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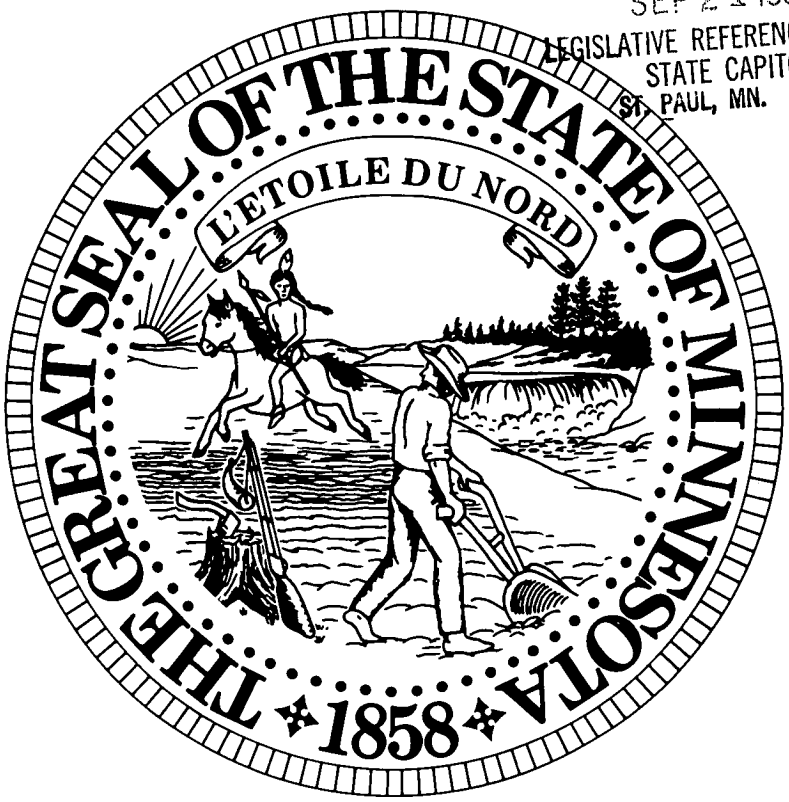

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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
12	Friday 4 September	Monday 14 September	Monday 21 September
13	Monday 14 September	Monday 21 September	Monday 28 September
14	Monday 21 September	Monday 28 September	Monday 5 October
15	Monday 28 September	Monday 5 October	Monday 12 October

*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 State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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

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For Legislative News

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 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.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register.***

When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register.***

After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules.** These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as **Proposed Rules.** To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register,*** the issue the rule appeared in as proposed, and later as adopted.

For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-16; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August.

For copies of the ***State Register,*** a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services,*** contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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Proposed Rules

Pursuant to Minn. Stat. of 1984, §§ 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 Commerce

Proposed Permanent Rules Relating to Securities

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 80A.06 subd. 5 and 80A.25.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. 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.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

Kristine Eiden
Deputy Commissioner
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-6329

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

Pursuant to *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.

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 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.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2875.1010 INVESTMENT ADVISORY CONTRACTS.

Subpart 1. [Unchanged.]

Subp. 1a. **Exception.** Subpart 1, item A, does not apply to an investment advisory contract that provides for compensation to the investment adviser on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client if all the conditions in items A to D are satisfied.

A. Nature of the client:

(1) the client entering into the contract subject to this subpart must be a natural person or a company, as defined in subpart 2, who immediately after entering into the contract has at least $500,000 under the management of the investment adviser; or

(2) a person who the investment adviser and any person acting on behalf of the adviser entering into the contract reasonably believes, immediately before entering into the contract, is a natural person or a company, as defined in subpart 2, whose net worth at the time the contract is entered into exceeds $1,000,000. The net worth of a natural person may include assets held jointly with the person's spouse.

B. The compensation paid to the investment adviser under this subpart with respect to the performance of any securities over a given period must be based on a formula which:

(1) includes, in the case of securities for which market quotations are readily available, the realized capital gains and losses and unrealized capital appreciation and depreciation of the securities over the period;

(2) includes, in the case of securities for which market quotations are not readily available, (i) the realized capital gains and losses of securities over the period; and (ii) if the unrealized capital appreciation of the securities over the period is included, the unrealized capital depreciation of the securities over the period; and

(3) provides that any compensation paid to the investment adviser under this subpart is based on the gains less the losses computed in accordance with item B, subitems (1) and (2), in the client's account for a period of not less than one year.

C. The investment adviser shall disclose to the client, or the client's independent agent, before entering into an advisory contract under this subpart, all material information concerning the proposed advisory arrangement including the following:

(1) that the fee arrangement may create an incentive for the investment adviser to make investments that are riskier or more speculative than would be the case in the absence of a performance fee;

(2) where relevant, that the investment adviser may receive increased compensation with regard to unrealized appreciation as well as realized gains in the client's account;

(3) the periods which will be used to measure investment performance throughout the contract and their significance in the computation of the fee;

(4) the nature of any index which will be used as a comparative measure of investment performance, the significance of the index, and the reason the investment adviser believes the index is appropriate; and

(5) where an investment adviser's compensation is based in part on the unrealized appreciation of securities for which market quotations are not readily available, how the securities will be valued, and the extent to which the valuation will be independently determined.

D. The investment adviser and any person acting on behalf of the adviser who enters into the contract must reasonably believe, immediately before entering into the contract, that the contract represents an arm's-length arrangement between the parties and that the client, or in the case of a client which is a company as defined in subpart 2, the person representing the company, alone or together with the client's independent agent, understands the proposed method of compensation and its risks. The repre-

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.

sentative of a company may be a partner, director, officer, or an employee of the company or the trustee, where the company is a trust, or any other person designated by the company or trustee, but must satisfy the definition of client's independent agent in subpart 2, item C.

Subp. 2. **Definitions.** As used in ~~subpart 1~~ this part:

A. "Assignment" includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but, if the investment adviser is a partnership, no assignment of an investment advisory contract is considered to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more members who, after admission, will be only a minority of the members and will have only a minority interest in the business.

B. "Affiliate" has the same meaning as in section 2(a)(3) of the Investment Company Act.

C. "Client's independent agent" means a person agreeing to act as the client's agent in connection with the contract other than:

(1) The investment adviser acting in reliance upon this part, an affiliated person of the investment adviser, an affiliated person of an affilated person of the investment adviser, or an interested person of the investment adviser as defined in item E.

(2) A person who receives, directly or indirectly, any compensation in connection with the contract from the investment adviser, an affiliated person of the investment adviser, an affiliated person of an affiliated person of the investment adviser, or an interested person of the investment adviser as defined in item E.

(3) A person with any material relationship between himself or herself, or an affiliated person of the person, and the investment adviser, or an affiliated person of the investment adviser, that exists or has existed at any time during the previous two years.

D. "Company" has the same meaning as in section 202(a)(5) of the Investment Advisers Act of 1940, but does not include a company that is required to be registered under the Investment Company Act of 1940, but is not registered. Further, the term "company" as used in subpart 1a, item A, does not include (i) a private investment company as defined in item G, (ii) an investment company registered under the Investment Company Act of 1940, or (iii) a business development company, as defined in section 202(a)(22) of the Investment Advisors Act of 1940, unless each of the equity owners other than the investment adviser entering into a contract under subpart 1a of any such company is a natural person or company described in this item.

E. "Interested person" as used in item C means:

(1) Any member of the immediate family of any natural person who is an affiliated person of the investment adviser.

(2) Any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued by the investment adviser or by a controlling person of the investment adviser if the beneficial or legal interest of the person in any security issued by the investment adviser or by a controlling person of the investment adviser (a) exceeds one-tenth percent of any class of outstanding securities of the investment adviser or a controlling person of the investment adviser; or (b) exceeds five percent of the total assets of the person seeking to act as the client's independent agent.

(3) Any person, partner, or employee of any person who at any time since the beginning of the last two years has acted as legal counsel for the investment adviser.

F. "Investment advisory contract" means any contract or agreement ~~whereby~~ where a person agrees to act as an investment adviser or to manage any investment or trading account for a person other than an investment company as defined in the Investment Company Act of 1940.

G. "Private investment company" means a company that would be defined as an investment company under section 3(a) of the Investment Company Act of 1940 but for the exception provided from that definition by section 3(c)(1) of the act.

H. "Securities for which market quotations are readily available" in subpart 1a, item B, have the same meaning as in Rule 2a-4(a)(1) under the Investment Company Act of 1940.

I. "Securities for which market quotations are not readily available" in subpart 1a, item B, means securities not described in item H.

Department of Health

Proposed Permanent Rules Relating to Family Planning Special Project Grants

Notice of Public Hearing

Notice is hereby given that a public hearing will be held pursuant to *Minnesota Statutes*, section 14.14, subdivision 1, in the above-entitled matter in Room 105 of the State Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota on Wednesday, October 21, 1987, commencing at 9:30 a.m. The hearing will continue until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

These rules relate to the administration of grants to fund family planning services. The rules impose requirements on grant applications and establish criteria for the award of grants. A copy of the proposed rules is attached to this Notice. One free copy of the rules may be obtained from the Department by contacting Ruth Curwen Carlson, Family Planning Consultant, Maternal and Child Health Technical Services, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, telephone (612) 623-5267.

All interested or affected persons will have an opportunity to participate.

The Agency's authority to amend these rules is contained at *Minnesota Statutes*, sections 145.925, subdivision 5, and 144.05, subdivision f.

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 Statutes*, section 10A.01, subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including 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, 625 North Robert Street, Saint Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Written material may be submitted 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. The comments received during the comment period shall be available for review at the office of administrative hearings. The agency and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

The proposed rules may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the rules as noticed.

Notice: Any person may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. 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 agency at any time prior to the filing of the rules with the secretary of state.

Notice is hereby given that a statement of need and reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This statement of need and reaasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the agency or the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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.

The proposed rules will have an impact on small businesses. The impact of the rules on small businesses is discussed in the statement of need and reasonableness.

The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Administrative Law Judge George A. Beck has been assigned to conduct the hearing. Questions about procedure may be directed to Judge Beck at his office: Office of Administrative Hearings, 400 Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601.

Dated: 27 August 1987

Sister Mary Madonna Ashton, Commissioner
Department of Health

Rules as Proposed

FAMILY PLANNING SPECIAL PROJECT GRANTS

4700.1900 PURPOSE, SCOPE, AND APPLICABILITY.

The purpose and scope of parts 4700.1900 to ~~4700.2500~~ 4700.2550 is to prescribe requirements applicable to family planning special project grants, to establish minimum standards for family planning services supported in whole or in part by family planning special project grant funds, and to provide ~~a~~ criteria for the review of family planning special project grant applications. ~~An applicant is not required to provide all family planning service components to be eligible for funding.~~ The following parts of ~~part~~ parts 4700.0100 to 4700.1800 and no others also apply to family planning special project grants: parts 4700.0100; 4700.0200; 4700.0300; 4700.0400, item C; 4700.0500; 4700.0600; 4700.0700; 4700.0800, items A and B; 4700.0900; 4700.1000; 4700.1100, items C and E; 4700.1300; 4700.1400, items A to E, subitems (1), (4), (5), and (6); ~~4700.1200~~ 4700.1500; and 4700.1700.

Minnesota Statutes, section 145.925, contains a provision prohibiting use of these funds for abortions, and for family planning services to unemancipated minors in an elementary or secondary school ~~buildings,~~ building; requiring notice to parents or guardians of unemancipated minors to whom abortion or sterilization is advised, except as provided in Minnesota Statutes, sections 144.341 and 144.342~~,~~; and prohibiting coercing anyone to undergo an abortion or sterilization.

4700.2000 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Family planning methods.** "Family planning methods" means agents and devices for the purpose of fertility regulation prescribed by a licensed physician, and other agents and devices for the purpose of fertility regulation including, spermicidal agents, diaphragms, condoms, oral contraceptives, intrauterine devices, natural family planning methods, sterilizations, and the diagnosis and treatment of infertility by a licensed physician, which can be paid for in whole or in part by family planning special project grant funds.

Subp. 3. **Family planning services components.** "Family planning services components" means ~~each of~~ the public information, outreach, counseling, method, referral, and follow-up ~~services~~ categories under which all services provided by family planning service providers must be described. The minimum standards in part 4700.2210 serve to define these components.

Subp. 4. **High risk person.** "High risk person" means an individual whose age, health, prior pregnancy outcome, or socioeconomic status increases her chances of experiencing an unplanned pregnancy or problems during pregnancy. High risk persons include, but are not limited to, women under 18 or over 35; women who have experienced premature labor and delivery; women with existing health problems such as diabetes, anemia, and obesity; and persons whose individual or family income is determined to be at or below 200 percent of the official income poverty line as defined by the Federal Office of Management and Budget and revised annually in accordance with United States Code, title 42, section 9902, as amended through December 31, 1982. The official income poverty guideline is published as provided by the Federal Register, volume 50, page 9517 (1985). A copy of the most current guideline is available from the Office of Planning and Evaluation, Department of Health and Human Services, Washington, D.C., 20201, (202) 245-6141.

