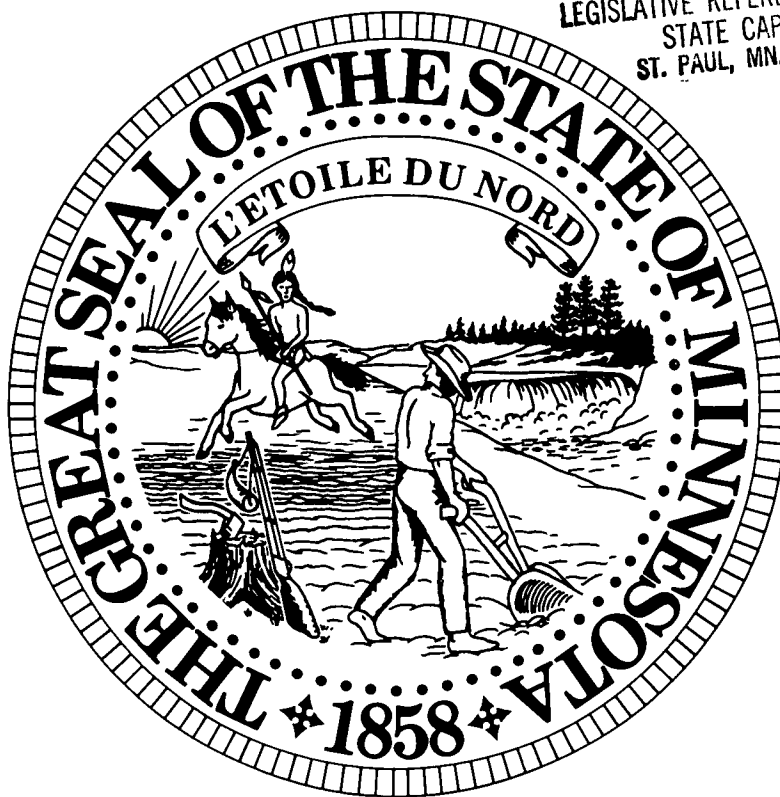


State of Minnesota

# STATE REGISTER

Department of Administration—Documents Division

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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.

### Volume 12 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
16	Monday 5 October	Monday 12 October	Monday 19 October
17	Monday 12 October	Monday 19 October	Monday 26 October
18	Monday 19 October	Monday 26 October	Monday 2 November
19	Monday 26 October	Monday 2 November	Monday 9 November

\*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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## 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

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Contact: Senate Public Information Office  
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(612) 296-0504

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

# Contents

## Minnesota Rules:

### Amendments & Additions

Issues 14-16 inclusive . . . . . 772

### Proposed Rules

#### Commerce Department

Petroleum tank release compensation board . . . . . 773

#### Health Department

Merit system . . . . . 777

#### Human Services Department

Merit system . . . . . 783

#### Jobs & Training Department

Unemployment compensation; hearings . . . . . 795

#### Pollution Control Agency

Exports and lists . . . . . 802

#### Public Safety Department

Merit system . . . . . 809

#### Public Utilities Commission

Telephone assistance plan . . . . . 814

#### Waste Management Board

Industrial and hazardous waste processing grants . . . . . 819

Hazardous and industrial waste reduction grants . . . . . 822

#### Labor & Industry

Employee termination notice . . . . . 825

### Adopted Rules

#### Higher Education Coordinating Board

Education grants; dislocated rural workers . . . . . 826

#### Human Services Department

Title IV-E funding allocation . . . . . 827

#### Legislative Commission to Review Administrative Rules

Correction to rules of procedure . . . . . 827

### Official Notices

#### Commerce Department

Bulletin of pending applications subject to the reciprocal interstate banking act . . . . . 828

#### Human Services Department

Opinion sought on rules for medical assistance reimbursement for training and habilitation

services for persons with mental retardation or related conditions . . . . . 828

Opinion sought on rules for reimbursement for cost of care of patients of state regional treatment centers . . . . . 829

