB GROUPS.**

**Subp. 2. Problem areas.** If any of the following items are found in the analysis, ~~special~~ corrective action shall be ~~appropriate~~ taken:

**5000.3480 MEASURES TO FACILITATE IMPLEMENTATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAMS.**

**Subp. 5. Recruitment techniques.** Suggested techniques to improve recruitment and increase the flow of minority or female applicants are as follows:

A. Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., concentrated employment programs, Neighborhood Youth Corps, secondary schools, colleges, and city colleges with high minority enrollment, the state employment services, specialized employment agencies are normally prepared to refer minority applicants. Organizations prepared to refer women with specific skills are: National Organization for Women, welfare rights organizations, Women's Equity Action League, Talent Bank for Business and Professional Women (including 26 women's organizations), Professional Women's Caucus, Intercollegiate Association of University Women, ~~Negro~~ black women's sororities and service groups such as Delta Sigma Theta, Alpha Kappa Alpha, and Zeta Phi Beta; National Council of Negro Women, American Association of University Women, YWCA, and sectarian groups such as Jewish women's groups, Catholic women's groups, Protestant women's groups, and women's colleges. In addition, community leaders as individuals shall be added to recruiting sources.

**5000.3500 NONCONSTRUCTION CONTRACTOR'S DISABLED INDIVIDUALS PLAN.**

~~An Nonconstruction contractors shall also have~~ affirmative action ~~plan shall be made~~ plans for disabled individuals in accordance with ~~12 MCAR § 1.053 D. (Temporary) parts 5000.3550 to 5000.3559.~~

**~~5000.3510 ADDITIONAL REQUIRED CONTENT OF AFFIRMATIVE ACTION PLANS.~~**

~~Affirmative action plans must contain the following additional requirements:~~

~~A. development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions;~~

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## ADOPTED RULES

- B. formal internal and external dissemination of the contractor's policy;
- C. establishment of responsibilities for implementation of the contractor's affirmative action program;
- D. identification of problem areas (deficiencies) by organizational units and job group;
- E. establishment of goals and objectives by organizational units and job groups, including timetables for completion;
- F. development and execution of an action-oriented program designed to eliminate problems and further designed to attain established goals and objectives;
- G. design and implementation of internal audit and reporting systems to measure effectiveness of the total program;
- H. active support of local and national community action programs and community service programs, designed to improve the employment opportunities of minorities and women; and
- I. consideration of minorities and women not currently in the workforce having requisite skills who can be recruited through affirmative action measures.

### 5000.3530 NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY.

Contracting state agencies shall include the following notice in all solicitations for offers and bids on all state and state-assisted construction contracts in excess of \$50,000 to be performed in geographical areas designed by the commissioner.

The notice requirements shall take the following form:

#### "NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

1. The offeror's or bidder's attention is called to the "equal opportunity clause" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate workforce in each trade on all construction work in the covered area are as follows:

| Timetables   | Goals for minority<br>participation in<br>each trade                                      | Goals for female<br>participation in<br>each trade  |
|--|---|---|
| Insert the timetables<br>as determined under<br>part <del>5000.3500</del><br><u>5000.3520.</u> | Insert the goals as<br>determined under<br>part <del>5000.3500</del><br><u>5000.3520.</u> | Insert the goals as<br>determined under<br>part <del>5000.3500</del><br><u>5000.3520.</u> |

### 5000.3535 STANDARD STATE EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS.

Each contracting state agency and each contractor shall include the following equal opportunity clause in each of its covered state and state-assisted construction contracts (and modifications, renewals, or extensions if not included in the original contract):

#### "STANDARD STATE EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS

4. The contractor shall take specific affirmative action to ensure equal employment opportunity. The evaluation of the contractor's compliance with these specifications must be based upon its effort to achieve maximum results from its actions. The contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

(a) ~~Ensure and~~ Make a good faith effort to maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. ~~The contractor, where possible, shall assign two or more women to each construction project.~~ The contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

(g) Review, at least annually, the company's equal employment opportunity policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions including specific review of these items with on-site supervisory personnel such as superintendents, general foremen, etc., prior to the ~~initiation~~ first day of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter, place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

10. The contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps,



at ~~least~~ least as extensive as those standards prescribed in paragraph 4, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the contractor fails to comply with the requirements of Minnesota Statutes, section 363.073, its implementing rules, or these specifications, the commissioner shall proceed in accordance with part 5000.3570.

#### **5000.3540 CONSTRUCTION CONTRACTOR AFFIRMATIVE ACTION PLANS ~~DISABLED INDIVIDUAL PLAN.~~**

Construction contractors shall also have affirmative action plans for disabled individuals in accordance with ~~part~~ parts 5000.3550 to 5000.3559.

#### **ALL CONTRACTORS: AFFIRMATIVE ACTION PLANS FOR DISABLED INDIVIDUALS**

#### **5000.3550 ~~ALL CONTRACTORS: AFFIRMATIVE ACTION PLANS FOR DISABLED INDIVIDUALS~~ AFFIRMATIVE ACTION CLAUSE.**

Each state agency and each contractor shall include the following affirmative action clause in each of its covered state contracts and modifications, renewals, or extensions thereof if not included in the original contract.

#### **"AFFIRMATIVE ACTION FOR DISABLED WORKERS**

##### **~~1. Contractor duties.~~**

#### **2. 5000.3552 PHYSICAL AND MENTAL QUALIFICATIONS.**

**Subpart 1. Schedule for review.** ~~(a)~~ The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified disabled individuals, they are job related and are consistent with business necessity and the safe performance of the job.

~~(b)~~ **Subp. 2. Relating qualification requirements to job.** Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion, or training, ~~to the extent that qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion, or training,~~ to the extent that qualification requirements tend to screen out qualified disabled individuals, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

~~(c)~~ **Subp. 3. Pre-employment medical exam.** Nothing in this ~~section~~ part shall prohibit a contractor from requiring a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of ~~this section~~ parts 5000.3550 to 5000.3559. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status, information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) A. supervisors and managers may be informed regarding restrictions on the work or duties of disabled individuals and regarding accommodations;

(ii) B. first aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) C. officials, employees, representatives, or agents of the department ~~of~~ or local human rights agencies investigating compliance with the act or local human rights ordinances shall be informed if they request such information.

~~3.~~ **Subp. 4. Accommodation to physical and mental limitations of employees.** A contractor shall make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) business necessity and (2) financial cost and expenses.

~~4.~~ **Subp. 5. Compensation.** In offering employment or promotions to disabled individuals, the contractor shall not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.

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## ADOPTED RULES

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**5. Subp. 6. Outreach, positive recruitment, and external dissemination of policy.** Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified disabled individuals. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

(a) **A.** Develop internal communication of its obligation to engage in affirmative action efforts to employ qualified disabled individuals in such a manner as to foster understanding, acceptance, and support among the contractor's executive, management, supervisory, and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(b) **B.** Develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified disabled individuals is being fully implemented.

(c) **C.** Periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified disabled individuals.

(d) **D.** Enlist the assistance and support of recruiting sources (including state employment security agencies, state vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, state education agencies, labor organizations and organizations of or for disabled individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified disabled individuals. (A list of numerous national organizations serving the disabled, many of which have state or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped" published by the Committee for the Handicapped People-to-People Program, Washington, D.C.)

(e) **E.** Engage in recruitment activities at educational institutions which participate in training of the disabled, such as schools for the blind, deaf, or retarded.

(f) **F.** Establish meaningful contracts with appropriate social service agencies, organizations of and for disabled individuals, vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance, and referral to potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training, and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability ~~to~~ of affirmative action programs.

(g) **G.** Review employment records to determine the availability of promotable and transferable qualified known disabled individuals presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(h) **H.** Include disabled workers when employees are pictured in consumer, promotional, or help wanted advertising.

(i) **I.** Send written notification of company policy to all subcontractors, vendors and suppliers, requesting that they act in a manner consistent with the contractor's policy on affirmative action.

(j) **J.** Take positive steps to attract qualified disabled persons not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for disabled individuals described in part ~~5000.3480~~ 5000.3552, subpart 6.

**6. Subp. 7. Internal dissemination of policy.** A strong outreach program shall be ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with disabled persons in the past. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor shall adopt, implement, and disseminate this policy internally as follows:

(a) **A.** Include it in the contractor's policy manual.

(b) **B.** Publicize it in the company newspaper, magazine, annual report, and other media.

(c) **C.** Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(d) **D.** Schedule meetings with all employees to discuss policy and explain individual employee responsibilities.

(e) **E.** Discuss the policy thoroughly in both employee orientation and management training programs.

(f) **F.** Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(g) **G.** Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(h) **H.** Include articles on accomplishments of disabled workers in company publications.

(f) I. Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Minnesota Human Rights Act.