Subp. 5. **Linkages.** "Linkages" means formal or informal arrangements between the applicant and other family planning providers including contracts, reciprocal referral agreements, and committees.

Subp. 6. **Provide.** "Provide" means to directly supply or render or to pay for in whole or in part.

Subp. 7. **Publicly subsidized.** "Publicly subsidized" means funded by federal, state, county, or city tax dollars, but does not include title XIX of the Social Security Act medical assistance funds.

4700.2100 CONTENT OF APPLICATION.

~~In lieu of part 4700.0800, item C, subitems (1) to (8),~~ The application shall identify the geographic area to be served by the applicant and shall ~~address~~ provide the following required information ~~and requirements~~:

A. An inventory of existing family planning services provider agencies in the geographic area served by the applicant. The inventory shall include, for each provider agency, at least ~~names and addresses~~ the agency name; addresses of all agency service sites; the target population served, including total number served if available (if unavailable, estimates will be acceptable); and the family planning service components provided.

B. An assessment of unmet needs of the geographic area to be served by the applicant ~~including, but not limited to, an identification of~~. The assessment of unmet needs must, at least, identify unavailable family planning service components ~~and/or~~ or unserved or underserved ~~population~~ populations. A description of the method used in making the assessment shall be provided by the applicant.

C. A description of the family planning service components to be provided by the applicant. ~~Procedures for referral and follow-up shall be incorporated into all family planning services available on an individual basis.~~ Each component to be provided with family planning special project funds must meet the standards for that component described in part 4700.2200. The application must include a budget and budget justification and summary of applicable training or experience of persons providing services relevant to these components. Also, for each component ~~to be~~ provided, the application must describe:

(1) the goals;

(2) the population to be served (target population);

(3) the specific objectives to be achieved during the funding period;

(4) the methods by which each objective will be achieved; and

(5) the criteria to be used to evaluate the progress towards each objective~~;~~

~~(6) a budget and budget justification; and~~

~~(7) a summary of the training and/or experience relevant to the component(s) to be provided of the person(s) providing the service~~.

D. A description of the linkages between the applicant and other family planning services in the geographic area ~~including, but not limited to, plans for contracts and/or cooperative agreements with other organizations, agencies, or individual providers. All funded projects must establish linkages to facilitate access to outreach, counseling, and other component services for service recipients.~~

E. A description of fees~~, if any,~~ to be charged individuals for any family planning services. ~~Proposed~~ Fees must be charged for services to individuals and must be in accordance with a sliding fee schedule for services and supplies based on the cost of such services or supplies and on the individual's ability to pay as determined by income, family size, and other relevant factors. ~~When applicable, the maximum fee charged shall not exceed the maximum reimbursement available from title XIX, medical assistance.~~ Services shall not be denied based on ability to pay as specified in item H.

F. [Unchanged.]

G. ~~A description of the policies and procedures that will be employed to maximize the use of third-party sources of funding~~ Assurance that the use of third-party sources of funding will be employed whenever possible.

H. and I. [Unchanged.]

J. ~~When the applicant proposes to use family planning special project grant funds to supplant community health services subsidy funds planned and budgeted for family planning services, the amount to be supplanted must be described in the application.~~

~~K.~~ Assurance that the privacy of the service recipient will be maintained in accordance with law.

K. Original signature on face sheet and budget forms.

4700.2210 MINIMUM STANDARDS FOR FAMILY PLANNING SERVICE COMPONENTS.

An applicant is not required to provide all components to be eligible for funding. However, the applicant must make available the names and addresses of other family planning services provider agencies in the geographic area, if any, who offer components and services not offered by the applicant.

All funded projects must establish linkages to facilitate access to outreach, counseling, and other component services for service recipients.

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Procedures for referral and follow-up must be incorporated into all services that are provided by the applicant on a one-to-one basis.

The provision of all service components except public information shall include information on family planning services available from the applicant.

Service components to be provided by the applicant shall be defined by, and shall meet or exceed, the following minimum standards:

A. Public information must include specific activities designed to inform the general population about family planning and how to obtain information on all family planning service components available in the geographic area.

B. Outreach must include specific activities designed to inform members of the target population about family planning and all the family planning service components available in the geographic area. Outreach activities shall include one-to-one or small group contacts with the target population.

Outreach must be conducted at times and places convenient to the target population. Persons conducting outreach shall have training or experience in family planning services.

C. Counseling must include utilization of nondirective techniques in a decision-making format which enables individuals to voluntarily determine their participation in family planning services and their family planning method of choice, if any. "Nondirective techniques" means techniques that employ open-ended questions to enable individuals to consider their feelings, attitudes, and values about alternatives and outcomes. A decision-making format means a format that allows individuals to consider alternatives and outcomes, weigh advantages and disadvantages, and make choices.

When individuals are seeking to prevent pregnancy, counseling shall include the provision and explanation of factual information on all family planning pregnancy prevention methods in a nonjudgmental manner. "Nonjudgmental manner" means a manner in which the counselor's personal values and beliefs do not interfere with the client's choices.

When individuals are seeking to attain pregnancy, counseling shall include the provision and explanation of factual information on infertility diagnosis and treatment and services for pregnant women available in the geographic area.

Counseling shall be available to any individual in the target population and shall be conducted at times and places convenient to the target population.

Counseling shall include documentation that information required in Minnesota Statutes, section 145.925, has been provided. Counseling shall be conducted by persons with training or experience in counseling and family planning services.

D. Method must include the provision to a service recipient of the recipient's family planning method of choice. Provision of any family planning method must include:

(1) procedures which document that the service recipient participated in counseling prior to selecting a family planning method to prevent pregnancy;

(2) voluntary selection of the family planning method by the service recipient;

(3) information on the advisability of females obtaining a gynecological examination with Pap smear prior to initiating any family planning method;

(4) education on the use of the selected family planning method, including the risks and benefits of the method; and

(5) medical/laboratory services prior to the provision of a family planning method when the selected method requires medical intervention for prescription, fitting, insertion, or for surgical or diagnostic procedures. When the selected method does not require medical intervention, as described herein, the applicant shall encourage service recipients to obtain medical/laboratory services, but provision by the applicant is not required. Medical/laboratory services shall include:

(a) social and medical/surgical history with emphasis on the reproductive system;

(b) height, weight, and blood pressure measures;

(c) bimanual pelvic examination for females;

(d) breast examination and instruction on self-examination for females;

(e) hemoglobin or hematocrit;

(f) urinalysis for sugar and protein;

(g) Pap smear; and

(h) when indicated by history or symptoms, for both male and female as appropriate, diagnosis and curative treatment

of venereal disease, diagnosis and treatment of vaginitis, diagnosis of pregnancy, and for females, as appropriate, provision of rubella immunization.

Medical services shall be rendered by licensed physicians, or professional nurses with documentable training in gynecological care conducted under the supervision of a licensed physician, or nurse midwives certified by the American College of Nurse Midwifery, under the supervision of a physician, or physician's assistants, under the supervision of a licensed physician. Laboratory tests shall be conducted by personnel trained to conduct such tests.

E. Referral must include the provision, in writing, of information to service recipients which enables them to participate in family planning and other needed health and human services. Documentation of referrals must be maintained.

F. Follow-up must include specific procedures of continuing care designed to encourage safe and consistent utilization of family planning and other needed health and human services, using protocols based on accepted professional standards of care.

4700.2300 CRITERIA FOR AWARD OF FAMILY PLANNING SPECIAL PROJECT GRANTS.

Subpart 1. [Unchanged.]

Subp. 2. **Priority.** Applications proposing to provide all family planning service components in counties with no other in-county ~~subsidized~~ publicly-subsidized family planning service ~~as of December 31, 1978,~~ will be given priority above all other applications.

Subp. 3. **Quality and content.** Applications will be evaluated on the basis of:

A. part 4700.1100, items C and E;

B. the extent the funds will be used to meet unmet needs in the geographic area as identified in the application;

C. the extent the application proposes an identifiable expansion in the ~~capacity~~ scope of the family planning service system in the geographic area to be served by the applicant; ~~and~~

D. the extent the application proposes to coordinate family planning services with organizations, agencies, and individual providers in the geographic area to be served;

E. the extent the application proposes to serve high risk persons; and

F. the extent the application proposes to maximize use of alternative sources of funding.

Subp. 4. [Unchanged.]

Subp. 5. **Review and comment by the local board of health.** Prior to submission to the commissioner, the applicant shall submit the proposal to the local board of health for review and comment. Any comments of a local board of health shall be submitted to the commissioner within ~~20~~ 45 days of the date the proposal was ~~mailed to~~ received by the local board.

4700.2400 CONTINGENCY FUNDING ~~PRORATION~~.

Subpart 1. **Funding ~~criteria~~ recommendations.** If after ~~processing~~ reviewing applications in accordance with part 4700.2300, the total amount of funds ~~budgeted~~ applied for in ~~these~~ the applications exceeds the amount of family planning special project grant funds available, applications will be funded in accordance with the following:

A. Budget recommendations must be made in accordance with the criteria for award of family planning special project funds stated in part 4700.2300.

B. Applications must be funded in rank order according to the criteria for award of family planning special project funds stated in part 4700.2300, from highest to lowest as funds are available.

Subp. 2. ~~**Priority for service in counties with no in-county family planning service**~~ **Contingency funding proration.** If department funds for family planning special project grants are reduced after awards have been made, awards must be reduced in accordance with the following:

A. Step No. 1: Approved applications proposing to provide all service components in counties with no other publicly subsidized in-county family planning service ~~as of December 31, 1978,~~ will receive first priority. Up to the first ~~$20,000~~ $25,000 of the recommended budget in these applications will be awarded with no modification. Any portion in excess of ~~$20,000~~ $25,000 will be awarded in accordance with ~~subpart 3.~~ item B as follows:

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B. Step No. 2: All other applications and those unawarded portions of applications in item A will be prorated in an amount equal to their recommended budget, multiplied by the ratio of total available funds minus funds awarded under item A to total amount of the recommended budgets minus funds awarded under item A.

Subp. 3. [See Repealer.]

4700.2500 USE OF STATE FUNDS AVAILABLE FOR FAMILY PLANNING SPECIAL PROJECT GRANTS.

~~Family planning special project grant funds awarded to applicant may be used to supplant community health services subsidy funds planned and budgeted for family planning services in the 1978 and 1979 community health services plan.~~ Family planning special project grant funds may not be used to supplant any existing federal, state, or local funds for family planning information or services. Applicants are not required to match funds available under family planning special project grants.

4700.2550 ALLOCATION SCHEME.

If the commissioner allocates available funds based on an allocation scheme which limits the amount an applicant can apply for, the scheme must be set out in the notice of availability.

REPEALER. Minnesota Rules, parts 4700.2200; and 4700.2400, subpart 3, are repealed.

Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Agriculture

Proposed Emergency Rules Relating to Compensation for Crops Damaged or Destroyed by Elk

Notice of Intent to Adopt Emergency Rules

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 3.7371. The department, in adopting the rule, is following the procedures set forth in the Administrative Procedures Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29-14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rule in writing. Any comments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107, (612) 296-6906.

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Ms. Milligan.

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 emergency rule as noticed.

Upon adoption of the emergency rule by the department, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any persons may request notification of the date of submission to the Attorney General. 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 adopted rules, must submit a written request to Ms. Milligan.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the department gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 25 August 1987

Jim Nichols
Commissioner of Agriculture

Rules as Proposed (all new material)

1506.0010 [Emergency] AUTHORITY.

Parts 1506.0010 to 1506.0040 [Emergency] are prescribed under Minnesota Statutes, section 3.7371, by the commissioner of agriculture to implement procedures to compensate agricultural crop owners for crops that are damaged or destroyed by elk. The procedures in parts 1506.0010 to 1506.0040 [Emergency] are in addition to those in Minnesota Statutes, section 3.7371.

1506.0015 [Emergency] DEFINITIONS.

Subpart 1. **Applicability.** The definitions in this part apply to parts 1506.0010 to 1506.0040 [Emergency].

Subp. 2. **Claim form.** "Claim form" means a form provided by the commissioner, to be completed by the crop owner and the county extension agent or federal crop adjuster, containing information upon which payment for a loss must be based.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized agent.

Subp. 4. **Crop owner.** "Crop owner" means an individual, firm, corporation, copartnership, or association with an interest in crops damaged or destroyed by elk.

Subp. 5. **County extension agent.** "County extension agent" means the University of Minnesota agricultural extension service's county extension agent for the county in which the crop owner resides.