#### Metropolitan Council

Opinion sought on rules for matters of metropolitan significance . . . . . 829

#### Natural Resources Department

Opinion sought on rules for the issuance of permits for aeration and similar systems in public waters . . . . . 830

#### Pollution Control Agency

Opinion sought on rules for standards of performance for incinerators . . . . . 830

Opinion sought on rules for the regulation of toxic air pollutants . . . . . 831

#### Public Safety Department

Opinion sought on rules for license revocation for alcohol and controlled substance related incidents . . . . . 831

#### Water & Soil Conservation Board

Meeting notice . . . . . 832

### State Contracts & Advertised Bids

#### Administration Department

Procurement and printing contracts and requisitions open for bid . . . . . 832

Request for proposals for rental of office space . . . . . 833

#### Pollution Control Agency

Request for proposals for analytical services of lake and stream samples . . . . . 834

### Non-State Public Contracts

#### Metropolitan Waste Control Commission

Request for proposals for emergency contractors . . . . . 834

#### Ramsey County

Request for proposals for financial analysis and audit of proposals . . . . . 835

#### Regional Transit Board

Notice for request for proposal for production of RTB slide show . . . . . 835

### Supreme Court Calendar

Cases scheduled to be heard during November 1987 . . . . . 835

**Announcements** . . . . . 838

# Minnesota Rules

## Amendments and Additions

### 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."

#### Commerce Department

2675.2600; .2610; .2620 (adopted)	623
2766.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300 (proposed)	605
2791.0100 (adopted)	749
2820.2900; .3000; .9000 (proposed)	741
2890.0010-.0120 (proposed emergency)	773

#### Jobs & Training Department

3310.2901-.2928 (proposed)	795
3310.2900; .3500; .3600; .4100; .4200; .4300; .4400; .4900; .5300 (proposed repealer)	795

#### Education Department

3500.0710 (proposed)	614
3500.0700 (proposed repealer)	614

#### Health Department

4670.1200; .1320; .4200; .4210; .4220; .4230; .4240 (proposed)	777
4670.1200 s.2,4,6 (proposed repealer)	777
4715.3150; .3170; .5900 (adopted)	624
4717.0310 (proposed)	747

#### Higher Education Coordinating Board

4830.1560-.1565 (adopted emergency)	826
-------------------------------------	-----

#### Labor & Industry Department

5200.0280 (proposed)	825
5205.0116; .0401; .0675; .0710; .0755; .0865; .0880; .1000; .1010; .1030; .1040; 5207.0300; .0310; .0610; .0620; .0720 (proposed)	616
5205.0010; .0015; .0040; .0050; .0065; .0070; .0100;	

.0105; .0110; .0115; .0140; .0200; .0400; .0410; .0420; .0430; .0450; .0460; .0490; .0650; .0660; .0665; .0675; .0680; .0685; .0686; .0690; .0700; .0750; .0755; .0760; .0765; .0770; .0860; .0865; .0870; .0880; .0890; .1000; .1010; .1020; .1030; .1040; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; 5207.0010; .0020; .0030; .0035; .0040; .0050; .0060; .0100; .0200; .0210; .0220; .0250; .0260; .0300; .0310; .0320; .0400; .0410; .0500; .0510; .0520; .0530; .0540; .0600; .0610; .0620; .0630; .0700; .0710; .0720; .0730; .0740; .0800; .0810; .0900; .0910 (adopted)	634
5205.0160; .0170; .0180; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0460 s.15,19; .0900; .0910; .0920; .0930; .0940; .0950 (repealed)	634
5221.1100; .1200; .1300; .1400; .1500; .1700; .1800; .1900; .2000; .2100; .2200; .2250; .2300; .2400; .2500; .2700; .2800; .2900; .3000; .3100; .3200 (adopted)	662
5221.1600 (repealed)	662