(f) J. When employees are featured in employee handbooks or similar publications for employees, include disabled employees.

~~7.~~ **Subp. 8. Responsibility for implementation.** An executive of the contractor shall be designated as director or manager of company affirmative action activities under these regulations. His or her identity shall appear on all internal and external communications regarding the company's affirmative action programs. This executive shall be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(a) A. Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques shall include regular discussions with local managers, supervisors, and employees to be certain the contractor's policies are being followed. In addition, supervisors shall be advised that:

(1) their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria; and

(2) the contractor is obligated to prevent harassment of employees placed through affirmative action efforts.

(b) B. Identify problem areas in conjunction with line management and known disabled employees, in the implementation of the affirmative action plan, and develop solutions. This is particularly important for the accommodations requirements.

(c) C. Design and implement audit and reporting systems that will:

(1) measure effectiveness of the contractor's plan;

(2) indicate need for remedial action;

(3) determine the degree to which the contractor's objectives have been attained;

(4) determine whether known disabled employees have had the opportunity to participate in all company sponsored educational, training, recreational, and social activities; and

(5) ensure that each location is in compliance with the Minnesota Human Rights Act and ~~part 5000.3500~~ parts 5000.3550 to 5000.3559.

(d) D. Serve as liaison between the contractor and the Minnesota Department of Human Rights.

(e) E. Serve as liaison between the contractor and organizations of and for disabled persons, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for the disabled.

(f) F. Keep management informed of the latest developments in the entire affirmative action area.

(g) G. Arrange for career counseling for known disabled employees.

~~8.~~ **Subp. 9. Development and execution of affirmative action programs.** The affirmative action programs shall be developed and executed as follows:

(a) A. Job qualification requirements reviewed under ~~part 5000.3500~~ 5000.3552, subparts 1 and 2 shall be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(b) B. The contractor shall evaluate the total selection process including training and promotion to ensure freedom from stereotyping disabled persons in a manner which limits their access to all jobs for which they are qualified.

(c) C. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be carefully selected and trained to ensure that the commitments in its affirmative action program are implemented.

(d) D. Formal briefing sessions shall be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature shall be an integral part of the briefings. Formal arrangements shall be made for referral of applicants, follow up with sources and feedback on disposition of applicants.

(e) E. A special effort shall be made to include qualified disabled persons on the personnel relations staff.

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(f) F. Disabled employees shall be made available for participation in career days, youth motivation programs, and related activities in their communities.

(g) G. Recruiting efforts at all schools shall include special efforts to reach disabled students.

(h) H. An effort shall be made to participate in work study programs with rehabilitation facilities and schools which specialize in training or educating disabled individuals.

(i) I. The contractor shall use all available resources to continue or establish on-the-job training programs.

**9. Subp. 10. Sheltered workshops.** Contracts with sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified disabled individuals in the contractor's own workforce. Contracts with sheltered workshops may be included within an affirmative action program if the sheltered workshop trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become qualified as "qualified disabled individual" as defined in part ~~5000.3500~~ 5000.3400, subpart 21.

### **~~10.~~ 5000.3555 DETERMINATION OF DISABILITY.**

(a) **Subpart 1. Requiring medical determination of disability.** Any contractor requiring a determination of an applicant's or employee's disability may require the applicant or employee to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the contractor's expense.

(b) **Subp. 2. Application of determination.** Any determination of disability required pursuant to subpart 1 of this section must meet the requirements of part ~~5000.3500~~ 5000.3552, subpart 3, and must be for the purpose of affirmative action and proper job placement. Information obtained therefrom shall not be used to exclude or otherwise limit the employment opportunities of qualified disabled individuals.

(c) **Subp. 3. Medical documentation.** All medical documentation required under this section part shall be based upon the ~~American Medical Association~~ Guides to the Evaluation of Permanent Impairment (1984) published by the American Medical Association, provided that the guides shall be used only to determine the existence of impairment without regard to the degree of impairment. The guides are incorporated by reference. The guides are available for inspection at Ford Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. They are not subject to frequent change.

### **~~11.~~ 5000.3557 LISTING OF EMPLOYMENT OPENINGS.**

Contractors shall request the Minnesota Department of Economic Security to refer qualified disabled individuals for consideration under their affirmative action programs.

### **~~12.~~ 5000.3559 AVAILABILITY AND UTILIZATION ANALYSIS.**

The requirements contained in part ~~5000.3500~~ parts 5000.3450 and 5000.3460 regarding the performance of availability and utilization analyses and the establishment of goals and timetables do not apply to disabled applicants and employees.

### **5000.3570 DETERMINATION OF COMPLIANCE STATUS.**

**Subp. 6. Notification of sanctions and hearing.** Where a contractor fails to respond to a notice of deficiency within 15 days or the department determines that attempts to correct the deficiencies through conciliation and persuasion have been or would be unsuccessful or unproductive, the department may impose one or more of the sanctions set forth in Minnesota Statutes, section 363.073, subdivision 2. The department shall serve the contractor with notice of the sanctions by mailing a copy thereof to the contractor by first-class mail. The sanctions shall become effective 20 days after the notice is served.

A contractor may obtain a hearing regarding the department's determination of deficiencies or any sanctions which it has imposed by filing a written request for a hearing with the department within 20 days after service of the notice of sanction. The hearing shall be a contested case proceeding pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.70.

F. Within 20 days from the date of the mailing by the commissioner of ~~the~~ his or her final decision or order, any party including the department, may petition for a rehearing, or for an amendment or vacation of the findings of fact, decision or order, or for reconsideration or reargument. If the petition is for a rehearing, vacation, reconsideration, or reargument, the grounds relied upon shall be specifically set forth and the claimed errors clearly stated. If the petition is for an amendment of the findings of fact, decision, or order, it shall contain the desired proposed amendments, and the reasons for it shall be clearly stated. The petition shall be served upon all parties to the proceeding. An adverse party shall have ten days from the date of the service of the petition to answer and no reply will be permitted. The commissioner may grant or deny the petition without a hearing, or in his or her discretion set a hearing thereon. Pending the decision of the commissioner on the petition, the commissioner may vacate and set aside the decision or order. No petition will extend the time of appeal from the decision or order.

**Subp. 7. Recertification.** A contractor whose certificate of compliance has been suspended or revoked or who has been declared ineligible for further certificates of compliance pursuant to Minnesota Statutes, section 363.073, subdivision 2, may request reinstatement in a letter to the commissioner. The commissioner may grant the request if, based upon the contractor's showing, the

department's file regarding the contractor's past performance, a compliance review, the recommendations of the department or a conciliation agreement the ~~commission~~ commissioner determines that the contractor has established and will carry out employment policies and practices that are in compliance with Minnesota Statutes, section 363.073 and with parts 5000.3400 to 5000.3600.

#### 5000.3580 SUBMISSION OF COMPLIANCE REPORTS.

**Subp. 2. Construction contractors; semiannual reports.** Construction contractors shall also submit semiannual compliance reports of their affirmative action programs for nonconstruction personnel. These compliance reports must contain the same information, and be submitted at the same time, ~~and contain the same documents as~~ as the reports required for nonconstruction contractors in part 5000.3520 5000.3580, subpart 3.

**Subp. 4. Minimizing duplication of reports.** The department shall attempt to the fullest extent possible to minimize the burden of duplication of reports and efforts of federal and local contract compliance agencies by:

- A. utilizing forms and standards similar to those used by federal equal employment opportunity programs;

#### 5000.3590 PROCEDURES FOR COMPLIANCE REVIEW.

**Subp. 2. Desk audit.** The department shall routinely request from ~~state~~ contractors ~~within their jurisdiction~~ affirmative action programs and supporting documentation, including the workforce analysis and support data for audit. As used throughout this part, the term "Affirmative Action Plan and supporting documentation" means the required contents of affirmative action plans, and methods of implementing those requirements set forth in part 5000.3420. "Workforce analysis" is defined as a listing of each job title as it appears in applicable collective bargaining agreements or payroll records (not job groups) ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision. If there are separate work units or lines of progression within a department a separate list must be provided for each such work unit or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles shall be listed by department, job family, or discipline, in order of wage rates or salary ranges. For each job title, the total number of incumbents, the total number of male and female incumbents in each of the following groups must be given: Blacks, Spanish-surnamed Americans, American Indians, and Orientals. The wage rate or salary range for each job title must be given. All job titles, including all managerial job titles, must be listed.

**Subp. 3. Exceptions to desk audit requirements.** For preaward reviews, the desk audit need not be carried out or an abbreviated desk audit may be performed and an immediate on-site review performed. Special reports that meet the criteria in subpart 4, item C may be requested from contractors as required, for submission to the department for complaint investigations and follow-up reviews performed within one year of a full compliance review. The commissioner shall approve other special compliance reviews that effectuate the purposes of, and are consistent with the other compliance reviews described in ~~parts - - - - to~~ part 5000.3590 when exigent circumstances require an immediate on-site review.