Subp. 6. **Federal crop adjuster.** "Federal crop adjuster" means a crop insurance adjuster having a contract with the Federal Crop Insurance Corporation.

Subp. 7. **Market price.** "Market price" means the commodity price published daily by the Minneapolis Grain Exchange in the daily record of prices and receipts.

Subp. 8. **Target price.** "Target price" means the federal commodity price available from the Agricultural Stabilization and Conservation Service office.

1506.0020 [Emergency] REPORTING.

The crop owner shall notify either the federal crop adjuster or the county extension agent of suspected crop loss or damage within 24 hours of the discovery of a loss. The crop owner shall also complete the appropriate part of the claim form which must be available at the county extension office. The crop owner shall provide all information required to investigate the loss or damage to the federal crop adjuster or the county extension agent. A telephone call or personal contact constitutes notification.

1506.0025 [Emergency] INVESTIGATION AND CROP VALUATION.

The federal crop adjuster or the county extension agent shall investigate the loss in a timely manner and shall make a finding in writing on the appropriate part of the claim form regarding whether the crop was destroyed or damaged by elk. The finding must be based on physical and circumstantial evidence including:

A. the condition of the crop;

B. elk tracks;

C. the area of the state where the loss occurred;

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D. sitings of elk in the area; and

E. any other circumstances considered pertinent by the federal crop adjuster or the county extension agent. The absence of affirmative evidence may be grounds for denial of a claim.

The federal crop adjuster or the county extension agent shall make a written finding on the claim form of the extent of damage or the amount of crop destroyed. For purposes of completing the claim form, "normal yield" means the payment yield established for commodities covered by programs of the Agricultural Stabilization and Conservation Service. For commodities not covered by programs of the Agricultural Stabilization and Conservation Service, "normal yield" means the proven yield established by the Federal Crop Insurance Corporation.

1506.0030 [Emergency] COMPLETION AND SIGNING OF CLAIM FORM.

A completed claim form must be signed by the owner and county extension agent or the federal crop adjuster and submitted by the crop owner to the commissioner for review and payment. The commissioner shall return an incomplete claim form to the crop owner, indicating the information necessary for proper completion.

1506.0035 [Emergency] INSURANCE COVERAGE.

If insurance coverage exists on the crop, the commissioner shall withhold payment under parts 1506.0010 to 1506.0040 [Emergency] until the insurance claim has been paid and evidence of payment has been submitted to the commissioner, at which time that insurance payment must be deducted from the determined value. Payment must not be made for claims of less than $100 per claim or more than $20,000 in a calendar year.

1506.0040 [Emergency] PAYMENT.

After procedures in parts 1506.0020 to 1506.0035 [Emergency] are completed, the commissioner shall make payment to the crop owners.

Department of Agriculture

Proposed Emergency Rules Relating to Farmer-Lender Mediation

Notice of Intent to Adopt Emergency Rules

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above entitled emergency rules. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 583.285. The department, in adopting the rule, is following the procedures set forth in the Administrative Procedures Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29-14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rule in writing. Any comments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107, (612) 296-6906.

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Ms. Milligan.

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 emergency rule as noticed.

Upon adoption of the emergency rule by the department, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any persons may request notification of the date of submission to the Attorney General. 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 adopted rules, must submit a written request to Ms. Milligan.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the department gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 17 August 1987

Jim Nichols
Commissioner of Agriculture

Rules as Proposed (all new material)

1502.0001 [Emergency] SCOPE.

Parts 1502.0001 to 1502.0025 [Emergency] are adopted by the Department of Agriculture pursuant to Minnesota Statutes, section 583.285, and govern the procedures to be followed in farmer-lender mediation held under the Farmer-Lender Mediation Act. Mediation concluded or commenced before the adoption of parts 1502.0001 to 1502.0025 [Emergency] is not void for lack of compliance.

1502.0002 [Emergency] APPLICABILITY.

Parts 1502.0001 to 1502.0025 [Emergency] apply to creditors and debtors as defined in Minnesota Statutes, section 583.24.

1502.0003 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part and Minnesota Statutes, section 583.22, apply to parts 1502.0001 to 1502.0025 [Emergency].

Subp. 2. **County extension agent.** "County extension agent" means the county agricultural extension agent for the county in which the debtor resides.

Subp. 3. **Farmer-Lender Mediation Act.** "Farmer-Lender Mediation Act" means Minnesota Statutes, sections 583.20 to 583.32.

Subp. 4. **Parties.** "Parties" means the debtor and all creditors who are actively participating in the mediation process, excluding those who have completed claim forms in lieu of attending mediation meetings.

Subp. 5. **Proceeding.** "Proceeding" means the process required by law, security agreement, lease agreement, or contract for enforcing a debt against agricultural property under Minnesota Statutes, chapter 580 or 581, or sections 336.9-501 to 336.9-508, terminating a contract for deed to purchase agricultural property under Minnesota Statutes, section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property.

Subp. 6. **Send.** "Send" means to mail by first class mail.

1502.0004 [Emergency] ADMINISTRATION.

The director of Minnesota extension services shall administer the Farmer-Lender Mediation Act subject to the delegation power prescribed in Minnesota Statutes, sections 583.22, subdivision 5, and 583.23, subdivision 3. Under the delegation power in Minnesota Statutes, section 583.22, subdivision 5, the county extension agent in the county in which the debtor resides is the director's designee for purposes of service and other purposes specified by the director.

1502.0005 [Emergency] RESPONSIBILITIES.

The director's responsibilities under the Farmer-Lender Mediation Act include, but are not limited to, the following:

A. The director shall provide training in mediation techniques to mediators. The training must include training on mediation process, skills, and farm finance issues in mediation.

B. The director shall provide support to mediators, including, but not limited to, technical assistance in complying with parts 1502.0001 to 1502.0025 [Emergency] and applicable statutes, clerical support, postage, and other necessary supplies.

C. The director shall provide training in farm financial analysis (FINPAC) computer software to credit analysts.

D. The director shall set the compensation of mediators and credit analysts and shall reimburse them upon submission of expense claims.

E. The director shall coordinate community legal education programs for farmers.

F. The director shall collect and maintain accurate statistical data on the program.

1502.0006 [Emergency] FORMS.

The director shall make forms available through each county extension agent and county recorder for use by debtors, creditors, and mediators under parts 1502.0001 to 1502.0025 [Emergency] and applicable statutes.

1502.0007 [Emergency] SUBSTANTIVE RIGHTS.

The fact that the director or a designee has in any way acted upon a request for mediation does not determine the substantive rights of the parties under the Farmer-Lender Mediation Act or parts 1502.0001 to 1502.0025 [Emergency].

1502.0008 [Emergency] WITHDRAWAL OF MEDIATION REQUEST.

A debtor may withdraw a mediation request at any time before the first mediation meeting. The debtor's withdrawal must be in writing. Withdrawal of the mediation request constitutes a waiver of the debtor's right to mediate the debt that initiated the service of the mediation notice under the Farmer-Lender Mediation Act unless the debtor refiles the mediation request within the 14 days permitted to file the original mediation request. In case of a waiver, the county extension agent shall notify the creditor who started

the proceedings, in writing, that the creditor may proceed against the agricultural property because the debtor has withdrawn the mediation request. The county extension agent shall also notify, in writing, creditors who received a mediation proceeding notice that the debtor has withdrawn the mediation request and therefore the mediation is canceled.

1502.0009 [Emergency] FAILURE TO FILE TIMELY REQUEST.

If a debtor fails to file a timely mediation request the county extension agent shall notify the creditor who started the proceedings, in writing, that the creditor may proceed against the agricultural property because the debtor has failed to file a mediation request. This notice must be sent within 20 days of the service of the mediation notice. The county extension agent shall send a copy of the notice to the debtor.

1502.0010 [Emergency] RETURN.

Subpart 1. **Proof of service.** Service of a mediation notice must be proved by the certificate of the sheriff making it, by the affidavit of another person making it, by the written admission of the party served, or by the certified mail receipts. A creditor proving service by a certificate of mailing must provide the county extension agent with a copy of the certificate of mailing and an affidavit stating that the creditor has made an unsuccessful attempt to serve the debtor personally as in a district court civil action or by certified mail using return receipt signed by addressee only. Proof of service must state the date, place, and manner of service. Failure to make proof of service does not affect the validity of the service.

Subp. 2. **Proof of filing.** Filing of a mediation request must be proved by the certified mail receipt or by the written acknowledgment of the county extension agent.

1502.0011 [Emergency] CREDITOR CLAIM FORMS FOR DEBTS NOT SUBJECT TO MEDIATION.

Subpart 1. **Supporting documents.** A creditor returning a claim form when a debt is not subject to the Farmer-Lender Mediation Act under Minnesota Statutes, section 583.26, subdivision 4, paragraph (f), must attach the documents indicated for the debts listed in items A to E.

A. for debt that has been in bankruptcy under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (1), either a copy of the proof of claim form filed in bankruptcy, a copy of the bankruptcy petition in which the debt is listed as a scheduled debt, or a notice of petition for bankruptcy in which the debt is listed as a scheduled debt;

B. for debt in default and mediated under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (2):

(1) an affidavit stating that debt was in default when the creditor received a mediation proceeding notice under the Farmer-Lender Mediation Act;

(2) a copy of the creditor's claim form; and

(3) a copy of the Memorandum of Agreement (Form 8) or Mediation Conclusion With No Agreement (Form 12), or other evidence that the debt was mediated during the mediation period;

C. if mediation was not requested and the creditor proceeded under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (3):

(1) a copy of the mediation notice;

(2) a copy of Extension Notice of Debtor(s) Failure to Request Mediation (Form 3); and

(3) an affidavit stating that the creditor began a proceeding to enforce the debt within 30 days after the debtor failed to make a timely request, or, if the creditor began the proceeding by providing a copy of a forbearance policy, an affidavit stating that the board of the institution has adopted a forbearance policy as described in Minnesota Statutes, section 583.24, subdivision 4, paragraph (b);

D. for liens filed because of mediation under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (5), a copy of the lien statement under Minnesota Statutes, section 514.661 or 559.2091, indicating that the filing officer has received and filed the statement; and

E. for debt restructured in mediation under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (4):

(1) a copy of the Mediation Proceeding Notice; and

(2) a copy of the agreement reached in mediation that is a separate contract between the debtor and the creditor. The agreement may be an attachment to the Memorandum of Agreement (Form 8).

Subp. 2. **County extension agent procedure.** If it appears from the face of documents submitted under subpart 1, items A to E, that the debt is not subject to the Farmer-Lender Mediation Act and that therefore the creditor need not participate in the mediation proceeding, the county extension agent shall so notify the debtor, creditor, and mediator.

1502.0012 [Emergency] FINANCIAL ANALYST AND FARM ADVOCATE.

Upon receipt of a mediation request, the county extension agent shall provide a financial analyst to meet with the debtor at the orientation session and as necessary to prepare the debtor's records before the initial mediation meeting, and shall provide the debtor with information on obtaining, without charge, a Department of Agriculture farm advocate to assist the debtor and the financial analyst.

1502.0013 [Emergency] TIME.

In computing any period by parts 1502.0001 to 1502.0025 [Emergency], by court order, or by an applicable statute, the day of the last act, event, or default from which the designated period begins to run must not be included. The last day of the computed period must be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the period prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays must be excluded in the computation.

1502.0014 [Emergency] ORIENTATION SESSION.

At the orientation session, the mediator must inform the parties of their right to seek counsel regarding the legal and tax consequences of documents and agreements. At the debtor's request, the financial analyst shall meet in private with the debtor at intervals during the orientation session.

1502.0015 [Emergency] SELECTION OF MEDIATOR.

Subpart 1. **Procedure.** The initiating creditor and the debtor may strike one name from the mediator list by sending the county extension agent a notice to that effect. The notice must be mailed within three days of the date the debtor or creditor received the mediation proceeding notice.

Subp. 2. **Replacement mediator.** If the appointed mediator withdraws from the case, the county extension director shall appoint a replacement mediator not previously stricken from the mediator list by the debtor or the initiating creditor.

Subp. 3. **Co-mediators.** At the discretion of the director, more than one mediator may be assigned to a mediation proceeding.

1502.0016 [Emergency] DUTIES OF MEDIATOR.

At the initial mediation meeting and subsequent meetings, the mediator shall:

A. perform the duties prescribed in Minnesota Statutes, section 583.26, subdivision 6;

B. review the parties' rights and obligations in the mediation process;

C. explain the rules of conduct for mediation meetings;

D. explain the confidentiality of mediation; and

E. facilitate written agreement on:

(1) money to be released for necessary farm operating expenses;

(2) money to be released for necessary living expenses; and

(3) the creditors, if any, responsible for releasing the money.

1502.0017 [Emergency] MEDIATION PROCESS.