#### Optometry Board

6500.2800; .2900 (proposed)	744
-----------------------------	-----

#### Pollution Control Agency

7045.0020; .0125; .0135; .0139; .0219; .0296; .0302; .0375; .0381 (proposed)	802
--	-----

#### Public Safety Department

7520.0620; .0650; .1000; .1100 (proposed)	809
7520.0620 s.2,4,6 (proposed repealer)	809

#### Public Utilities Commission

7817.0100; .0200; .0300; .0400; .0500; .0600; .0700;	
--	--



.0800; .0900; .1000 (proposed) .....	814	.0295; .0300; .0305; .0310; .0315; .0320; .0325; .0330; .0335; .0340; .0345; .0350; .0353; .0355; .0360; .0365; .0380; .0395; .0405; .0415; .0420; .0425; .0430; .0440; .0445; .0450; .0455; .0460; .0465; .0470; .0475; 9500.1070 (adopted) .....	624
<b>Public Service Department</b>		9500.0900; .0930; .0960; .0970; .0990; .1000; .1060; .1070 s.2,3,5,7,8,9,10,11,16,17,18,19,20,21,22,24; 9505.1080 (repealed) .....	624
8300.2500-.2509 (adopted) .....	750	9550.0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370 (adopted) .....	827
8300.2501 s.2,3 (repealed) .....	750	9575.0320; .0350; .1500 (proposed) .....	783
<b>Waste Management Board</b>		9575.0320 s.2,4,6 (proposed repealer) .....	783
9200.6000; .6001; .6002; .6003; .6004; .6007; .6008; .6010 (proposed) .....	819		
9200.9501; .9502; .9503; .9506; .9508 (proposed) .....	822		
<b>Human Services Department</b>			
9505.0170; .0175; .0180; .0185; .0190; .0195; .0200; .0205; .0210; .0215; .0220; .0221; .0225; .0235; .0240; .0245; .0250; .0255; .0270; .0275; .0280; .0285; .0290;			

## Proposed Rules

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

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

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

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

## Department of Commerce

### Proposed Emergency Rules Relating to Petroleum Tank Release Compensation Board

#### Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the Petroleum Tank Release Compensation Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes* § 115C.07 subd. 3. The Board in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, section 14.29-14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Heidi Almquist  
Executive Director  
Petroleum Tank Release Compensation Board  
500 Metro Square Building  
St. Paul, MN 55101  
(612) 297-3238

A copy of the proposed rule is attached to this notice.

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

## Proposed Rules

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A free copy of the proposed emergency rule is available by contacting Heidi Almquist.

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

Upon adoption of the emergency rule by the Board, 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 person 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 rule, must submit the written request to Heidi Almquist.

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 Board gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

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

Notice is hereby given that the Petroleum Tank Release Compensation Board 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. The statutory authority to adopt the rule is *Minnesota Statutes* § 115C.07 subd. 3.

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 14.131 to 14.20.

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

Heidi Almquist  
Executive Director  
Petroleum Tank Release Compensation Board  
500 Metro Square Building  
St. Paul, MN 55101  
(612) 297-3238

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

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.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person 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 rule, must submit the written request to Heidi Almquist.

### Rules as Proposed (all new material)

#### 2890.0010 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the terms in this part have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Pollution Control Agency.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subp. 4. **Corrective action.** "Corrective action" means an action taken to minimize, eliminate, or clean up a release to protect the public health and welfare or the environment.

Subp. 5. **Person.** "Person" means an individual, partnership, association, public or private corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state.

Subp. 6. **Responsible person.** "Responsible person" means a person who is an owner or operator of a tank at any time during or after the release.

**2890.0020 [Emergency] BOARD MEETINGS; TIME, PLACE, NOTICE.**

Subpart 1. **Regular meetings.** A regular meeting of the board must be scheduled at least four times a year. A scheduled meeting may be canceled if there is insufficient business. A meeting may be called by the chair or by written request of three board members. Written notice of the meeting as to time and place must be given to board members at least five days before a regular meeting. Between regular meetings, business may be conducted by mail.