**Subp. 5. Review of contractor data.** If the contractor is concerned with the confidentiality of information such as lists of employees, employee names, reasons for termination, and pay data then alphabetic or numeric coding or the use of an index of pay and pay ranges is acceptable for desk audit purposes.

The contractor shall provide full access to all relevant data on-site as required by subpart 4, item A.

The contractor shall provide all data determined by the compliance officer to be necessary for off-site analysis pursuant to subpart 4, item F. The data may only be coded if the contractor makes the code available to the compliance officer. If the contractor believes that particular information which is to be taken off-site is not relevant to compliance, the contractor may request a ruling by the supervisor of the department's compliance division who shall issue a ruling within ten days. The contractor may appeal that ruling to the commissioner within ten days. The commissioner or his or her designee shall issue a final ruling within ten days. The information in question may be withheld pending a ruling by the supervisor or if appealed, a final ruling by the commissioner ~~and shall be considered a part of the investigatory file.~~ Data determined to be relevant to the investigation must be submitted to the compliance officer within five days of the ruling by the supervisor, or if appealed, within five days of the final ruling of the commissioner.

#### 5000.3600 DUTIES OF CONTRACTING STATE AGENCY.

**Subp. 8. Copy of statute and rules to be ~~furnished~~ made available.** Each contracting agency shall ~~provide~~ make available to each bidder ~~with~~ a copy of Minnesota Statutes, section 363.073 and the rules adopted pursuant to it.

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

## ADOPTED RULES

**Subp. 9. Bid specifications, modifications; incorporation of statutory and rule requirements.** Each contracting state agency shall include the following paragraph in all bid specifications and modifications:

"It is hereby agreed between the parties that Minnesota Statutes, section 363.073 and Minnesota Rules, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. ~~The bidder acknowledges receipt of~~ A copy of Minnesota Statutes, section 363.073 and Minnesota Rules, parts 5000.3400 to 5000.3600 are available upon request from the contracting agency."

**REPEALER.** Minnesota Rules, parts 5000.0100, 5000.2500, 5000.2600, 5000.2700, 5000.2800, 5000.2900, 5000.3000, and 5000.3100 are repealed.

## Pollution Control Agency

### Adopted Rules Relating to Water Quality, Fecal Coliform Effluent Limitations

The rule proposed and published at *State Register*, Volume 9, Number 35, pages 1945-1946, February 25, 1985 (9 S.R. 1945) is adopted as proposed.

## Department of Revenue Property Equalization Division

### Adopted Emergency Rules Governing the Valuation of Railroads

The rule proposed and published at *State Register*, Volume 9, Number 42, pages 2336-2340, April 15, 1985 (9 S.R. 2336) is adopted with the following modifications:

#### Rules as Adopted, Emergency

##### 8105.0400 [Emergency] VALUATION.

**Subp. 2. Cost approach to valuation.** The cost factor that will be considered in the railroad valuation method is the restated cost of the railroad system, plus the restated cost of construction work in progress on the assessment date. The railroad system shall be considered to be made up of the following ICC accounts: all road and equipment accounts, including leased equipment accounts; all general expenditures; and other elements of investment and railroad property owned and leased to others as well as railroad property leased from others. Book depreciation and obsolescence shall be allowed as a deduction from the restated cost of the railroad's assets enumerated above. The original cost if known, and the annual lease payments of any leased operating property used by the railroad must be reported to the commissioner in conjunction with the annual railroad report. The commissioner shall incorporate the value of the leased property into the railroad's unit value utilizing this information.

If any railroad is not required by the ICC to restate the cost of its assets in accordance with Code of Federal Regulations, title 49, part 1201, the commissioner will make an estimate based upon the best available information of the impact of this restatement on the railroad's assets.

Obsolescence will be calculated through the use of the "Blue Chip Method." This method compares the railroad being appraised with the best railroads in the country, the so-called blue chip railroads. Three indicators of obsolescence will be used. First, a five-year average rate of return will be calculated for the railroad under appraisal. This rate of return is computed by dividing the subject's annual net railroad operating income for each of the most recent five years preceding the assessment, by the railroad's total owned transportation property less recorded depreciation and amortization (new investment in railroad property) for each corresponding year. The resulting five rates of return are then averaged using a simple arithmetic average to arrive at a five-year average rate of return. An example of this computation is as follows:

#### XYZ Railroad

| Year                             | Net Railroad<br>Operating Income | Net Investment | Indicated Rate<br>of Return |
|----------------------------------|----------------------------------|----------------|-----------------------------|
| 19XX                             | \$2,700,000                      | \$31,500,000   | 8.57%                       |
| 19XX                             | \$2,900,000                      | \$32,000,000   | 9.06%                       |
| 19XX                             | \$3,100,000                      | \$33,500,000   | 9.25%                       |
| 19XX                             | \$3,300,000                      | \$34,000,000   | 9.70%                       |
| 19XX                             | \$3,530,700                      | \$35,000,000   | 10.08%                      |
|                                  |                                  | Total          | 46.66%                      |
| Five-year Average Rate of Return |                                  |                | 9.33%                       |

A study will then be made of the major railroads operating within the United States for the same five-year period using such informational sources as Standard and Poor's Statistical Service, Moody's Transportation Manual, and Transportation Statistics in the United States. Each year the railroad with the highest rate of return will be selected as the blue chip railroad. The resulting five rates of return will then be averaged to find the five-year average blue chip rate of return. An example of this process is as follows:

| Year | Railroad | Rate of Return |
|------|----------|----------------|
| 19XX | ABC      | 11.50%         |
| 19XX | FGH      | 11.27%         |
| 19XX | JKL      | 10.57%         |
| 19XX | MNO      | 11.02%         |
| 19XX | XYZ      | 10.08%         |
|      | Total    | 54.44%         |
|      |          | 10.89%         |

Five Year Average Blue Chip Rate of Return

The five-year average rate of return for the railroad under appraisal will be compared to the five-year average blue chip rate of return. The deviation of the subject railroad's rate of return from the blue chip railroads' rate of return is the amount of indicated obsolescence. The following example illustrates the computation.

|  |        |
|--|--------|
| XYZ Railroad 5-year Average Rate of Return | 9.33%  |
| Blue Chip 5-year Average Rate of Return    | 10.89% |
| Indicated Obsolescence                     |        |
| $1 - (9.33\% \div 10.89\%)$                | 14.30% |

Second, a five-year average freight traffic density indicator will be calculated. This indicator is based on the premise that increased traffic volume reduces unit costs and therefore enhances net income; thus, as traffic density rises obsolescence decreases. This indicator is calculated by dividing the subject railroad's ton miles of freight for the most recent five years preceding the assessment by the average miles of road operated for each corresponding year. The resulting five indicators of freight traffic density are then averaged using a simple arithmetic average to arrive at a five-year average of freight traffic density. An example of this computation is as follows:

| XYZ Railroad |                      |                                |                                   |
|--------------|----------------------|--------------------------------|-----------------------------------|
| Year         | Ton Miles of Freight | Average Miles of Road Operated | Indicated Freight Traffic Density |
| 19XX         | 1,300,000,000        | 575                            | 2,260,000                         |
| 19XX         | 1,402,500,000        | 550                            | 2,550,000                         |
| 19XX         | 1,200,000,000        | 550                            | 2,180,000                         |
| 19XX         | 1,100,000,000        | 500                            | 2,200,000                         |
| 19XX         | 1,000,000,000        | 500                            | 2,000,000                         |
|              |                      | Total                          | 11,190,000                        |
|              |                      |                                | 2,238,000                         |

Five-Year Average Freight Traffic Density

A five-year study is then made of the major railroads operating within the United States in ~~much~~ the same manner and using the same sources as the rate of return study with the exception that this study concentrates on the freight traffic density achieved by the various major railroads. Each year the railroad with the highest freight traffic density will be selected as the blue chip railroad. The resulting five freight traffic density amounts will then be averaged to find the five-year average blue chip freight traffic density amount. An example of this process is as follows:

| Year | Railroad | Freight Traffic Density |
|------|----------|-------------------------|
| 19XX | JKL      | 2,280,000               |
| 19XX | FGH      | 2,600,000               |
| 19XX | FGH      | 2,200,000               |
| 19XX | MNO      | 2,900,000               |
| 19XX | ABC      | 2,280,000               |
|      | Total    | 12,260,000              |

Five-year Average Blue Chip  
Freight Traffic Density

2,452,000

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# OFFICIAL NOTICES

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

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

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## Department of Administration Cable Communications Board

### Applications Accepted for Designation of an Organization as the Regional Channel Entity

As authorized by Minnesota Statutes 238.05, Subd. 2 (c) and (d), the Cable Board will designate an entity to schedule programs and facilitate use of the uniform regional channel to be seen on VHF Channel 6 on cable systems in the Twin Cities Metropolitan Area.