Subpart 1. **Combined proceeding.** The director shall combine all mediation notices for more than one debtor into one mediation proceeding if the debtors are liable for the debt or a portion of the debt on a single piece of agricultural property.

Subp. 2. **Late notice.** The director shall combine all mediation notices for the same debtor that are received before the initial mediation meeting into one mediation proceeding. It shall be at the director's discretion as to how to proceed if a mediation notice is served on a debtor between the time of the initial mediation meeting and the end of the mediation period.

Subp. 3. **Meeting place and time.** The mediator shall call mediation meetings during the mediation period. The meetings must be held at a convenient and neutral place and at times as convenient as possible for the parties, including nights and weekends.

Subp. 4. **Financial analyst, farm advocate, or attorney.** A financial analyst, farm advocate, or attorney must be permitted to attend mediation meetings at the invitation of the debtor, a creditor, or the mediator. A financial analyst, farm advocate, or attorney may not attend in place of a debtor or a creditor unless good cause is shown for the debtor's or creditor's inability to attend.

Subp. 5. **Record.** Upon completion of mediation, the mediator shall forward all documents made or used in the course of or because of mediation to the county extension agent. The documents are subject to the confidentiality provisions of Minnesota Statutes, section 13.02, subdivisions 9 and 12.

1502.0018 [Emergency] REMOVAL OF MEDIATOR.

Subpart 1. **Procedure.** The mediator may be removed at any time during the mediation period upon the written agreement of all parties. This agreement must be sent to the county extension agent who, upon receipt of the agreement, shall assign a replacement mediator not previously stricken from the mediator list by the debtor or initiating creditor to participate in the mediation.

Subp. 2. **Limitation.** The parties may remove only one mediator during the mediation period.

Subp. 3. **Time periods unaffected.** Time periods in the Farmer-Lender Mediation Act and parts 1502.0001 to 1502.0025 [Emergency] are not affected by the removal of a mediator.

1502.0019 [Emergency] MEDIATION AGREEMENT.

Subpart 1. **Final meeting.** The mediator shall hold one final meeting for the purpose of signing the mediation agreement.

Subp. 2. **Copies to other creditors.** Copies of the signed agreement must be sent to all creditors who have filed claim forms within three days of the signing of the parties' agreement.

Subp. 3. **Legal effect of agreement.** The debtor and creditors who are parties to the approved mediation agreement and creditors who have filed claim forms and have not objected to the mediation agreement are bound by the terms of the agreement, may enforce the mediation agreement as a legal contract, and may use the mediation agreement as a defense against an action contrary to the mediation agreement. Creditors who are notified of the initial mediation meeting and who neither attend mediation meetings nor file a claim form are also subject to and bound by a mediation agreement.

1502.0020 [Emergency] OBLIGATION OF GOOD FAITH.

A written statement of why alternatives are unacceptable under Minnesota Statutes, section 583.27, subdivision 1, clause (4), must identify the particular items in each proposal that are unacceptable and state.the specific reason for rejection of each item. Lack of good faith may include abusive behavior on the part of any of the participating parties.

1502.0021 [Emergency] LACK OF GOOD FAITH AFFIDAVIT.

If the mediator determines that one of the parties is not participating in good faith, the mediator shall file an affidavit indicating the reasons for the finding with the county extension agent, the parties participating in the mediation, and creditors who did not participate in mediation but are bound by it under part 1502.0025 [Emergency].

1502.0022 [Emergency] CREDITOR'S LACK OF GOOD FAITH.

If the mediator finds the creditor has not participated in mediation in good faith, the debtor may require court-supervised mediation by:

A. filing the mediator's affidavit with the district court of the county of the debtor's residence with a request for court supervision of mediation;

B. filing a copy of the request with each creditor participating in mediation; and

C. sending a copy of the affidavit to the county extension agent. The request must be filed with the court within ten days of receipt of the lack of good faith affidavit by the debtor or within 90 days after the debtor filed the mediation request with the director, whichever is later.

1502.0023 [Emergency] DEBTOR'S LACK OF GOOD FAITH.

Not participating in good faith may include:

A. failure of the debtor to list all creditors as defined in Minnesota Statutes, section 583.22, subdivision 4, regardless of which county the property is located in, and all unsecured creditors necessary for the farm operation on the debtor mediation request; and

B. failure of the debtor to provide the following records and documents:

(1) a current, signed financial statement of assets and liabilities;

(2) a copy of the most recent depreciation schedule;

(3) farm record books for the past three years or evidence of crop and livestock production;

(4) completed state and federal income tax records for the past three years;

(5) projected farm budget for the current 12 months;

(6) copies of all real estate mortgages, contracts for deed, land and machinery leases;

(7) copies of promissory notes and security agreements;

(8) copies of any other legal documents that pertain to the farm business; and

(9) copies of FINPAC programs where applicable.

1502.0024 [Emergency] COURT-SUPERVISED MEDIATION.

Subpart 1. **List of mediators.** If requested to do so by the court, the county extension agent shall provide the court with a list of mediators to be used in the selection of the mediator for court-supervised mediation.

Subp. 2. **Suspension of remedies.** The remedies of all creditors, including those who are parties to the mediation and those who are bound by mediation under Minnesota Statutes, section 583.28, subdivision 1, are suspended during court-supervised mediation.

1502.0025 [Emergency] CREDITOR NOT ATTENDING MEDIATION MEETING.

Subpart 1. **Initiating creditor.** The initiating creditor shall not file a proof of claim form in lieu of attending meetings.

Subp. 2. **Written objection.** A creditor who files a claim form in lieu of attending mediation meetings may serve a written objection to the terms of the agreement on the mediator and the debtor within ten days after receiving the mediation agreement. The written objection must identify the particular items in the agreement that are unacceptable and state the specific reason for rejection of each item.

Subp. 3. **Good faith.** Creditors who file claim forms are bound by the good faith requirements of Minnesota Statutes, chapter 583.

Subp. 4. **New mediation.** Upon the service of the objection, the mediator shall meet again with the debtor and creditors to mediate a new agreement. Mediation meetings must take place within ten days of the receipt of the written objections to the terms of the agreement.

Subp. 5. **Required attendance.** Creditors who file objections shall attend and participate in any meeting held under this part, unless good cause is shown for their inability to attend.

Subp. 6. **Extension of period.** The 60-day mediation period must be extended for up to ten days if necessary to meet the requirements of subpart 4.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Department of Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

Grain cleaning and bagging

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415 on November 17, 1987 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on October 29, 1987, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the

180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

(1) That members of those classes are unable to obtain insurance through ordinary means;

(2) That the insurance being sought is required by statute ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business; and

(3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register.*

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* Parts 1400.5100-1400.8400).

Anyone wishing to oppose activation beyond 180-days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

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 Statutes* 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, 625 North Robert St., St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Dated: 10 September 1987

Michael A. Hatch
Commissioner of Commerce

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. ADMINISTRATIVE LAW JUDGE. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. NOTICE. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Department of Commerce

Commissioner of Commerce

Order Approving Amended Abstract of Title Disclosure and Notice Form

The Commissioner of Commerce Michael A. Hatch (hereinafter "Commissioner") has determined as follows:

1. *Minnesota Statutes* § 386.375, subd. 3 (1987) directs the Commissioner to prepare and approve a notice providing basic information in plain English about abstracts of title.

2. On June 11, 1987, the Commissioner issued an Order Approving the Abstract of Title Disclosure and Notice Form. Such Order was published on June 22, 1987.

3. In response to comments received regarding the Abstract of Title Disclosure and Notice Form, the Commissioner has prepared the following amended disclosure and notice form:

NOTICE PURSUANT TO *MINNESOTA STATUTES* § 386.375, Subd. 3 (1987)

IMPORTANT INFORMATION ABOUT YOUR ABSTRACT OF TITLE

An abstract of title is a summary of the history of ownership of a parcel of land. An abstract of title shows the purchases and sales, mortgages, judgments and other liens or rights against the property as recorded with the county. It reflects the records of the county through the date shown on the abstract.

An abstract often is a necessary part of the sale, financing or refinancing of your land. You can replace a lost or damaged abstract, but it may cost you hundreds or even thousands of dollars depending upon the history of ownership. The average cost of replacing an abstract ranges from $400.00 to $850.00 in the Twin Cities area and $150.00 to $250.00 in other parts of the state.

You, as the owner of the property, are entitled by law to possession of the abstract. You should store it with the same care you use for other valuable documents such as wills, stocks and bonds. You may wish to store it in a secure facility such as a safe deposit box or an abstract company. If an abstract company or other party presently has your abstract, they must offer to return it to you before charging any fees for storage.

NOW, THEREFORE, IT IS ORDERED, that the above-stated amended notice and disclosure form is hereby approved.

Dated: 10 September 1987

Michael A. Hatch
Commissioner of Commerce
State of Minnesota
550 Metro Square Building
St. Paul, MN 55101

Department of Education

State Curriculum Advisory Committee

Meeting Notice of the State Curriculum Advisory Committee

The State Curriculum Advisory Committee will hold meetings the last Monday of each month at a metro area location open to the public. The next two regularly scheduled meetings are for September 28 and October 26. Both meetings will be held at the Roadway Inn in Bloomington, 1321 East 78th Street, and both will begin at 9 a.m.

The meetings will be held to develop recommendations for the State Board of Education on the development of core curriculum. If questions, contact Wayne Erickson at the Dept. of Education (612) 296-1451, 631 Capitol Square Bldg., 550 Cedar Street, St. Paul, MN 55101.

Department of Human Services

Social Service and Licensing Divisions

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Adopted Rules Governing the Administration of Adult Foster Care and Licensure of Adult Foster Homes, parts 9555.5105 to 9555.6265

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to adopted parts 9555.5105 to 9555.6265 governing the Administration of Adult Foster Care and Licensure of Adult Foster Homes. The adoption of administrative rules governing the delivery of social and human services to functionally impaired adults is authorized by *Minnesota Statutes*, section 256.01, subdivision 4(3); 256E, subdivision 2 (c) and (d); 256E.08, subdivision 1(1), (2), (3), (4), and (6); and 393.07, subdivision 2. The adoption of rules governing the licensure of adult foster homes for functionally impaired adults is authorized by *Minnesota Statutes*, sections 245A.02, subdivisions 3, 10 and 11, section 245.03, subdivision 1, section 245A.09, subdivision 1 and section 252.28, subdivision 1.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule amendments which are proposed to bring the rule into compliance with the 1987 Human Services Licensing Act, chapter 245A, clean up some typographical and reference errors in the adopted rules, and prohibit dual licensure of adult foster homes, family day care homes and child foster care homes. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Gwen Wildermuth, Social Services Division, Department of Human Services, 4th Floor Centennial Office Building, 658 Cedar, St. Paul, Minn. 55155. Oral statements will be received during regular business hours over the telephone at (612) 296-0311 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Department of Human Services

Licensing Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Revision of Adopted Rules Governing Community Support Services for Chronically Mentally Ill Persons

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose revisions to adopted rules governing Community Support Services Programs for Chronically Mentally Ill Persons, parts 9535.0100 to 9535.1600. These rules, also known as DHS Rule 14, will be revised to implement and bring the rule into compliance with the 1987 omnibus Mental Health Act, *Laws of 1987*, Chapter 403, Article 2.

The rules are authorized by *Minnesota Statutes*, sections 256E.12, subdivision 3.

The State Department of Human Services requests information and opinions concerning the administration of grants for the provision of community support services to persons with serious or persistent mental illness. Interested persons or groups may submit

data or views in writing or orally. Written statements should be addressed to: Mary Jo Verschay, Mental Health Division, Department of Human Services, 4th Floor Centennial Office Building, 658 Cedar, St. Paul, Minn. 55155. Oral statements will be received during regular business hours over the telephone at (612) 297-2831 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Department of Human Services

Health Care Programs Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Eligibility to Receive Payments as a Provider in the Medical Assistance Program, under *Minnesota Rules*, Parts 9505.0170 to 9505.0475

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption and amendment of rules governing the eligibility of providers to receive medical assistance payments under *Minnesota Rules,* parts 9505.0170 to 9505.0475, for case management for brain impaired persons (*Minnesota Rules,* part 9505.0242), case management for mentally ill persons (part 9505.0243), community mental health services (part 9505.0260), day treatment services (part 9505.0265), hospice care (part 9505.0297), psychological services (part 9505.0370), psychotherapy services (part 9505.0375), rehabilitation agency services (part 9505.0385), rehabilitative and therapeutic services (part 9505.0390), rehabilitative engineering and assistive communication devices (part 9505.0392), and long-term care facilities—rehabilitation and therapeutic services to residents (part 9505.0410), and amendments to rules setting criteria and payment rates for transportation by air ambulance and rules setting eligibility for payment of home health services such as homebound, home and respite care, private duty nursing, and extended hour nursing. The adoptions of the rules and amendments are authorized by *Minnesota Statutes,* section 256B.02, subdivision 8, in conjunction with Public Law Number 99-272, section 9505, which permits the agency to make medical assistance payments for hospice care services, and *Minnesota Statutes*, section 256B.02, subdivision 8, and section 256B.04, subdivision 2.