Subp. 2. **Special meetings.** The chair shall attempt to give five days' notice before a special meeting. The board may waive the five-day notice requirement.

**2890.0030 [Emergency] VICE-CHAIR.**

A vice-chair shall be elected by the board. The vice-chair shall preside at regular and special meetings in the absence of the chair and perform other duties assigned by the board.

**2890.0040 [Emergency] CONDUCT OF MEETINGS.**

Subpart 1. **Quorum.** A quorum shall consist of three board members.

Subp. 2. **Proxies.** An absent member may assign a proxy, in writing, to another board member. Proxies shall count toward a quorum.

Subp. 3. **Minutes.** Meetings shall be tape recorded and minutes prepared by staff.

Subp. 4. **Parliamentary procedure.** Except as specifically provided by statute or negotiation, Robert's Rules of Order shall govern questions that may arise at a meeting of the board.

**2890.0050 [Emergency] CONFLICT OF INTEREST.**

A member of the board who has a direct or indirect financial or employment interest relating to a matter before the board, which interest is reasonably likely to affect impartiality or judgment in the matter, shall make known the interest and shall refrain from participating in, or voting upon, the matter. The abstention of a board member or members shall not prevent the remaining members from conducting a legal vote.

**2890.0060 [Emergency] REIMBURSEMENT OF COSTS.**

Subpart 1. **Generally.** Each responsible person who has taken corrective action in response to a release reported on or after June 4, 1987, may apply to the board for partial reimbursement of eligible costs.

Subp. 2. **Conditions for reimbursement.** A reimbursement may not be made unless the board determines that:

A. the commissioner has determined that the corrective action has adequately addressed the release and that the release no longer poses a threat to public health and welfare or the environment;

B. at the time of the release the tank was in compliance with state and federal rules and regulations applicable to the tank, including rules or regulations relating to financial responsibility.

C. the agency was given notice of the release as required by Minnesota Statutes, section 115.061;

D. the responsible person, to the extent possible, fully cooperated with the agency in responding to the release; and

E. if the responsible person is an operator, the person exercised due care with regard to operation of the tank, including maintaining inventory control procedures.

Subp. 3. **Multiple responsible persons.** If there is more than one responsible person who incurs eligible corrective action costs for a single release or at a single corrective action site, each responsible person must apply separately for reimbursement. The reimbursement available to each applicant shall be 75 percent of the applicant's total eligible costs greater than \$10,000 and less than \$100,000.

**2890.0070 [Emergency] ELIGIBLE COSTS.**

Costs associated with the following corrective actions may be eligible for reimbursement from the fund:

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

## Proposed Rules

A. Emergency response and initial site hazard mitigation. Costs may include, but are not limited to, those necessary to abate acute risks to human health, safety, and the environment.

B. Temporary site hazard control measures. Costs may include, but are not limited to, temporary provision of drinking water and housing, initial abatement of vapors, and removal of free product.

C. Investigation and source identification including, but not limited to, collecting and analyzing soil samples, testing the groundwater, testing adjacent drinking water supplies, tank integrity testing, and engineering services.

D. Development of a corrective action plan in accordance with the commissioner's requirements.

E. Clean-up of releases including, but not limited to, removal, treatment, or disposal of surface and subsurface contamination and provision of a permanent alternative water supply. Clean-up must be performed in accordance with a corrective action plan approved by the commissioner.

F. Removal or closure in place of the tank that is the source of the release.

It is the responsibility of the applicant to prove the reasonableness of all incurred eligible costs.