The Board expects to confer designation at a special meeting to be held on Friday, June 28, 1985 at 10:00 a.m. at 500 Rice Street in Saint Paul.

On June 14, 1985, the Cable Board unanimously adopted the following preparatory motion:

WHEREAS, it is the desire of the Minnesota Cable Communications Board to fulfill its charge, as found in the Minnesota Statutes authorizing the Board, to encourage and to approve an entity as the Regional Channel Entity,

NOW, THEREFORE, be it resolved that interested persons be encouraged to organize a Minnesota nonprofit corporation which is encouraged to apply, along with any other applicant, to the Minnesota Cable Communications Board for designation as the Regional Channel Entity at its meeting on June 28, 1985,

FURTHER RESOLVED, that in order to follow the spirit of the Regional Channel Committee formed by the MCCB, individuals in the following categories are encouraged to be the organizers and members of the first Board of Directors of the nonprofit corporation:

Association of Metropolitan Municipalities (2)

Minnesota Cable Communications Association (1)

Metropolitan Council (1)

Higher Education Coordinating Board (1)

Minnesota Board of Education (1)

Metronet (Libraries) (1)

General Public (6).

The Board will consider other applications for Regional Channel Entity designation at or before the June 28, 1985 meeting. Applications or questions should be directed to:

W. D. Donaldson, Executive Director  
Minnesota Cable Communications Board  
500 Rice Street  
Saint Paul, MN 55103  
Telephone: (612) 296-2545.

## Department of Agriculture Soil and Water Conservation Board

### Outside Opinion Sought Regarding Proposed Rules Governing Soil Loss Limits

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing rules governing soil loss limits. The adoption of these rules is authorized by Minnesota Statutes, section 40.21, which requires the department to adopt rules to serve as a guide to local governments to enact ordinances to prevent excessive soil loss.



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

Mr. Gerald Heil  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-1486, and in person at the above address.

All statements of information and comment must be received by July 19, 1985. Any written material received by the Department shall become part of the rulemaking record.

June 16, 1985

Jim Nichols  
Commissioner

## **Department of Health**

### **Emergency Medical Services Licensure Application—La Crosse Area**

As of June 24, 1985 a complete application for a change in licensure from Basic Life Support to Advanced Life Support Transportation Service and expansion of primary service area was submitted by Tri-State Ambulance Service to operate from a base of operation in LaCrosse, Wisconsin.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health publish the notice at the applicant's expense in the *State Register*.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the State Health Planning Agency, 100 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, Attn: John Dilley. The comments must reach the Health Systems Agency before July 24, 1985 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 recommend that a modified license be granted. The Health Systems Agency shall make the recommendations 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 the applicant.

## **Department of Human Services Health Care Programs Division**

### **Public Notice Regarding Changes in Minnesota's Medical Assistance Program**

Notice is hereby given to all providers and recipients of Minnesota Medical Assistance, and to the public, of changes in the levels of reimbursement for Medical Assistance services. These changes are anticipated to be required by laws enacted by the Minnesota State Legislature during the 1985 session. The applicable sections of the legislation may be viewed at your county welfare or social services department.

The purpose of these changes is to ensure that services are available to Medical Assistance recipients to the same extent that the services are available to the general population.

Written comments on the changes may be sent to and reviewed by the public at:

Health Care Programs Professional Services Section  
2nd Floor, Space Center  
444 Lafayette Road  
St. Paul, Minnesota 55101

## OFFICIAL NOTICES

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This notice is published pursuant to federal regulations which govern administration of the Medical Assistance Program, 42 CFR § 447.205.

### 1. Payments to Private Duty Nurses

For private duty nursing services provided on or after July 1, 1985, Medical Assistance payments will be increased by 20%. The base rates used to calculate the increase are rates paid during fiscal year 1985. This means that Medical Assistance reimbursement for private duty nursing services provided by Licensed Practical Nurses will increase from \$7.20 to \$8.64 per hour, and private duty nursing services provided by Registered Nurses will increase from \$9.60 to \$11.52 per hour.

Estimated cost for fiscal year 1986: \$200,000 (state share \$84,000)

### 2. Maximum Pharmacy Dispensing Fee

The maximum pharmacy dispensing fee allowed under the Medical Assistance Program is increased from \$3.90 to \$4.30. This change applies to services delivered on or after July 1, 1985.

Estimated cost for fiscal year 1986: \$1,320,000 (state share \$554,000)

### 3. Payments to Other Providers

For Medical Assistance services rendered on or after November 1, 1985, Medical Assistance payments for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, mental health centers, psychologist, public health clinics, and independent laboratory and x-ray services will be limited to the 50th percentile of the usual and customary fees based on billings during calendar year 1982. Currently, the maximum payment level for these provider groups is the 50th percentile of usual and customary fees based on billings during calendar year 1979.

Estimated cost for fiscal year 1986: \$20,200,000 (state share \$8,500,000)

## Department of Human Services Long Term Care Management Division Health Care Programs Division

### Notice of Anticipated Changes in Medical Assistance Reimbursement for Skilled and Intermediate Care Facilities

Notice is hereby given to all providers and recipients of Minnesota Medical Assistance, and to the public, of changes anticipated in the Medical Assistance reimbursement system for skilled and intermediate care facilities because of changes in state law. The following changes in the Medical Assistance reimbursement system for nursing homes are made in order to effectuate statutes, to implement a system of reimbursement of operating costs based on the care needs of residents, to control the appropriate use of and expenditures for nursing home beds and to implement a property related cost reimbursement system which taken into consideration the appraised equity of the nursing home facility.

This notice is being published pursuant to federal regulations which govern administration of the Medical Assistance program, 42 CFR 447.205 (1981). Because federal regulations require notice prior to the effective date of a change, this notice is published in anticipation of actions to be taken by the Minnesota Legislature as found in the Appropriations Conference Committee Report on Health and Human Services and House File 769 and Senate File 903.

Information on implementation of these provisions will be sent as needed to local welfare agencies via instructional and informational bulletins, to MA recipients via their MA cards, and the health care providers enrolled in the Medical Assistance program via provider bulletins. Copies of this material may be reviewed at the county welfare or social services department.

Written comments and questions may be addressed to:

Long Term Care Management Division  
Sixth Floor, Space Center Building  
St. Paul, Minnesota 55101

Comments and suggestions from the public may be viewed at the same address during normal working hours.

Estimated program expenditures are total state, federal and county dollars for the period July 1, 1985 through June 30, 1987. Medical Assistance costs are apportioned as follows:

53.22% federal  
FY '86 42.1% state  
4.68% county

53.41% federal  
FY '87 41.93% state  
4.66% county

#### I. Moratorium on the Licensure of Nursing Home Beds

In Senate File 903/House File 769, the legislature finds that further increases in the number of licensed nursing home beds, especially in nursing homes not certified for participation in the Medical Assistance program, is contrary to public policy, because:

—nursing home residents with limited resources may exhaust their resources more rapidly in facilities which are licensed but not certified, creating the need for a transfer to a certified nursing home, with the coincident risk of transfer trauma;

—a continuing increase in the number of nursing home beds will foster continuing reliance on institutional care to meet the long-term care needs of residents of the state;

—a further expansion of nursing home beds will diminish incentives to develop more appropriate and cost effective alternative services and divert community resources that would otherwise be available to fund alternative services;

—through corporate reorganization resulting in the separation of certified and licensed beds, a nursing home may evade the provisions of section 256B.48 subdivision 1, clause (a); and

—it is in the best interests of the state to ensure that the long-term care system is designed to protect the private resources of individuals as well as to use state resources most effectively and efficiently.

For the above reasons, effective May 1, 1985, the Commissioner of Health in coordination with the Commissioner of Human Services shall deny each request for licensure of nursing home beds unless:

1. A facility has submitted either a completed licensure application or a written request for licensure to the commissioner before March 1, 1985 and has either commenced construction before May 1, 1985 or before May 1, 1985 has received written authorization to begin construction on a phased-in basis from the Commissioner of Health, or

2. The beds to be certified or licensed are in a facility operated by the Commissioner of Veteran's Affairs or the costs of constructing and operating the new beds are reimbursed by the Commissioner of Veteran's Affairs or the United States Veteran's Administration.

Estimated cost savings to Medical Assistance

FY '86 \$216,000  
FY '87 \$679,000

#### II. Preadmission Screening

The proposed law amends Minnesota Statutes, section 256B.091 effective July 1, 1985, to provide that:

A. Each county agency shall contract with the local Board of Health or other public or non-profit agency to establish a screening team to assess the health and social needs of all applicants prior to admission to a licensed nursing home or boarding care home that is certified for Medical Assistance as a Skilled Nursing Facility, Intermediate Care Facility Level I, or Intermediate Care Facility Level II.