The State Department of Human Services requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Larry Woods
Health Care Programs Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2846 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Department of Human Services

Licensing Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Licensure of Child Foster Homes and Family Day Care and Group Family Day Care Homes

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the

agency in preparing to propose amendments governing the licensure of the operators of Family Foster Homes for Children (parts 9545.0010 to 9545.0260) and Family and Group Family Day Care Homes (parts 9502.0300 to 9502.0445).

The adoption of rules governing the licensure of family foster homes and family and group family day care homes is authorized by *Minnesota Statutes,* sections 245A.02, subdivisions 3, 10 and 11, section 245.03, subdivision 1, section 245A.09, subdivision 1 and section 252.28, subdivision 1.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule amendments which intend to prohibit dual licensure of adult foster care homes, family day care homes and child foster care homes and would modify the family day care rule variance procedure to eliminate the appeal of variance denials to the Office of Administrative Hearings. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Beverly Moran, Licensing Division, Department of Human Services, 4th Floor 444 Lafayette, St. Paul, Minn. 55155. Oral statements will be received during regular business hours over the telephone at (612) 296-3768 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

State Board of Investment

Investment Advisory Council

Notice of Joint Meeting

The State Board of Investment and the Investment Advisory Council will hold a joint meeting on Thursday, October 1, 1987 from 8:30 A.M.–2:00 P.M. at the Spring Hill Conference Center.

Department of Jobs and Training

Notice of Solicitation of Outside Information or Opinion Regarding Proposed Rule Governing Youth Employment Opportunities

Notice is hereby given that the State Department of Jobs and Training is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing Youth Employment Opportunities. The adoption of the rule is authorized by *Minnesota Statutes,* section 268.33, which permits the agency to make rules in order to implement *Minnesota Statutes*, sections 268.31 to 268.36.

The State Department of Jobs and Training requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written documents should be addressed to:

Kay Tracy
Department of Jobs and Training
Youth Program Coordinator
State Job Training Office
690 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 296-6064 and in person at the above address.

All statements of information and opinions shall be accepted until October 21, 1987. Any written material received by the State Department of Jobs and Training shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted. A copy of the current rule follows this notice.

Dated: 14 September 1987

3300.0100 DEFINITION OF TERMS.

Subpart 1. **Scope.** The following terms used in parts 3300.0100 to 3300.0700 shall have the meanings given them.

Subp. 2. **Act.** "Act" means the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Jobs and Training.

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment program under the act.

Subp. 5. **Department.** "Department" means the Minnesota Department of Jobs and Training.

Subp. 7. **Contractor.** "Contractor" means an organization which employs a person under the program established by the act.

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment funded under the act.

3300.0200 PURPOSE AND STATUTORY AUTHORITY.

Parts 3300.0100 to 3300.0700 govern the administration of the Youth Employment Opportunities program as authorized by the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36.

3300.0300 ALLOCATION OF FUNDS.

Subpart 1. **Allocations to counties.** The commissioner shall allocate funds available under the act as follows:

A. Fifty percent of the funds available under the act shall be allocated to counties on the basis of each county's share of the estimated youth population of the state which is from the ages of 14 years up to but not including 22 years.

B. Fifty percent of the funds available under the act shall be allocated to counties according to each county's share of the estimated youth population of the state which is from the ages of 14 years up to but not including 22 years, adjusted for:

(1) historic summer unemployment rates in the county as evidenced by official labor force estimates for the months of June, July, and August for the most recent three-year period for which such data is available;

(2) the county's poverty ratio based upon the percent of children from five to 17 years of age living in families below the poverty line as evidenced by the most recent United States Census figures as adjusted by reference to more recent population surveys, provided that reference to more recent population surveys shall be made only if such data is available for all counties in the state; and

(3) the migration of postsecondary school students between counties, where they are counted by the census in March and April, to their home counties where the program is active during the June to September period.

C. The mathematical statement of the allocation to counties is given below:

$$A^c_i = 0.5(F)\frac{YP^c_i}{\Sigma^{87}_{i=1} YP^c_i} + 0.5(F)\frac{(YP^c_i)(U^c_i)(P^c_i)(C^c_i)}{\Sigma^{87}_{i=1}[(YP^c_i)(U^c_i)(P^c_i)(C^c_i)]}$$

$$\text{and } C^c_i = 1 - \left[\frac{1.5(SC^c_i)}{YPC^c_i}\right]$$

where:

(1) A^c_i = total dollar allocation to the ith county;

(2) F = total funds available for allocation;

(3) YP^c_i = youth population 14 to 21 years of age in the ith county, determined by interpolation for the current year from projections of the state demographer;

(4) U^c_i = most recent three-year average of official labor force unemployment for the months of June, July, and August for the ith county;

(5) P^c_i = percent of all families with income below the poverty level and with related children five to 17 years of age as evidenced by the most recent United States census or more recent population surveys as referenced in subpart 2, item B;

(6) C^c_i = the adjustment factor due to the timing of the census in March and April to account for residency flows of postsecondary school enrolled students between their home county and that of school location;

(7) SC^c_i = count of number of students 20 and 21 years of age enrolled in school in the ith county as evidenced in the most recent United States census; and

(8) YPC^c_i = youth population 14 to 21 years of age of the ith county as evidenced in the most recent United States census.

Subp. 2. **Allocation to cities and Indian reservations.** After the commissioner has made an allocation to each county, each county's allocation shall be divided as follows:

A. Each city within the county which has a total population of 2,500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county as evidenced by the most recent United States Bureau of Census estimates. Allocations to Indian reservations will be based on the same procedure as that of cities. Reservation population and counties of location will be based on the most recent United States Bureau of Indian Affairs and/or United States Bureau of Census Information.

B. The remainder of the county allocation, that part which is not allocated to cities and Indian reservations under item A, shall be allocated to the county as a whole.

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors will be determined by the commissioner. Consideration will be given to contractors with experience in administering summer youth employment programs and to those who have demonstrated efforts to coordinate state and federal summer youth programs locally.

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act are eligible for program employment. Approximately 60 percent of the youths hired should be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

Subp. 2. **Postsecondary program.** Notwithstanding subpart 1, at least 33-1/3 percent of the funds allocated to the area served by the contractor are to be used to hire youths who are at least 18 years of age, or a high school graduate, but less than 22 years of age who are certified by the department as intending to enroll or are enrolled in a postsecondary educational institution. Approximately 60 percent of the youths hired should be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "postsecondary program." A partial waiver from this part may be obtained in accordance with part 3300.0700.

Subp. 3. **Eligible youth.** Recruitment of eligible youths shall be a cooperative effort between the department and the local contractors selected to deliver the program.

Subp. 4. **Minimum wage.** Eligible youths not designated as supervisors shall be paid the federal minimum wage for a period not to exceed 40 hours per calendar week and for not more than 12 weeks.

Subp. 5. **Supervisors.** A contractor may designate one eligible youth as supervisor for every ten youths in its employ under the act. Contractors who employ at least five but less than ten youths may designate one youth as a supervisor. Youths designated as supervisors shall be paid the federal minimum wage plus 65 cents per hour for up to 40 hours per week for a period not exceeding 12 weeks.

Subp. 6. **Employment of eligible youth.** Contractors may begin employing eligible youths upon signing the contract. No youth may be employed while attending school as a full-time student, nor be employed beyond September 30 of each calendar year.

3300.0601 SUPPORT SERVICES.

Contractors shall provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed ten percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, and other normal expenses associated with employment funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

3300.0700 REALLOCATION PROCEDURES.

Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

A. the city or county originally allocated the funds according to the formula in part 3300.0300 refuses the funds; or

B. the city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,500 between any subdivision above for the purpose of simplified administration of the program.

Contractors may shift funds from the postsecondary portion of their program to the regular portion of their program provided that they certify in writing to the department that they are unable to obtain sufficient youth who meet the criteria in part 3300.0500, subpart 2, and the department concurs.

During the period of the contract, the department may shift funds from one contractor to another with the mutual consent of both contractors.

Department of Jobs and Training

State Job Training Office

Re-Designation of Benton and Stearns Counties Under the Job Training Partnership Act

Notice is hereby given that Benton and Stearns Counties have petitioned to be redesignated for Program Years 88-89 under the Job Training Partnership Act (JTPA) (PL 97-300). The petition calls for the forming of a single Service Delivery Area comprising both counties.

Written comments and statements concerning this petition should be sent to:

Don Mohawk, Director
State Job Training Office
Minnesota Department of Jobs and Training
690 American Center Building
150 East Kellogg Blvd.
St. Paul, Minnesota 55101

Written comments and statements will be accepted through 4:30 p.m., October 15, 1987.

Regional Transit Board

Public Hearing on Metro Mobility

Notice is hereby given that the Regional Transit Board (RTB) is holding two hearings to receive public comment on the issues of Metro Mobility standards for provider eligibility, selection, performance, compliance and evaluation; the terms of provider contracts; the contract with the service administrator and related contract management policies and procedures of the board; fare policies; service areas hours standards and procedures; and similar matters relating to implementation of service.

The public hearing schedule is as follows:

October 26: Metropolitan Council Chambers, 300 Metro Square Bldg., St. Paul, 11:30 a.m.

October 27: Hennepin County Government Center, Jury Assembly Room, 300 South 6th St., Minneapolis, 7 p.m.

Metro Mobility is a demand-responsive, door-through-door public transit service for individuals who, because of a disability, are unable to use regular route public transit services.

For information regarding Metro Mobility issues for the public hearings or to be placed on the schedule to present testimony, contact:

Tom Beaver, Public Information Officer
Regional Transit Board
270 Metro Square Building
St. Paul, Minnesota 55101
Telephone: (612) 292-8789

The record will remain open until close of business, Friday, November 27 for persons unable to attend the public hearings. Written testimony can be mailed to the RTB.

Regional Transit Board

Public Hearing on the Regional Transit Board's Proposed *Standards, Procedures and Guidelines for Competitive Procurement of Public Transit Services*

Notice is hereby given that the Regional Transit Board (RTB) is holding a hearing to receive public comment on its proposed *Standards, Procedures and Guidelines for Competitive Procurement of Public Transit Services* on October 21 in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul, beginning at 6 p.m.

The RTB is considering the adoption of a set of standards, procedures and guidelines that will serve as policy direction for them and recipients of RTB funding when competitively procuring public transit services. The standards, procedures and guidelines will apply to any public transit service competitively awarded or funded through the RTB.

For more information or to be placed on the schedule to present testimony, contact:

Tom Beaver, Public Information Officer
Regional Transit Board
270 Metro Square Building
St. Paul, Minnesota
Telephone: (612) 292-8789

The record will remain open until the close of business, Monday, November 23 for persons unable to attend the public hearing. Written testimony can be mailed to the RTB.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, subd. 6, an agency must make reasonable effort to publicize the availability of any 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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $15,000 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Plenum cable (PA)	September 23	State University	Mankato	26 071 17721
Tables and accessories for modular office system (LP)	September 23	Human Services	St. Paul	55 000 89613
Winter weather forecasting—rebid (DHO)	September 23	Transportation	Various	Price Contract

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Supply/installation of phone system (PA)	September 25	State Auditor	St. Paul	61 000 48458
Gas chromatographs (JG)	September 25	Pollution Control	St. Paul	32 200 16477
Lease/purchase of photo copier (JPK)	September 25	State University	St. Cloud	26 073 20192
Liquid scintillation counting system (JG)	September 25	State University	Moorhead	26 072 01300
Cell harvesters (JG)	September 25	State University	Bemidji	26 070 13349
Audio visual equipment (PA)	September 28	Transportation	St. Paul	79 000 81537
Microscope (JG)	September 28	Community College	Bloomington	27 156 10239
Lease/Purchase Crawler loader (DM)	September 29	Iron Range Resources & Rehab. Bd.	Eveleth	43 000 09096
Water treatment chemicals "heating" rebid (DHO)	September 29	Various	Various	Price Contract

State Board of Electricity

Notice of Request for Proposal for Electrical Inspectors

The Minnesota State Board of Electricity is seeking services of contract electrical inspectors who must hold a Class "A" Journeyman or Class "A" Master electrician's license in Minnesota to make electrical inspections in designated geographical areas. Compensation is based on a percentage of the inspection fee paid by the installer of wiring when the inspections are completed.