### **2890.0080 [Emergency] INELIGIBLE COSTS.**

All costs associated with actions that do not minimize, eliminate, or clean up a release to protect the public health and welfare or the environment are ineligible costs. Ineligible costs include, but are not limited to, any costs related to the permanent repair or replacement of a tank, upgrading tanks, loss of income, attorney's fees, permanent relocation of residents, decreased property values, reimbursement for the responsible person's own time spent in planning and administering a corrective action plan, aesthetic improvements, or any work performed that is not in compliance with safety codes including but not limited to Occupational Safety and Health Administration requirements, well codes, and fire codes.

### **2890.0090 [Emergency] APPLICATION PROCESS.**

Subpart 1. **Applications.** A person who requests compensation from the fund shall complete, sign, and submit to the board a written application. The application shall be made on a form prescribed by the board and shall contain at least the following:

A. the name of the responsible person making the application;

B. a description of the site of the release;

C. a copy of the corrective action plan and the commissioner's approval of the plan; and

D. an itemized list of all corrective actions taken, the eligible costs associated with the actions, and the name of the engineer, contractor, or subcontractor who performed the action.

Subp. 2. **Time of application.** The application and all accompanying documentation must be received by the board's office 30 days before a board meeting in order for reimbursement to be considered at that meeting. The board may waive the 30-day requirement, if it finds that undue financial hardship to the applicant will result if action is delayed until the next regular meeting.

Subp. 3. **Subsequent applications.** An eligible responsible person who has already obtained partial reimbursement from the board and who has incurred additional or continuing eligible costs due to the same release may reapply if:

A. the amount of the person's original reimbursement was less than 75 percent of the eligible costs between \$10,000 and \$100,000.

B. the eligible costs submitted on a subsequent application are not related to any new releases at the site. The total reimbursement to a responsible person for a release shall not exceed 75 percent of the total eligible costs between \$10,000 and \$100,000 regardless of the number of applications for reimbursement submitted by the responsible person.

Subp. 4. **Signatures.** An application must be signed as follows:

A. for a corporation, by a principal executive officer of at least the level of vice-president or the duly authorized representative or agent of the executive officer if the representative or agent is responsible for the overall operation of the facility that is the subject of the application or a person whom the board of directors designates by means of a corporate resolution;

B. for a partnership, sole proprietorship or individual, by a general partner, the proprietor, or individual respectively; or

C. for a municipality, state, federal, or other public agency, by either a principal, executive officer, or ranking elected official.

Subp. 5. **Certification.** A person who signs an application for reimbursement shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that I have the authority to submit this application on behalf of ....."

Subp. 6. **Report of the commissioner.** Upon notification by the board's staff that a complete application has been received, the commissioner shall, in a timely manner, provide the board with a written report on the applicant's compliance or noncompliance with Minnesota Statutes, section 115C.09, subdivision 2, paragraph (b), clauses (1) to (5). The report shall include documentation supporting the commissioner's findings. The commissioner shall file the report with the board no later than 15 days after notification.

In addition, the board may, as it deems necessary, request additional information from the commissioner or can request participation of agency staff at a board meeting. All responses to requests for information shall be delivered in a timely manner. The board may delegate these powers to its staff.

**2890.0100 [Emergency] REVIEW AND DETERMINATION.**

Subpart 1. **Review.** The board's staff shall review all applications. If the staff finds that the application is incomplete or otherwise deficient, the staff shall promptly advise the applicant of the incompleteness or deficiency. Further processing of the application affected by the deficiency shall be suspended until the applicant has supplied the necessary information or otherwise corrected the deficiency. A complete application and the corresponding report of the commissioner constitutes the written record.

Subp. 2. **Staff recommendation.** After a reimbursement application is complete and the commissioner has provided the information relevant to the application, the board's staff shall make a recommendation as to the eligibility of the applicant and the costs specified in the application.

Subp. 3. **Board determination.** The board shall determine the amount of the reimbursement based on those costs it finds are eligible, actually incurred, and reasonable. The determination shall be made on the basis of the written record. The board may also allow supplemental information explaining the application to be presented orally. The board may establish a fair and reasonable limit on time allowed for oral testimony.