B. Prior to nursing home or boarding care home admission, screening teams shall assess the needs of all applicants except:

—patients transferred from other nursing homes;

—patients who, having entered acute care facilities (hospitals) from nursing homes, are returning to nursing home care;

—persons entering a facility described in Section 256B.431 subdivision 4, paragraph (b).

C. The cost for screening persons who are receiving Medical Assistance or who would be eligible for Medical Assistance within 180 days of nursing home or boarding care home admission will be paid by Medical Assistance or state and county funds appropriated for screening. Other persons shall be assessed by a screening team upon payment of a fee approved by the commissioner.

Estimated cost savings to the Medical Assistance Program for the above provision:

FY '86 \$1.3 million  
FY '87 \$6.4 million

## OFFICIAL NOTICES

III. Medical Assistance operating cost payment rates based on the assessment and classification of residents of nursing homes and boarding care homes participating in the Medical Assistance program (case mix).

A. Limits on actual allowable historical operating costs take into consideration a number of factors including geographic location. In developing the geographic groups for purposes of reimbursement under case mix, the commissioner shall ensure that nursing homes in any county contiguous to the Minneapolis/St. Paul seven-county metropolitan area are included in the same geographic group. This provision is effective July 1, 1985.

B. Each nursing home whose actual allowable historical operating cost per diem for the reporting year ending September 30, 1984 and the following two reporting years is five percent or more above the limits established by the commissioner, shall be allowed to be reimbursed for part of the excess costs each year for up to three rate years according to the following:

1. for the rate year beginning July 1, 1985, 70 percent of the difference between the actual allowable historical operating cost per diem and 105% of the limit established by the commissioner;

2. for the rate year beginning July 1, 1986, 50 percent of the difference between the actual allowable historical operating cost per diem and 105% of the limit established by the commissioner;

3. for the rate year beginning July 1, 1987, 30 percent of the difference between the actual allowable historical operating cost per diem and 105% of the limit established by the commissioner; and

4. any efficiency incentive amount earned by the nursing home must be subtracted from any of the reimbursement phase-in amounts established as a payment through the phase-in.

C. In order to provide sufficient time for implementation of the new system, the new law establishes a delay in the effective date for reimbursement for operating cost payment rates under case mix. The case mix operating cost payment rates will be effective two calendar months from the first day of the month after the commissioner issues the rate notice to the nursing home. In the interim, current operating cost payment rates will be increased by 2.6 percent. In the interim, the property related payment rate and the real estate taxes and special assessments payment rate will be the same as the current year and will subsequently be retroactively adjusted to July 1, 1985 using the procedures established under Minnesota Rules 9540.0010-9549.0080.

Estimated costs to the Medical Assistance Program for the above provisions are:

FY '86 \$3,800,000

FY '87 \$3,400,000

IV. The new law establishes an expert board to hear nursing homes appeals on the appraised value of a nursing home's real estate.

1. Members of the appeals board are appointed by the commissioner from the list of appraisers approved for state contracts by the commissioner of administration.

2. The appeals board is required to issue a written report within 30 days following the close of the record.

3. The commissioner, within 30 days, must adopt, reject or modify the reports.

4. Within 30 days after receiving the commissioner's report, the appealing party may appeal to the Minnesota Court of Appeals.

5. The court's decision is limited to a determination of the appraised value of the real estate and must not include costs assessed against either party.

Estimated cost to the Medical Assistance program is insignificant.

V. Medicare Certification of Skilled Nursing Homes

All nursing homes certified as skilled nursing facilities under the Medical Assistance program shall participate in medicare part A and part B unless, after submitting an application, Medicare certification is denied by the federal health care financing administration. If medicare certification is denied by the federal health care financing administration, the skilled nursing facility may continue its participation in the Medical Assistance program, to the extent permitted by federal regulations. Medicare review shall be conducted at the time of the health department's next annual medical assistance certification review. Charges for medicare-covered services provided to residents who are simultaneously eligible for medical assistance and medicare must be billed to medicare part A or part B before billing medical assistance. Medical assistance may be billed only for charges not reimbursed by medicare.

Until September 30, 1987, the commissioner of health may grant exceptions from this requirement when a nursing home submits a written request for exception and it is determined that there is sufficient participation in the medicare program to meet the needs of medicare beneficiaries in that region of the state. For the purposes of this section, the relevant geographic area would be the county in which the nursing home is located together with contiguous Minnesota counties. To determine that there is sufficient participation in the medicare program in a particular geographic region, the commissioner of health shall assure that the proportion of skilled resident days paid by the medicare program is at least equal to the national average based on the most recent figure that

can be supplied by the federal health care financing administration. A nursing home that is granted an exception under this subdivision must give appropriate notice to all applicants for admission that medicare coverage is not available in the nursing home and publish this fact in all literature and advertisement related to the nursing home.

Estimated cost savings to Medical Assistance:

FY '86 None  
FY '87 \$4,800,000

#### VI. Allocation of Costs for Consultants

The nursing home's central office costs representing services of consultants not required by law in the areas of nursing, quality assurance, medical records, dietary, other care related services, and plan operations may be allocated to the appropriate operating cost category of a nursing home according to the following:

A. Only the salaries, fringe benefits, and payroll taxes associated with the individual performing the service may be allocated. No other costs may be allocated.

B. The allocation must be based on direct identification and only to the extent justified in time distribution records that show the actual time spent by the consultant performing the services in the nursing home.

C. The cost in paragraph A for each consultant must not be allocated to more than one operating cost category in the nursing home. If more than one nursing home is served by a consultant, all nursing homes shall allocate the consultant's cost to the same operating category.

D. Top management personnel must not be considered consultants.

E. The consultant's full-time responsibilities shall be to provide the services identified in this item.

Allocations of other consultants are specified in Minnesota Rules 9549.0010-9549.0080.

Estimated cost to Medical Assistance: Insignificant.

#### VII. Operating Costs

For the rate year beginning on July 1, 1985, the commissioner shall:

A. allow nursing homes that have an average length of stay of 180 days or less in their skilled nursing level of care, 125 percent of the care related limit and 105 percent of the other operating cost limit established by rule; and

B. exempt nursing homes licensed on July 1, 1983, by the commissioner to provide residential services for the physically handicapped under Minnesota Rules, parts 9570.2000 to 9570.3600, from the care related limits and allow 105 percent of the other operating cost limit established by rule.

For the purpose of calculating the other operating costs efficiency incentive for nursing homes referred to in clauses A or B, the commissioner shall apply the other operating cost limit established by rule, before application of the 105 percent.

Estimated cost to Medical Assistance: Insignificant.

#### VIII. Assessment of Residents for Reimbursement Classification

The provisions of assessment and classification of residents relating to resident reimbursement classifications, notice of resident reimbursement classification, request for reconsideration and the reconsideration of the assigned reimbursement classification are incorporated into state statute. (For further description of resident reimbursement classifications, see *State Register*, Volume 9, Number 50, June 10, 1985.)

Estimated effect on Medical Assistance expenditures: Insignificant.

#### IX. Reimbursement of Property Costs

Effective July 1, 1985, reimbursement of property costs will be made based on a rental value system. This change is made to effect Minnesota Statute 256B.431 (1984). A complete description of the system is contained in Minnesota Rules Chapter 9549, as published at *State Register*, Volume 9, Number 32, pages 1716-1739, February 4, 1985 and *State Register*, Volume 9, Number 50, pages 2659-2669. Public hearings concerning the rules adopting the rental value system were held in March, 1985.

Estimated cost to Medical Assistance:

FY '86 \$3,000,000  
FY '87 \$3,000,000

### Pollution Control Agency

#### Public Meeting Regarding Revisions to Minnesota's State Implementation Plan

NOTICE IS HEREBY GIVEN, that the Minnesota Pollution Control Agency (hereinafter "Agency") at its regularly scheduled meeting on July 23, 1985, will consider a proposed revision to the State Implementation Plan (SIP). The revision involves the inclusion of an amended Memorandum of Agreement between the Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency, Region 5. The amended Agreement states that the Agency will provide opportunity for public comment on permits for major stationary sources, major modifications, lead emission facilities with an actual lead emission rate of 0.6 tons or more per year, and sources which must be reviewed to assure that the source will not potentially violate a control strategy or interfere with attainment or maintenance of a national ambient air quality standard.

NOTICE IS HEREBY GIVEN, that the public is invited to attend the Agency meeting on July 23, 1985, and to comment at that meeting on the proposed SIP revision. The meeting will begin at 9:00 a.m. in the Agency Board Room at 1935 West County Road B-2, Roseville, Minnesota 55113. A copy of the meeting agenda and SIP revision may be obtained from Jeanine Willenbring, at the address noted below, or at 612/296-7311. Written comments on the proposed SIP revision may be submitted prior to the meeting and should be addressed to Bradley Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113. Questions regarding the proposed revision or the Agency meeting should be directed to Bradley Beckham at the address above or at 612/296-7265.