Presently there are no geographical areas open, but all applications submitted will be kept on file for future openings. Inquiries made to:

State Board of Electricity
Griggs Midway Bldg., Room N-191
1821 University Avenue
St. Paul, Minnesota 55104

Department of Health

Request for Proposal to Contract with a Telephone Answering Service

I. Introduction

The Minnesota Department of Health is soliciting proposals from telephone answering services to provide state wide phone coverage for the Minnesota WIC Program. A state wide media campaign is currently under development for implementation around December 15, 1987. Under this plan, media spots will be placed on television and radio. These spots will advertise an 800 number. The answering service will provide incoming callers with the number of the WIC Program in the callers' local area. The State WIC Program will provide the answering service with the necessary agencies directories and assist in staff training.

II. Background

The Special Supplemental Food Program for Women, Infants, and Children (WIC Program) is funded by the United States Department of Agriculture. The Minnesota Department of Health receives the funds and distributes them to 60 agencies throughout the State.

Approximately 56,000 persons receive WIC benefits in Minnesota each month. Because of client turnover, the WIC Program must continually advertise for new participants.

III. Qualifications of Respondents

Qualified respondents (telephone answering services) must be able to:

- install a Minnesota 800 number for the WIC Program
- provide phone coverage 24 hours a day, 365 days a year
- provide referral information to incoming callers regarding local WIC resources
- answer incoming calls within eight telephone rings

IV. Scope of Project

A. Tasks to be Performed

1. Routine calls
   - courteous, prompt response to all calls
   - accurate delivery of referral information
2. Monthly Report

Submit monthly reports to the Minnesota WIC Program containing the following requirements:

- number of calls per month
- location of call originations
- time of incoming calls
- length of incoming calls

B. Project Costs

The Department has estimated the cost of this project should not exceed $2000.00 for the first year of the contract.

At the mutual agreement of the STATE and the CONTRACTOR, this contract may be extended for the purpose of telephone answering service, on an annual basis, for up to one (1) additional one-year period. The cost to be charged for the additional period shall be mutually agreed upon by the State and the CONTRACTOR and shall be determined by documented cost increase experienced by the CONTRACTOR in providing the services since the effective date of the previous cost rate, not to exceed a five (5) percent increase.

C. Implementation Date

The 800 number must be available for use by December 1, 1987.

V. Proposal Content

The following will be considered minimum contents of the proposal:

- vendor name, address, telephone number and contact person
- background information about the company
- evidence that the vendor has the capabilities and staff to meet the needs of this account
- description on how call will be answered
- budget for the year
- description of how monthly reports will be developed, recorded and distributed to the State
- description of employee training for new accounts

VI. Evaluation

Evaluation tool supplied upon request.

VII. Department Contacts

Projective responders, who may have any questions regarding this Request for Proposal, may call or write:

Mary Donohue
WIC Operation Coordinator
Minnesota Department of Health
717 SE Delaware Street
Minneapolis, Minnesota 55440
Telephone: (612) 623-5236

VIII. Submission of Proposal

Responses to this proposal must be received no later than, 4:00 p.m., Tuesday, October 13, 1987. Mail to:

Pati Maier
State WIC Administrator
Minnesota Department of Health
717 SE Delaware Street
Minneapolis, Minnesota 55440

Late proposals will not be accepted. The proposal must be signed by an authorized member of the organization. Prices and terms of the proposal must be valid for duration of the contract.

Minnesota Historical Society

Request for Proposals for Historic Preservation Design for Restoration of Historic LeDuc House

TO REGISTERED PROFESSIONALS IN MINNESOTA:

Scope of Proposal

The Minnesota Historical Society is seeking proposals from qualified architectural design firms for historic preservation design work for the restoration of the historic LeDuc House, 1629 Vermillion Street, Hastings, Minnesota, built 1862-1867.

The work will include assessment of the exterior and interior features, electrical and mechanical systems; recommendations for necessary work based upon the analysis of existing conditions, damages, structural problems and material deterioration.

Immediate restoration work for the first phase of this historic preservation project is anticipated to include roof and eaves, window repair, chimneys and heating plant.

It is anticipated that the planning cost will not exceed 10% of the construction budget, which is approximately $160,000.00.

Submission of Proposals

All proposals must be sent to: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101.

All proposals must be received no later than the close of the business day (5:00 p.m.), Friday, October 9, 1987. Late proposals will **not** be accepted.

Submit two copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name, address and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Firms who have demonstrated successful experience in historic preservation/restoration will be considered for this project. Upon completion of evaluation and selection, results will be sent immediately by mail to all responders.

This Request for Proposals does not obligate the Society to complete this project, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests.

Proposal Contents

Proposals must include the following:

1. The cover of the proposal must list the name of the project, the name, address, telephone number and legal status of the firm, and the name of the staff person who will be directly responsible for the project.

2. A list of historic preservation projects completed by the firm in the last five years. Project lists should include restoration, reconstruction and rehabilitation projects completed in and outside of Minnesota. Approximate fees associated with each project should be listed.

3. A section containing graphic material (photos, plans, elevations, etc.) of projects completed in which the responsible staff person listed on the cover played a significant role in developing.

Society Contacts

Prospective responders who have questions regarding the proposal may call John Ferguson, Restoration and Construction Supervisor, (612) 726-1171.

Minnesota Housing Finance Agency

Request for Proposals for Study of Agencywide Workflow

The Minnesota Housing Finance Agency requests proposals for the services of a consulting firm for an Agencywide workflow study. This project will include a thorough review of designated/delegated responsibilities at all classification levels within each division of the Agency to determine the best use of human resources and automated equipment.

Firms employing more than one person must supply evidence of Worker's Compensation coverage.

An original and two copies of the completed proposal must be sent by mail or hand delivered to the following address **no later than 4:00 p.m., Friday, October 9, 1987.**

Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, MN 55101

Questions should be directed to: Judy Marder, Acting Personnel Director, 612/296-8500.

Non-State Public Contracts

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.

Minnesota Counties Computer Cooperative

Request for Proposals for County Property Tax Software System

The Minnesota Counties Computer Cooperative (MCCC), a joint powers organization with fifty member counties, is soliciting proposals from qualified firms for the development, installation, and maintenance of a county property tax software system to run on the IBM System 36. All inquiries regarding this Request for Proposals must be directed to:

Joel Oliver, Executive Director
Minnesota Counties Computer Cooperative
555 Park Street, Suite 300
Saint Paul, MN 55103
612/224-3344

The deadline for proposals to be submitted to the MCCC is October 28, 1987. The selected firm will begin the project in February 1988.

City of Richfield

Notice of Bids for Computer Software and Equipment

NOTICE IS HEREBY GIVEN that sealed bids will be received by the City of Richfield until 3:00 PM CDT on Friday, October 16, 1987, and then will be publicly opened and read aloud.

Proposals are being requested on the following items:

COMPUTER SOFTWARE AND EQUIPMENT

in accordance with specifications on file in the Office of the City Clerk at 6700 Portland Avenue South, Richfield, Minnesota 55423. All bids shall be on forms on file in the Office of the City Clerk, and will be furnished free to each bidder upon their request. Requests for specifications and proposal forms should be directed to the Data Processing Division, City of Richfield, 6700 Portland Avenue South, Richfield, Minnesota, 55423, telephone: (612) 869-7521.

All bids must be sealed and marked "Proposal Form: Computer Software and Equipment" and addressed to the City of Richfield. Each bid shall be accompanied by a certified check, cashier's check or bid bond in the amount of five percent (5%) of the total bid price and made payable to the City of Richfield.

The right is reserved to reject any or all bids or parts of bids and to waive informalities therein. Bids may be rejected for any alterations or erasures.

Dated: 21 September 1987

Thomas P. Ferber
City Clerk

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Department of Corrections

Applications Accepted for Funding under the Justice Assistance Act

The Minnesota Department of Corrections (DOC) will begin accepting applications immediately to provide:

1. Victim assistance, victim/witness or juror programs
2. Juvenile restitution programs

A total of $205,750 is available in each category for the period from January 1, 1988-September 30, 1988. An additional $157,750 is also available in each category for the period from October 1, 1988-September 30, 1989. Local/state units of government in Minnesota interested in applying may secure an application form and guidelines from:

Gail Wik
Minnesota Department of Corrections
300 Bigelow Building
450 North Syndicate Street
St. Paul, Minnesota 55104

Applications for funding will be accepted until 4:00 p.m., October 23, 1987.

Department of Human Services

Chemical Dependency Program Division

Notice of Intent to Identify the Need for a Competitive Bid Process on Existing Grants

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is considering the continuation of

two grant awards to Hispanos En Minnesota and Minnesota Institute on Black Chemical Abuse in the areas of prevention resources for culturally specific populations.

The CDPD will open these grants to competitive selection if requested to do so by a qualified potential vendor. The potential vendor must demonstrate its capability to deliver an equal or superior service at a comparable cost.

Potential vendors should submit a letter outlining their qualifications to provide the services described to Sharon Johnson, 2nd floor, 444 Lafayette Road, St. Paul, MN 55155 no later than close of business (4:20 p.m.) Monday, October 5, 1987. Applicants should indicate their interest in the specific grant.

The first grant is to Hispanos En Minnesota for approximately $47,000. The purpose of this grant with Hispanos En Minnesota is to provide culturally specific education and prevention support to the Hispanic population. Activities include: a prevention program that addresses social and cultural dynamics of the Hispanic population; educational information which increases awareness of chemical abuse and decision-making about chemical use; mass media outreach in Spanish and English; service to individuals, families and service providers; training on utilization of bilingual chemical abuse prevention materials; technical assistance as requested for developing and implementing an action plan for chemical abuse prevention. In addition, the vendor will update the materials in the current collection and develop new materials as needs are identified. The vendor will maintain a recordkeeping system on grant related activity.

The second grant is to the Minnesota Institute on Black Chemical Abuse for approximately $47,000. The purpose of this grant with IBCA is to provide education and prevention strategies for the Black community. Activities include: social policy implementation and maintenance at appropriate sites; conduct educational sessions specific to the Black culture; provide community education booths; provide assistance to groups sponsoring prevention activities; develop new materials as the needs are identified; and maintain a recordkeeping system on grant related activity.

Bureau of Mediation Services

Applications Accepted for Funding Under the Minnesota Area Labor Management Committee Program

The Bureau of Mediation Services is now accepting applications for funding of new or existing Area Labor-Management Committee programs pursuant to *Minnesota Statutes* § 179.81-85 (1987).

Persons interested in applying for such funds may secure an application form and program policies by requesting them in writing from:

Paul W. Goldberg, Commissioner
Bureau of Mediation Services
205 Aurora Avenue
St. Paul, Minnesota 55103

Applications for funding during fiscal year 1988 will be accepted until October 15, 1987. All grants awarded will be effective January 1, 1988.

Paul W. Goldberg
Commissioner

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

October 1987

Compiled by Mary D. Flynn (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been

compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 (612) 296-2581.

Monday, October 5, 1987 9:00 a.m.

C7-86-1806 JEFFREY PRATT, a Minor, by his Father and Natural Guardian, Richard Pratt and Christine Pratt, Individually, **Respondents** (Attorney: Mark Hallberg of Hvass, Weisman & King) **vs. UNIVERSITY OF MINNESOTA AFFILIATED HOSPITALS AND CLINICS, et al, Appellants** (Attorneys: Charles E. Lundberg and Donna J. Blazevic of Bassford, Heckt, Lockhart & Mullin) **and RICHARD A. KING, petitioner,** Appellant (Attorneys: Laura J. Hanson and J. Richard Bland of Meagher, Geer, Markham, Anderson, Adamson, Flaskamp & Brennan).
Opinion Court of Appeals

Does the theory of negligent nondisclosure apply to genetic diagnosis and counseling?

C5-87-1233 RICHARD D. VIOLETTE, Respondent (Attorney: Allen R. Webb) **vs. MIDWEST PRINTING COMPANY-WEBB PUBLISHING, and AMERICAN MUTUAL INSURANCE COMPANY,** Relators (Attorney: Andrew W. Lynn of Gilmore, deLambert, Aafedt & Forde) **and STEVE KEEFE,** Commissioner of the Department of Labor and Industry, Intervenor, **Respondent** (Attorney: Louis Hoffman, Special Assistant Attorney General).
Order Workers' Compensation Court of Appeals

Were the employer and the insurer denied due process of law by the compensation judge's award of temporary partial disability benefits when such benefits were not an issue at the hearing?

Whether *Minnesota Statute* § 176.242 violates due process guarantees of the fourteenth amendment to the *United States Constitution* and Article I, Section 7 of the *Minnesota Constitution?*

Are the procedures employed by the Minnesota Department of Labor and Industry to administer *Minnesota Statute* § 176.242 consistent with due process guarantees?

Whether the interpretation of the Department of Labor and Industry misinterprets *Minnesota Statute* § 176.242 to require a factual determination by the rehabilitation specialist?