June 14, 1985

Thomas J. Kalitowski  
Executive Director

### Sentencing Guidelines Commission

#### Public Hearing to Consider Modifications to Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, July 25, 1985, at 5:30 p.m., in Rooms A & B of the Metropolitan Council, 3rd Floor, Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. The public hearing is to consider proposed modifications to the sentencing guidelines primarily resulting from new legislation.

Copies of the proposed modifications are available, free of charge, by contacting the Minnesota Sentencing Guidelines Commission at 51 State Office Building, 435 Park, St. Paul, MN 55155, or by calling (612) 296-0144.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/phone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On July 30, 1985, the Commission will meet to formally adopt or reject the proposed modifications. If adopted, the modifications unless otherwise noted will become effective August 1, 1985, and will have the same force and effect as the language it is replacing.

#### Proposed Modifications

Section II.C. (Presumptive Sentence) is modified as follows:

**C. Presumptive Sentence:** The offense of conviction determines the appropriate severity level on the vertical axis. The offender's criminal history score, computed according to section B above, determines the appropriate location on the horizontal axis. The presumptive fixed sentence for a felony conviction is found in the Sentencing Guidelines Grid cell at the intersection of the column defined by the criminal history score and the row defined by the offense severity level. The offenses within the Sentencing Guidelines Grid are presumptive with respect to the duration of the sentence and whether imposition or execution of the felony sentence should be stayed.

The line on the Sentencing Guidelines Grid demarcates those cases for whom the presumptive sentence is executed from those for whom the presumptive sentence is stayed. For cases contained in cells below and to the right of the line, the sentence should be executed. For cases contained in cells above and to the left of the line, the sentence should be stayed, unless the conviction offense carries a mandatory minimum sentence.

When the current conviction offense is burglary of an occupied dwelling (Minn. Stat. § 609.582, subd. 1 (a)) and there was a previous adjudication of guilt for a felony burglary before the current offense occurred, the presumptive disposition is Commitment to the Commissioner of Corrections. The presumptive duration of sentence is the fixed duration indicated in the appropriate cell of the Sentencing Guidelines Grid. Similarly, when the current conviction offense is sale of a severity level VI drug or sale of cocaine

and there was a previous adjudication of guilt for a sale of a severity level VI drug or sale of cocaine before the current offense occurred, the presumptive disposition is Commitment to the Commissioner of Corrections. The presumptive duration of sentence is the fixed duration indicated in the appropriate cell of the Sentencing Guidelines Grid.

Every cell in the Sentencing Guidelines Grid provides a fixed duration of sentence. For cells below the solid line, the guidelines provide both a presumptive prison sentence and a range of time for that sentence. Any prison sentence duration pronounced by the sentencing judge which is outside the range of the presumptive duration is a departure from the guidelines, regardless of whether the sentence is executed or stayed, and requires written reasons from the judge pursuant to Minn. Stat. § 244.10, subd. 2, and section E of these guidelines.

Proposed Changes to Section V. Offense Severity Reference Table are as follows:

|       |  |
|-------|--|
| VIII  | <u>Intrafamilial Sexual Abuse 1—609.3641</u>   |
| <hr/> |  |
| VII   | <u>Criminal Sexual Conduct 2—609.343 (c), (d), (e), &amp; (f), &amp; (h)</u><br><u>Criminal Sexual Conduct 3—609.344 (c), &amp; (d), &amp; (g)</u><br><u>*Criminal Sexual Conduct 3—609.344 (h), (i), &amp; (j)</u><br><u>Intrafamilial Sexual Abuse 2—609.3642, subd. 4 (2)</u><br><u>Intrafamilial Sexual Abuse 3—609.3643, subd. 4 (2)</u>  |
| <hr/> |  |
| VI    | <u>Criminal Sexual Conduct 2—609.343 (a), &amp; (b), &amp; (g)</u><br><u>Criminal Sexual Conduct 4—609.345 (c), &amp; (d), &amp; (g)</u><br><u>*Criminal Sexual Conduct 3—609.344 (h), (i), &amp; (j)</u><br><u>**Criminal Sexual Conduct 4—609.345 (h), (i), &amp; (j)</u><br><u>Intrafamilial Sexual Abuse 2—609.3642, subd. 4 (1)</u><br><u>Intrafamilial Sexual Abuse 4—609.3644, subd. 4 (2)</u><br><u>Sale of Cocaine—152.15, subd. 1 (1) (effective 8/1/86)</u> |
| <hr/> |  |
| V     | <u>Criminal Sexual Conduct 3—609.344 (b), &amp; (e), &amp; (f)</u><br><u>**Criminal Sexual Conduct 4—609.345 (h), (i), &amp; (j)</u><br><u>Intrafamilial Sexual Abuse 3—609.3643, subd. 4 (1)</u><br><u>Price Fixing/Collusive Bidding—325 D.53 (effective 8/1/86)</u>   |
| <hr/> |  |
| IV    | <u>Criminal Sexual Conduct 4—609.345 (b), &amp; (e), &amp; (f)</u><br><u>Intrafamilial Sexual Abuse 4—609.3644, subd. 4 (1)</u><br><u>Sale of Cocaine—152.15, subd. 4 (1) (effective 8/1/86)</u><br><u>Receiving Stolen Property (firearm)—609.53, subd. 1(4) (effective 8/1/86)</u><br><u>Sports Bookmaking—609.75 subd. 7 (effective 8/1/86)</u>   |
| <hr/> |  |
| III   | <u>Possession of Cocaine—152.15, subd. 2(1) (effective 8/1/86)</u>   |

## OFFICIAL NOTICES

II Negligent Fires (damage greater than \$10,000)—609.576 (b) (4) (3)

I Possession of Cocaine—152.15, subd. 2(1) (effective 8/1/86)

\*A tie vote occurred on the proposed ranking for this offense. Proposals to rank the offense at severity levels VI and VII will each be considered at the public hearing.

\*\*A tie vote occurred on the proposed ranking for this offense. Proposals to rank the offense at severity levels V and VI will each be considered at the public hearing.

Proposed Change to the *Theft Offense List* is as follows:

False Declaration of Claim  
471.392  
(effective 8/1/86)

## Board of Vocational Technical Education

### Outside Opinion Sought Regarding Proposed Rules Governing Licensure of Post-Secondary Vocational Education Personnel

Notice is hereby given that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to promulgate new rules and amend existing rules located in Chapter 3515, governing rules for the licensure of post-secondary personnel in public area vocational technical institutions. The promulgation of these rules is authorized by Minn. Stat. 136C.04, subd. 9 (1984).

The State Board of Vocational Technical Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written statements should be addressed to:

Helen Henrie, Assistant to the Director  
State Board of Vocational-Technical Education  
565 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-4575 and in person at the above address.

All statements of information and comments shall be accepted until October 1, 1985. Any written material received by the State Board of Vocational Technical Education shall become part of the record in the event that the rules are promulgated or amended.

June 24, 1985

Joseph P. Graba, Director  
State Board of Vocational  
Technical Education



# 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 296-6152. 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 |
|-----------------------|---|---|---------------------|-------------------------|
| 55-520-03290          | Dental Lab Services   | Human Services—<br>Oak Terrace Nursing Home | Minnetonka          | Contact buyer           |
| 78-630-04446          | Manila Tag  | MN Correctional Facility                    | Oak Park Heights    | Contact buyer           |
| 29-006-04438          | Rental of Bulldozer   | Natural Resources                           | Forest Lake         | Contact buyer           |
| 27-157-42701, 9055    | St. Paul Learning Center Quarterly Schedule                     | Inver Hills Community College               | Inver Grove Heights | Contact buyer           |
| 79-000-46763          | Chart Recorder  | Transportation                              | St. Paul            | Contact buyer           |
| 02-310-13661, etc.    | Hospital Equipment  | Various                                     | Various             | Contact buyer           |
| 26-073-17715          | Lab Supplies  | St. Cloud State University                  | St. Cloud           | Contact buyer           |
| 29-000-40290, etc.    | Police Leather Goods  | Natural Resources                           | St. Paul            | Contact buyer           |
| 07-500-33859          | Teledyn Continental Aircraft Factory Rebuilt Engine 0-470-U "6" | Public Safety                               | St. Paul            | Contact buyer           |
| Rebid<br>26-137-03173 | Purchase of Printer   | Winona State University                     | Winona              | Contact buyer           |
| 02-410-46528          | Courier Service   | Administration—<br>Info. Management Bureau  | St. Paul            | Contact buyer           |
| 07-700-33873          | Purchase of Optical Character Reader Devices                    | Public Safety                               | St. Paul            | Contact buyer           |
| Rebid<br>78-630-06296 | Pallet Racks—Furnish & Install                                  | MN Correctional Facility                    | Oak Park Heights    | Contact buyer           |
| 27-152-46190          | Purchase of Computers   | Anoka Ramsey Community College              | Coon Rapids         | Contact buyer           |
| 39-000-03879          | Riding Lawn Tractor   | Governor's Residence                        | St. Paul            | Contact buyer           |
| 77-000-09219          | Mixed Hay, Alfalfa & Oat Straw                                  | Minnesota Zoological Gardens                | Apple Valley        | Contact buyer           |
| 78-890-01658, etc.    | Welders, Furnish & Install                                      | Corrections—<br>Sandstone Vocational School | Sandstone           | Contact buyer           |
| 77-000-09225          | Animal Feed   | Minnesota Zoological Gardens                | Apple Valley        | Contact buyer           |
| 55-000-91261          | Rental of Photocopy Machines                                    | Human Services                              | St. Paul            | Contact buyer           |
| 29-006-04487, etc.    | Snowmobiles   | Various                                     | Various             | Contact buyer           |
| 79-000-46901          | Modular Open Office System                                      | Transportation                              | St. Paul            | Contact buyer           |