Were the employer and Insurer denied a due process hearing by the failure of two judges of the Workers' Compensation Court of Appeals to disqualify themselves as requested by the Employer and the Insurer?

C7-86-879 In Re Petition for Disciplinary Action against JOHN E. SIMMONDS, an Attorney at Law of the State of Minnesota (Attorney: Fred Allen of Fred Allen & Associates, LTD.).
Petition for Disciplinary Action

Does the record substantiate the referee's findings that: the respondent illegally charged social security administration fees for pursuing a matter on behalf of a client in violation of 42 *U.S.C.* 406, that the respondent violated DR 1-102 and DR 2-106(A), MCPR, that the respondent violated the Rules of Professional Responsibility by charging his client on a quantum meruit basis for his time and expenses and his staff's time and expenses after being discharged by the client and, that the respondent violated the Rules of Professional Responsibility by charging for time used to prepare records and documenting what he had done for the client as required by the director's office?

If the record substantiates the referee's finding of fact and law, what discipline is appropriate for respondent's professional misconduct?

Tuesday, October 6, 1987 9:00 a.m.

C5-86-1061 MINNEAPOLIS POLICE DEPARTMENT, Respondent (Attorney: Scott Reeves, Assistant City Attorney) **vs. MINNEAPOLIS COMMISSION on CIVIL RIGHTS, Respondent** (Attorney: Nancy Zalusky Berg) **and DIANE STERLING, Petitioner, Appellant** (Attorney: David Nightingale).
Opinion Court of Appeals.

Does the appointment of a hearing examiner lie within the sole discretion of the City of Minneapolis, Commission on Civil Rights?

Does the Minneapolis Commission on Civil Rights' failure to appoint a hearing examiner constitute reversible error?

Should the case be remanded because the Commission failed to explicitly apply the *McDonnell-Douglas* analysis?

C2-87-539 LARRY GENE RACE, Petitioner, Appellant (Attorney: David W. Larson) **vs. STATE OF MINNESOTA, Respondent** (Attorney: John E. DeSanto, Assistant Saint Louis County Attorney).
Order St. Louis County

Would the newly discovered evidence presented by petitioner at the Third Post-Conviction Hearing probably produce a different, more favorable result for appellant?

Wednesday, October 7, 1987

C1-86-1039 AND C8-86-1619 LAVONNE ANDERSON, Respondent (Attorney: J. Dennis O'Brien of LeFevere, Lefler, Kennedy, O'Brien & Drawz) **vs. HUNTER, KEITH, MARSHALL & CO., INC., Petitioner, Appellant** (Attorneys: Frederick E. Finch and Robert C. Boisvert, Jr. of Fredrikson & Byron P.A.).
Opinion Court of Appeals

Where the trial court determines that employer was motivated by both lawful and unlawful reasons in terminating employee's employment was it error for the court not to apply the mixed-motive analysis used by the Eighth Circuit Court of Appeals in Employment Discrimination Cases?

Did the trial court correctly apply the *McDonnell-Douglas* analysis?

Did the trial court correctly determine the Respondent's actual compensatory damages?

Is the Trial Court's award of attorney's fees to the Respondent properly before this court and is it sustained by the evidence?

C8-86-2057 STATE OF MINNESOTA, Respondent (Attorneys: Joel A. Watne, Special Assistant, Attorney General and W. M. Gustafson, Nicollet County Attorney) **vs. BRUCE CHARLES HAMM, Appellant** (Attorney: John E. Mack).
Order Nicollet County

Does Article I, Section 6 of the *Constitution of the State of Minnesota* require a trial court, in a misdemeanor case, to grant a defendant a jury of twelve members?

Thursday, October 8, 1987 9:00 a.m.

C7-87-780 GAIL RUSSELL FISHER, Respondent (Attorney: John H. Guthmann of Hanson, Dordell, Bradt, Odlaug & Bradt) **vs. EASTERN AIRLINES, INC., Appellant** (Attorneys: Dale E. Beihoffer and David J. Goldstein of Faegre & Benson).
Order Hennepin County

Does the Minnesota Human Rights Act allow Respondent to commence a private civil action in district court after the decision by the Minnesota Court of Appeals in *State v. Eastern Airlines, Inc.*, 346 N.W.2d 184 (*Minn. App. 1984*)?

C4-87-901 DAVID M. GASPER, Respondent (Attorney: David M. Stofferahn of Sieben, Grose, Von Holtum & McCoy) **vs. NORTHERN STAR COMPANY and EMPLOYERS INSURANCE OF WAUSAU,** Relators (Attorney: Allen C. Mueller of Larsen, Heck & Klimek).
Order Workers' Compensation Court of Appeals

Can temporary partial disability be paid concurrently with economic recovery compensation where economic recovery compensation is being paid as permanent partial disability?

Are temporary partial disability benefits payable beyond 90 days after maximum medical improvement is reached where no suitable job was offered or found within that 90-day period?

Monday, October 12, 1987 9:00 a.m.

C9-87-165 AND C5-87-194 In the Matter of the Welfare of: J.W. and A.W. (Attorneys: Thomas H. Shiah for Appellant Father, William R. Kennedy for Appellant Mother, Randy Decker and Wright Walling for Guardian ad Litem, Ann Steihm Ahlstrom for Respondent).
Order Hennepin County

Did the disposition order issued by the trial court conform to the requirements of *Minnesota Statute* § 260.191, subd. 1a?

Can the trial court require the parents to comply with a plan which requires discussion of matters which might be protected by the parent's fifth amendment rights against self incrimination?

C7-86-1482 In the Matter of the Petition of NORTHERN STATES POWER COMPANY for Authority to Change its Schedule of Rates for Electric Service in Minnesota (Attorneys: Glen E. Purdue and William P. Jordan of LeFevere, Lefler, Kennedy, O'Brien & Drawz for Respondent Suburban Rate Authority, Karl Sonneman, Special Assistant Attorney General for Petitioner-Respondent Minnesota Public Utilities Commission, Samuel L. Hanson of Briggs and Morgan, Gene R. Somers, David A. Lawrence and David M. Sparby for Petitioner-Appellant Northern States Power Company, Craig R. Anderson, Special Assistant Attorney General for Respondent Minnesota Department of Public Service, Dennis D. Ahlers Special Assistant Attorney General for Respondent Minnesota Attorney General).
Opinion Court of Appeals

Did the Public Utilities Commission err by applying a "clear and convincing" standard of proof rather than a "preponderance of the evidence" standard in regard to revenue requirement issues?

Did the Commission err in finding that the utility proposed equity ratio was unreasonable?

After making such a finding did the Commission err in setting what it found to be a reasonable ratio?

Were the Commission findings regarding the return on common equity, allocations, delay in payments, and conservation costs issues supported by substantial evidence of record and not otherwise arbitrary or capricious?

Tuesday, October 13, 1987 9:00 a.m.

C8-87-495 DUXOR INVESTMENT AKTIENGESELLSCHAFT, Appellant (Attorneys: Lawrence A. Moloney and Corey J. Ayling) **vs. INVESTMENT RARITIES INCORPORATED, Respondent** (Attorneys: Diane A. Kotula and Jerome S. Rice of Jerome S. Rice Law Offices, P.A.).
Order Hennepin County

What constitutes an unreasonable delay, as a matter of law, in notifying the seller of defects in goods, where seller has prior knowledge of the defects?

C6-87-981 ST. PAUL FIRE & MARINE INSURANCE COMPANY, Respondent (Attorney: Donald F. Hunter of Gislason, Dosland, Hunter & Malecki) **vs. NORMAN PERL, Appellant** (Attorneys: Robert M. Austin and Jerome B. Abrams of Austin & Roth).
Order Hennepin County

If an indemnification and hold harmless agreement otherwise bars respondent's subrogation rights can the agreement be held unenforceable because of public policy considerations where indemnification is sought from professional misconduct sanctions?

Wednesday, October 14, 1987 9:00 a.m.

C1-86-1428 AND CX-86-1430 PERRY J. SHORTRIDGE, et al., Respondents (Attorneys: Daniel B. O'Leary and Richard J. Gabriel of Mansur, O'Leary & Gabriel, P.A.) **vs. JOHN E. DAUBNEY, Defendant and Third Party Plaintiff, Respondent** (Attorney: John B. Hirte of Murnane, Conlin, White, Brandt & Hoffman) **vs. CITY of MAPLEWOOD, Defendant and Third Party Defendant, Petitioner, Appellant** (Attorneys: John F. Bannigan, Jr. and James J. Hanton of Bannigan & Kelly, P.A.).
Opinion Court of Appeals.

Does the failure of the City to comply with the notice requirement of *Minnesota Statute* § 429.061 deprive it of jurisdiction so as to make the assessment invalid?

If a municipality adopts an invalid assessment may a property owner be barred from challenging the assessment upon the grounds of estoppel or laches?

CX-86-1749 STATE OF MINNESOTA, Respondent (Attorney: Paul R. Kempainen, Special Assistant Attorney General and Thomas C. McCarthy, Sibley County Attorney) **vs. JOHN NORBERT NEISEN, Petitioner, Appellant** (Attorney: Stephen Patrick Doyle of Doyle and Michales).
Opinion Court of Appeals

Does *Minnesota Statute* § 340A.503 impose a strict criminal liability on a person selling alcoholic beverages to a minor?

Is *Minnesota Statute* § 340A.503 clear and unambiguous regarding the availability of a bona fide and careful investigation defense?

Were the jury instructions proper?

Was there sufficient evidence to sustain appellant's conviction?

C2-87-573 In Re Petition for Disciplinary Action against JAMES W. SODERBERG, an Attorney at Law of the State of Minnesota (Attorney: James W. Soderberg Pro Se).
Petition for Disciplinary Action

What discipline is appropriate for multiple violations of the disciplinary rules and rules of professional conduct including: (1) failure to file timely state and federal income tax returns and failure to pay employee withholding taxes; (2) failure to render a client accounting and to promptly pay out unused filing fees or return unearned portions of fees; (3) failure to maintain trust account balances equal to the amounts to be held on behalf of the clients; (4) failure to maintain proper trust account books and records; (5) false certification to the Supreme Court regarding maintenance of such records; and (6) non-cooperation with the disciplinary system?

Supreme Court Decisions

Decisions Filed Friday 18 September 1987

C1-86-2109 James P. Joyce, Jr., v. Lewis Bolt & Nut Company, self-insured, Lewis Bolt & Nut Company, and Great American Insurance Company, Relators, HMO Minnesota, et al., The Special Compensation Fund. Workers' Compensation Court of Appeals.

Workers' Compensation Act in effect on date of new, separate injury supersedes the law in effect at the time of employee's earlier injuries. Any right to compensation under previous law was merely contingent on temporary total disability; vesting does not occur until the causal relationship between disability and work-related injuries is proved.

Reversed. Coyne, J.

ORDERS

C5-87-1085 In re Petition for Disciplinary Action Against Richard K. Batdorf, an Attorney at Law of the State of Minnesota. Supreme Court.

Disbarred. Amdahl, C.J.

Announcements

Agriculture Department: A Wetland Reserve Program will be offered by the state's Soil and Water Conservation Districts with the next Reinvest in Minnesota application period, October 5-16, as a method to restore drained wetlands that have been in crop production. The sign-up will also include poor quality cropland that may be enrolled and converted to permanent seeding for wildlife under the Marginal Agricultural Land provision of RIM. Landowners interested in enrolling cropland in either of the two programs may apply at their local Soil and Water Conservation District office. Landowners should bring information on the total amount of land owned in the state as well as a 1981 through 1985 cropping history of the land they wish to enroll. Approximately 10,000 acres of wildlife habitat will be created with the 1987 funding of $4.5 million. Twenty-year conservation easements or perpetual duration easements will be developed on the enrolled lands. This is the second year of the RIM's Marginal Agricultural Land Reserve Program. In 1986, over 20,000 acres of marginal agricultural lands were converted into wildlife habitat on 875 farms.

Health Department: Fifteen members have been appointed to the state's Maternal and Child Health Task Force by Sister Mary Madonna Ashton, Minnesota commissioner of health. Among the members are Elizabeth Hubbard of St. Paul, who will chair the Task Force, and Lee Luebbe, Winona, who will serve as the vice-chair. The other appointees are Willis Brakke, Luverne; Katherine Cairns, St. Paul; Dr. Brooks Donald, St. Paul; Dr. Edward Ehlinger, Minneapolis; Dr. Harry Farb, Robbinsdale; Elaine Higgins, Virginia; Patricia Kratky, Moorhead; Marilyn Krueger, Duluth; Lynda Larsen, International Falls; Joyce Lindgren, Minneapolis; Helen McMickle-Bassett, Golden Valley; David Stevens, Amboy; and Mary Tronerud, Bagley. The Task Force advises the Commissioner of Health on issues relating to the health of mothers and children in the state. The new appointments took effect September 1.