## STATE CONTRACTS

| Requisition # | Item                       | Ordering Division       | Delivery Point | Estimated Dollar Amount |
|---------------|----------------------------|-------------------------|----------------|-------------------------|
| 79-000-46865  | Modular Office System      | Transportation          | St. Paul       | Contact buyer           |
| 26-074-10048  | Purchase of Printer        | Winona State University | Winona         | Contact buyer           |
| 29-000-40199  | Used Log Skidder & Trailer | Natural Resources       | Brainerd       | Contact buyer           |

Contact 296-6152 for referral to specific buyers.

## Department of Education Development and Partnerships Division

### Request for Proposals for Evaluation Services for Cost-Effective/Innovative Projects and Minnesota Improved Learning Programs

The Council on Quality Education, Minnesota Department of Education is seeking individuals or organizations to evaluate cost-effective/innovative grant projects and Minnesota Improved Learning Law programs. The Requests for Proposals (RFP) will include the evaluation objectives, timelines, and requirements; a list of projects, location, and the fiscal agents. The formal RFP packet may be requested from and inquiries should be directed to:

Council on Quality Education  
Development and Partnerships Division  
Minnesota Department of Education  
9th Floor, Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-5072

It is anticipated, pending funding by the Legislature, that the contract activities will involve approximately 46 project evaluations or 92 reports under four separate contracts totalling between \$70,000 and \$90,000. The deadline for submission of the proposal is 4:30 p.m., Wednesday, July 24, 1985.

## Department of Energy and Economic Development Energy Division

### Request for Proposals for Financial and Compliance Audit

The Minnesota Department of Energy and Economic Development (MDEED) is making a Request for Proposal (RFP) to perform an Attachment P audit of its Federal programs for FY '81 and FY '82 covering the period from July 1, 1980 through June 30, 1982. The total amounts to be audited are \$1,809,783 in FY '81 and \$2,161,302 in FY '82.

The Department has estimated that the cost of this project should not exceed \$15,000.

Copies of the RFP may be obtained from and completed proposals must be submitted to:

Dennis M. Devereaux (612) 296-9078  
Department of Energy and Economic Development  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

All completed contract proposals must be received no later than 4:00 p.m. July 12, 1985 in order to be considered.

## **Department of Finance**

### **Request for Proposals from Public Accounting Firms to Verify Mathematical Accuracy of the Escrow Fund and Proposed Advance Refunding of Bonds**

This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interests.

#### **I. Purposes and Duties**

The state of Minnesota, Department of Finance, is considering the advance refunding of an August, 1981 issue of state general obligation bonds. The Department of Finance is seeking a Public Accounting Firm to verify the mathematical accuracy of the cash flows and yields of the proposed refunding and Escrow Fund.

#### **II. Preparation of Proposal**

Each Public Accounting Firm should respond to the following:

Your method of verifying the Escrow Fund.

A list of recent governmental advance refundings for which your firm verified the Escrow Fund.

State the cost of providing the service. Payment will be made from the proceeds of the refunding bond sale.

Provide the name of the contact person within your company and phone number.

#### **III. Timetable**

The tentative data for the bid opening on the refunding bonds is July 9, 1985. The tentative closing date is July 30, 1985.

#### **IV. Information Contact**

For additional information contact:

Peter Sausen  
Debt Management Director  
Department of Finance  
309 Administration Building  
Saint Paul, Minnesota 55155  
Phone: (612) 296-8372

Please note. Other departmental personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

#### **V. Submission of Proposals**

All proposals must be sent to and received by:

Jay Kiedrowski  
Commission of Finance  
309 Administration Building  
Saint Paul, Minnesota 55155

Not later than 10 a.m. CDT, July 8, 1985.

Late proposals will not be accepted. Please submit 3 copies of your proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized member of the Firm. Prices and terms of the proposal as stated must be valid for the length of the project.

#### **VI. Project Costs**

The Department of Finance has estimated that the cost of this project should not exceed \$10,000 for professional services.

##### **Evaluation**

All proposals received by the deadline will be evaluated by representatives of the Department of Finance. An interview may be part of the evaluation process. Factors upon which proposal will be judged include, but not limited to the following:

1. Knowledge of Escrow Fund verifications.
2. Costs.
3. Results of personal interviews, if any.

Evaluation will be completed by July 9, 1985.

## STATE CONTRACTS

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### **VIII. Nature of Procurement**

This procurement is undertaken by the state pursuant to the provisions of M.S. 15.061. 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 Firm whose proposal demonstrates clear capabilities 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 to serve the best interest of the state of Minnesota.

### **IX. 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 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 term initiated by the parties, contain the terms and conditions set forth in state of Minnesota form 1051 (copy attached).

## **Higher Education Coordinating Board**

### **Request for Proposals for Grants for the Improvement of Mathematics, Science and Foreign Languages Learning**

The Higher Education Coordinating Board is requesting proposals for cooperative programs among institutions of higher education, local education agencies including ECSUS, the State Department of Education, private industry and private non-profit organizations for the development and dissemination of projects designed to improve student understanding and performance in science, mathematics, and critical foreign languages. Only programs which involve cooperative arrangements which include local education agencies (school districts) and either private industry, the Minnesota Department of Education, or private non-profit organizations will be considered for this submission. Monies available for cooperative programs between institutions of higher education and LEAs are already committed. The estimated amount available for such proposals totals approximately \$15,000. Proposals must be submitted no later than August 1, 1985.

The complete request for proposals, including criteria by which proposals will be judged, may be obtained from:

Higher Education Coordinating Board  
Deputy Executive Director  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

## **Department of Human Services Assistance Payments Policy Operations Division**

### **Request for Proposals for Refugee Pre-Employment Case Management Services**

Notice is hereby given that the Assistance Payments Policy Operations Division, Minnesota Department of Human Services, is seeking proposals concerning the delivery of pre-employment services to refugee persons who reside within Olmsted County, are recipients of certain public assistance programs, and have resided in the United States for thirty-six (36) months or less.

Pre-Employment case management services generally consist of working with individual clients to assist their preparation for employment through assessment, planning, locating and accessing relevant services, support, and follow-up. The goal is that of securing employment which is sufficient to eliminate the individual's need for cash public assistance.

The successful responder/vendor must have the ability to communicate with the majority of the clients in their original languages, Cambodian and Vietnamese, and to provide service with sensitivity to their cultural values. Full details available upon request.

The standing caseload will be 70 with a minimum of 100 clients to be served due to turn-over. The contract will run from August 1, 1985 through June 30, 1986, and it may be extended thereafter if funds permit and the work is satisfactory. The estimated amount of the contract will not exceed \$50,000. We must receive all proposals by 4:20 p.m., CDT, Friday, July 12, 1985. We reserve the right to not act on this RFP.

Please direct requests for the complete RFP information package, any questions and completed proposals to:

Refugee Program Office  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55101  
612-296-1383

## **Department of Human Services Fergus Falls State Hospital**

### **Request for Proposals for Physician, Pharmacy, and Psychiatric Services**

Notice is hereby given that The Fergus Falls State Hospital, Mental Health Bureau, Department of Human Services is seeking the following services which are to be performed as requested by the Administration of the Fergus Falls State Hospital. Contract will be written for the period July 1, 1985, through June 30, 1986, with option to renew for one year period ending June 30, 1987 or they may be written for the period July 1, 1985 through June 30, 1987.