Sentencing Guidelines Commission: The commission will meet on Thursday 24 September 1987 at 6:30 p.m. in the Rice Room of the Capitol Holiday Inn, 161 St. Anthony, St. Paul, MN. The meeting will discuss the criminal history score subcommittee report among other business.

Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, $12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, $9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, $8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, $12.95.

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NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. $4.00.

Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. $3.00.
Small Business Finance	Code No. 16-42. $2.00.
Starting and Managing a Small Business of Your Own	Code No. 16-40. $4.75.

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Catching criminals is only one part of law enforcement. Here's the rest of it.

Police Report Writing Style Manual 1986–A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. $12.50.

Background Investigation Manual 1986–A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. $10.00.

Motor Vehicle Traffic Laws 1986–Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. $12.50.

Criminal Code & Selected Statutes 1986–Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. $12.00.

Blue Binder–3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. $4.25.

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Murder in Minnesota is a treasury of vintage crimes. Characters, some famous, some obscure, come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, $5.95.

Robber and Hero On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, $5.95.

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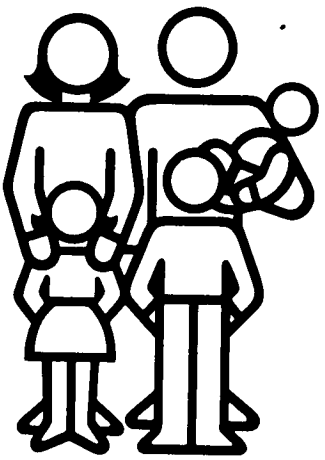
Human Services Laws and Rules



Human Services Laws 1986
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. $20.00

Human Services Rules as in effect July 7, 1986
Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. $24.95.

Human Services Rules Supplement 1987. Includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

3 ring binder. 2" capacity. 1 required for each of above listed publications. Code No. 10-21. $4.25.

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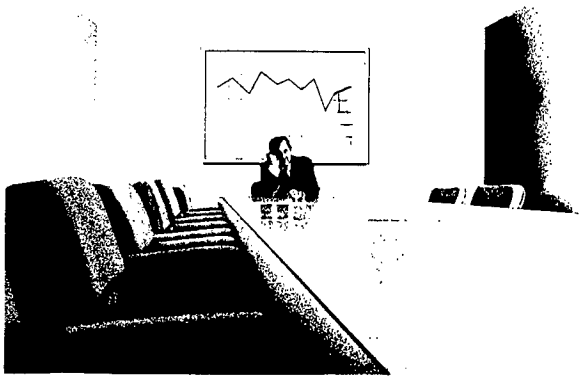
Business and NonProfit Corporation Act



Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters 80B, 302A, and 317. Paperbound, 102 papers, Code # 2-87, $10.00.

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Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, $6.00.

Help Minnesota's Wildlife, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, $4.00.

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Mammals of Minnesota, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, $15.95.

Bird Portraits in Color, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristcs, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, $12.95.

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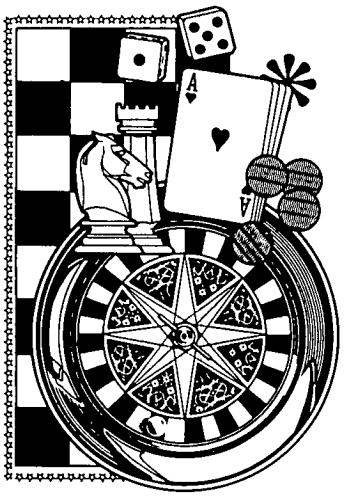

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A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code #1-11. $20.00.

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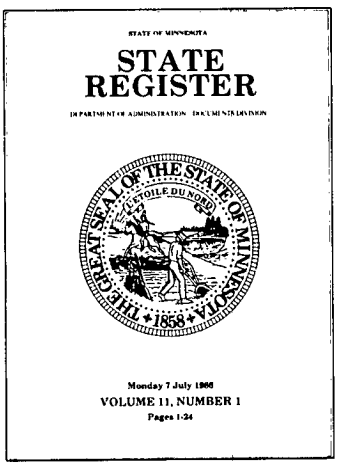
STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION · DOCUMENTS DIVISION

THE GREAT SEAL OF THE STATE OF MINNESOTA · L'ETOILE DU NORD · 1858

Monday 7 July 1986

VOLUME 11, NUMBER 1

Pages 1-24

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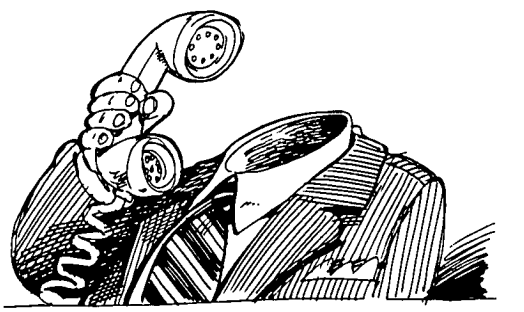

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Department of Commerce Regulated Profession Publications

Banking Laws 1986. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 $29.95

Business and Nonprofit Corporation Act 1986. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 $10.00

Fair Labor Standards Act 1985. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 $3.50

Insurance Laws 1986. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1 $14.95

Insurance Rules 1986. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 $14.00

Notary Public Laws 1986. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 $4.00

Real Estate Laws 1986. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 $5.00

Real Estate Rules 1986. Contains all education and licensing requirements for agents. Chapters 2800, 2805, and 2810. Code #3-99 $7.00

Securities Laws 1985. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 $4.00

Securities Rules 1985. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 $11.00

Banking Rules 1987. New rules are expected in early fall '87. Call then for more information.

Uniform Commercial Code 1986. Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 $10.00

Mailing Lists. All kinds available. A catalog will be available in late summer '87. Call to receive a copy, (612) 297-2552 or 296-0930.

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Pheasants in Minnesota, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, $5.95.

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, $6.00.

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Minnesota: national leader in education

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A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, $4.50.

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This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, $5.00.

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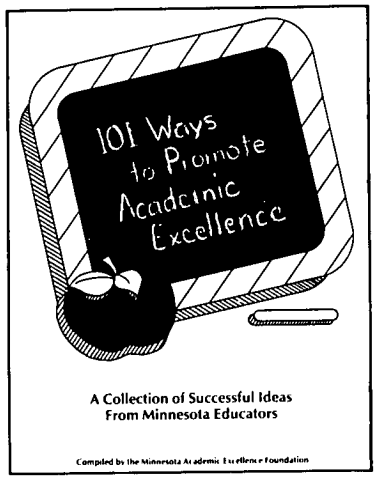

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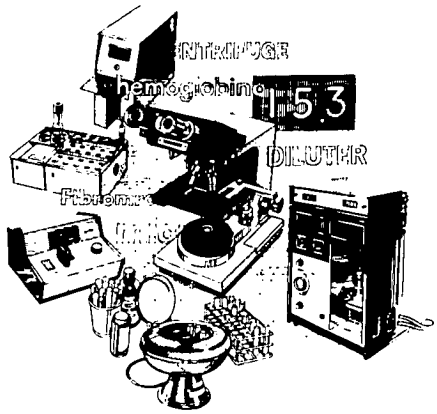
In either case, **The Medical Alley Directory** can help you do your job better. Double your business; the 1986 edition is nearly twice as large as last year's. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, $49.95.

Mailing Lists. We have a large variety of mailing lists, in many formats. A new catalog is being developed. Call or write if you wish to receive a copy when it is updated.



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Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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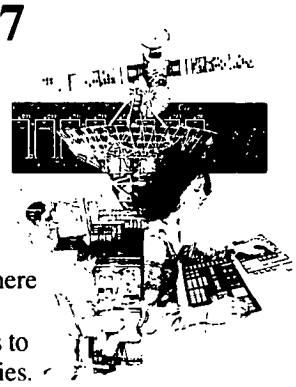
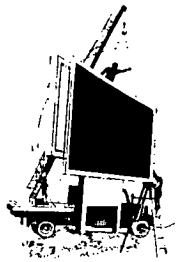
Minnesota Manufacturer's Directory 1986-87

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, $68.50.



REVISED: There are more than 7,000 changes to the 7,068 entries.

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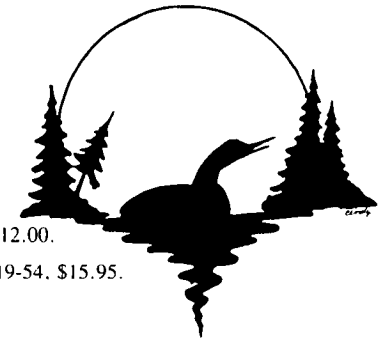
Voices of the Loon



Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, $12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, $15.95.

Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, $6.95.

Loon Lapel Pin. Code #15-30, $2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, $19.95.

Loon Nature Print, full-color poster 16″ × 22″, Code #15-18, $3.00.

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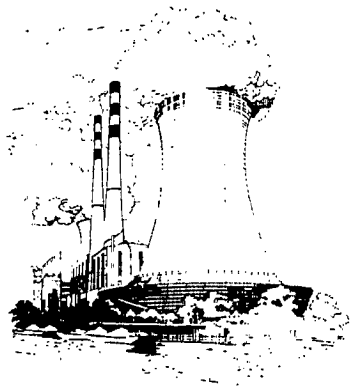
Minnesota's future environment



The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1986 Pollution Control Laws
Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. $15.00.

1986 Hazardous Waste Rules
Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. $13.50.

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NEW PUBLICATIONS:

Building Code 1987. Regulates design, construction, quality of materials, use and occupancy of all buildings and structures. Includes adoption by reference of Uniform Building Code, National Electrical Code and others. Code #3-65s3, $10.00.

Plumbing Code 1987. Rules concerning public safety and health in regard to: materials, joints, traps, fixtures, water supply, drainage, inspection and water conditioning. Code #3-6, $11.00.

Health Care Facilities Directory 1987. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Code #1-89, $15.00.

Human Services Rules Supplement 1987. The 1987 Supplement to the Department's rule book includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, $24.95.

OTHER PUBLICATIONS

1987 Workers' Compensation Handbook. Includes the statutes (Minn. Stat. Chapter 176), the Office of Administrative Hearings and Litigation Procedure Rules (Rules Chapter 1415), Fees for Medical Services (Rules Chapter 5221), Disability Schedules (Rules Chapter 5223) Workers' Compensation Court of Appeals Rules of Procedure (Rules Chapter 9800). Code #2-72. $14.00 plus tax.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important information on the placement of nests in proper habitat areas. Diagrams. Code #9-14. $6.00 plus tax.

Motor Vehicle Traffic Laws. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, $12.50 plus tax.

Criminal Code and Selected Statutes 1986. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, $12.00 plus tax.

Education Rules 1986. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, $14.50 plus tax.

Walleye. A unique blend of modern fishing strategies and never-before-published biological facts about this popular gamefish. Packed with full-color photographs. Code No. 19-70. $12.95, plus tax.

Crappie Fishing. Fishing tips from a game warden and angling enthusiast. Written in an easy-to-read style to appeal to anglers of every experience level. Many full-color photographs. Code No. 19-75. $9.95, plus tax.

Gardening for Food and Fun: Four hundred fact-filled pages of gardening know-how, packed into the 392 pages of this hardbound guide. From the basics of soil, climate and equipment, to tips on nurturing growth. Order code #16-2. $12.00.

Trees and Shrubs for Northern Gardens: A guide to selection and care of some 400 species of trees, shrubs and woody vines. Includes 384 beautiful full-color photographs. Order code #19-32. $19.50, plus tax.

American Flag. Perfect for your home or office. 3′ x 5′ with embroidered stars. Heavy nylon bunting. Code No. 6-1. $21.04, plus tax.

The Living White House (revised edition). A history of the White House that focuses on its life in the flow of American history, its symbolic place in the continuing life of the country, and the Presidents and their families who have changed it and been changed by it. Many photographs, some full-color. Code No. 16-30. $7.50, plus tax.

Fishes of the Minnesota Region: An authoritative guide to the 148 kinds of fish found in Minnesota's waters, the book is a resource for identification and distribution of fish, and features color photographs. Code #19-44, $12.95, plus tax.

1987 Laws of Minnesota: Laws of the 1987 legislative session, $42.50 per set.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. $160 plus $9.60 sales tax per 10-volume set.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription $130; Trial Subscription (13 weeks) $40.00; Single copies $3.50.

Workers Compensation Decisions. Volume 39. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. $95.00.

SERVICES:

Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

1987 Outdoors Catalog. Listing over 4,000 lake maps, fishing guides, bikeway maps, cookbooks, travel guides, and more. Free.

Minnesota State Documents Center 1987 Catalog. Lists publications available through Minnesota Documents Center. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. $6.50 plus 39¢ tax.

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