1) Services of qualified physicians to function in the capacity of attending staff physicians, to perform admission and annual history and physical examinations and continuing medical care upon the residents of the Fergus Falls State Hospital in accordance with high professional standards and in a manner prescribed by the policies of the Fergus Falls State Hospital and the Minnesota Department of Human Services, and at times mutually agreed to by the Consultant and the Medical Director of the Fergus Falls State Hospital. The estimated amount of the contract will not exceed a total of \$60,050.00 for a two-year period.

2) Services of a private psychiatric association to furnish qualified psychiatrists trained and experienced in all areas of human services for the mentally ill, mentally retarded and chemically dependent to give consultation for individual resident treatment, staff education and program development at Fergus Falls State Hospital. The estimated amount of the contract will not exceed a total of \$54,600 over a two-year period.

3) Services of a qualified pharmacist to serve as a primary pharmacy consultant on the units for the mentally ill, and other units upon request, also serve as general drug information resource person for physicians, pharmacists, nurses and other hospital staff members. Consultant must provide consultations regarding individual patients upon request of the hospital staff, follow-up on medication recommendations, evaluate psychotropic and anticonvulsant medication prescribing patterns to ascertain medication effectiveness and appropriateness therapy and publish material of clinical interest. In addition, must also provide hospital-wide inservice education on a regularly scheduled basis, conduct periodic Health Services Technician (HST) medication education classes and coordinate discharge medication counseling activities.

The estimated amount of the Contract will not exceed at total of \$21,400.00 over a two-year period.

Responses must indicate whether for one year with option to renew, or for two years. Responses must be received by 11:00 A.M. July 22, 1985.

Direct inquiries to:

Dr. Richard C. Baker  
Fergus Falls State Hospital  
Fergus Falls, MN 56537-0157  
Telephone (218) 739-396

## **Metropolitan Council**

### **Request for Proposals to Study Landfill Alternatives for Sewage Sludge Incinerator Ash**

The Metropolitan Council is seeking proposals from qualified firms for technical assistance in preparing a study on the feasible and prudent alternatives to the landfilling of sewage sludge incinerator ash. Ash is currently being generated at 90 tons per day and

## **STATE CONTRACTS**

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before a new landfill facility can be sited all alternatives must be examined. The consultant shall evaluate the alternatives based on costs, environmental effects, implementability and reliability.

Copies of the Request for Proposals may be obtained by requesting same from: Mr. James L. Frost, Metropolitan Council, 300 Metro Square Building, St. Paul, MN. 55101.

Proposals are to be submitted to the Metropolitan Council by 3:00 p.m. July 29, 1985. Inquiries regarding this request should be directed to Mr. Frost at (612) 291-6519.

### **Metropolitan Transit Commission**

#### **Request for Proposals for Application Development Software System**

NOTICE IS HEREBY GIVEN that the Metropolitan Transit Commission will receive proposals at the office of the Metropolitan Transit Commission, 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, until 2:00 p.m. on Friday, July 5, 1985, for an application development software system, MTC Specification #061-3320-00-552-07-004.

All plans, specifications, and proposals are available from the Metropolitan Transit Commission, 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, (Telephone: 612/349-7662).

The Metropolitan Transit Commission reserves the right to reject all proposals.

This project is subject to the financial assistance contract between the Metropolitan Transit Commission and the United States Department of Transportation.

Contractor will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All proposers will be required to certify that they are not on the Comptroller General's List of Ineligible Contractors.

The Metropolitan Transit Commission hereby notifies all proposers that in regard to any contract entered into pursuant to this request for proposals, minority business enterprises will be afforded full opportunity to submit proposals in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

### **Metropolitan Waste Control Commission**

#### **Request for Proposals for Office Space**

The Metropolitan Waste Control Commission, the Regional Transit Board, and the Metropolitan Council jointly desire proposals for the rental of approximately 86,401 square feet of office space, and 6,700 square feet for office storage. Contact Jim Hiniker, 350 Metro Square Building, St. Paul, MN 55101, (612) 222-8423, ext 174. Proposals must be submitted by 2:00 p.m., August 7, 1985.

### **Pollution Control Agency**

#### **Request for Proposals/Request for Qualifications for Emergency Treatment of Contaminated Municipal Water Supplies**

The Minnesota Pollution Control Agency (MPCA) wishes to retain a contractor to provide emergency treatment of municipal water supplies within the State of Minnesota that have been contaminated with volatile organic compounds. A multi-site contract is proposed for all emergency treatment needs over a 24 month period. Funding for treatment services will come from the State Superfund and be apportioned out on a site by site basis. It is estimated that \$250,000 worth of emergency treatment services will be needed over a 24 month period.

Copies of the RFP/RFQ are available from

Bruce W. Brott  
Minnesota Pollution Control Agency  
Solid and Hazardous Waste Division  
1935 West County Road B2  
Roseville, Minnesota 55113  
612/296-7384

All proposals must be submitted to the MPCA by Friday, July 19, 1985, or 25 days from the date of the first publication of this notice, whichever is later.

## **State Arts Board**

### **Request for Proposals for Graphic Arts Services**

The Minnesota State Arts Board is requesting proposals for bids to provide a variety of graphic arts services beginning July, 1985. The contract will cover such tasks as concept development, graphic design and layout, special typesetting, and illustration for a variety of the agency's publications. Respondents will be asked to provide a portfolio, staff qualifications, and a fee schedule that will be effective during the life of the contract. The successful respondent will be assigned tasks within the scope of the contract as needed by the agency. Total amount of the contract will not exceed \$15,000.

For more information contact:

John Firman  
Minnesota State Arts Board  
432 Summit Avenue  
Saint Paul, MN 55102  
612/297-2603

Proposals will be accepted until July 19, 1985.

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## **NON-STATE PUBLIC CONTRACTS**

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## **Northern Itasca Hospital**

### **Request for Proposals for Classification and Compensation Study**

Notice is hereby given that the Northern Itasca Hospital solicits your sealed proposal to provide a classification and compensation study according to specifications as prepared by Northern Itasca Hospital. Interested parties should return a signed prepared quote form with 10 copies of your proposal by 2:00 p.m., July 26, 1985, to the Assistant Administrator, Northern Itasca Hospital, Bigfork, Minnesota 56628. Specifications and bid form may be obtained from the Assistant Administrator, Northern Itasca Hospital, Bigfork, Minnesota 56628, or 218/743-3177. Questions regarding this Request for Proposal should be submitted IN WRITING by 2:00 p.m., July 8, 1985, to Daniel R. Mohler, Asst. Administrator, Northern Itasca Hospital, Bigfork, Minnesota 56628. An addendum to the RFP will be provided in answer to the questions submitted. The addendum will be sent to all parties making a request for the RFP and will be mailed by July 12, 1985.

Proposals should be prepared simply and economically with emphasis on completeness and clarity of contents. Cost estimates are to be itemized per Northern Itasca Hospital and C&NC Unit.

Northern Itasca Hospital reserves the right to accept other than the lowest cost proposal and also reserves the right to reject all proposals. If it is determined that discussions are necessary, written or oral discussions will be held with one or all proposers. Contract development and award will be based upon judgment as to which proposal best meets requirements stated herein and is in Northern Itasca Hospital's best interest.

Northern Itasca Hospital will not be liable for any expense incurred by any vendor prior to the execution of a contract. The proposal will be prepared at no cost to Northern Itasca Hospital.

Consultant shall submit a proposal to deal with the entire program. No proposals shall be accepted that deal with less than the entire program. THERE IS NO BID BOND, PERFORMANCE BOND, OR INSURANCE REQUIRED FOR THIS PROPOSAL.

This study shall be prepared in such a manner to be compatible with the classification and compensation study being conducted for Itasca County.

# ERRATA

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## Peace Officer Standards and Training Board

### Correction to Adopted Rules Governing Continuing Education, Licensing, Violations of Standards of Conduct and Reimbursement to Local Units of Government

An error occurred in the June 17, 1985 publication of these rules in the *State Register* on page 2701 (9 S.R. 2701), Volume 9, Issue #52. The citation to the previous publication of the proposed rules was incorrect. The correct citation for the proposed rules is: Volume 9, Issue 38, pages 2056-2058, March 18, 1985 (9 S.R. 2056). This involves Minnesota Rules 6700.0900; .1000; .1800.



## ORDER FORM

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Street \_\_\_\_\_

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Telephone # \_\_\_\_\_

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Publication(s) you are receiving from us: \_\_\_\_\_

## FOR LEGISLATIVE NEWS

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

### SENATE

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions.

**Perspectives**—Publication about the Senate.

Contact: Senate Public Information Office  
B29 State Capitol, St. Paul, MN 55155  
(612) 296-0504

### HOUSE

**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

**This Week**—weekly interim bulletin of the House.

Contact: House Information Office  
Room 8 State Capitol, St. Paul, MN 55155  
(612) 296-2146

Legislative Reference Library  
Room 111 Capitol

Interoffice