The applicant shall be notified in writing within ten days of the board's decision. If the board rejects any portion of the request for reimbursement, a statement of the reasons for rejection shall be included with the notification.

**2890.0110 [Emergency] RIGHT TO APPEAL.**

A decision of the board is to be considered a final order, decision, or judgment for purposes of Rule 103.3 of the Rules of Civil Appellate Procedure.

**2890.0120 [Emergency] FUNDING OF MPCA ACTIONS.**

In accordance with Minnesota Statutes, section 115C.10, subdivision 1, paragraph (a), the agency may apply to the board for money to pay for actions taken under Minnesota Statutes, section 115C.03, if all other state and federal funds appropriated for such actions have been exhausted. The application shall consist of a written statement of proposed corrective actions, an itemized estimate of costs for the proposed actions, and documentation that applicable state appropriations and federal awards have been exhausted by actions authorized under Minnesota Statutes, section 115C.03.

The board shall pay the agency the cost of the proposed actions if the board determines that:

- A. applicable state and federal funds are exhausted;
- B. the agency's proposed actions are authorized under Minnesota Statutes, section 115C.03; and
- C. an adequate amount exists in the fund to pay for the proposed actions.

## **Department of Health**

### **Proposed Permanent Rules Relating to Merit System**

#### **Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing**

Notice is hereby given that the State Department of Health proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 144.071.

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

## Proposed Rules

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Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule 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 public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 30, 1987, IN CONFERENCE ROOM D, VETERANS SERVICE BUILDING, 20 WEST 12TH STREET AND COLUMBUS AVENUE, ST. PAUL, MINNESOTA 55155, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HEALTH. To verify whether a hearing will be held, please call the Minnesota Merit System between November 19, 1987 and November 25, 1987 at (612) 296-3996.

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

Ralph W. Corey  
Minnesota Merit System  
4th Floor, Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 18, 1987.

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

A free copy of this rule is available upon request for your review from: Ralph W. Corey, Minnesota Merit System, 4th Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone (612) 296-3996.

The Minnesota Merit System rules provide for a system of personnel administration for local and county health and human services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Amendments to part 4670.1200 would change the manner in which the Merit System uses to recommend adjustments in even-numbered years from exclusive use of changes in the Twin City Consumer Price Index to consideration of changes in the level of salary rates for similar and competing types of employment in business and government, which is currently used by the Merit System to recommend adjustments in odd-numbered years.

Amendments to part 4670.1320 provides for a general salary adjustment of 3% for merit system employees effective January 1, 1988.

Proposed revisions to 4670.4200-.4240 (the compensation plan) provide for adjustments of varying amounts to the minimum and maximum salaries for classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey upon request.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Ralph W. Corey, Department of Human Services, Centennial Office Building, St. Paul, Minnesota 55155, telephone 612/296-3996.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person 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 rule, must submit the written request to Ralph W. Corey.

Dated: 30 September 1987

Sister Mary Madonna Ashton  
Commissioner

**Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, MN 55155 on November 30, 1987 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HEALTH. To verify whether a hearing will be held, please call the Minnesota Merit System between November 19, 1987 and November 25, 1987 at (612) 296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to George Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The Minnesota Merit System rules provide for a system of personnel administration for local and county health and human services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Amendments to part 4670.1200 would change the manner in which the Merit System uses to recommend adjustments in even-numbered years from exclusive use of changes in the Twin City Consumer Price Index to consideration of changes in the level of salary rates for similar and competing types of employment in business and government, which is currently used by the Merit System to recommend adjustments in odd-numbered years.

Amendments to part 4670.1320 provides for a general salary adjustment of 3% for merit system employees effective January 1, 1988.

Proposed revisions to 4670.4200-4240 (the compensation plan) provide for adjustments of varying amounts to the minimum and maximum salaries for classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 144.071. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption

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

## Proposed Rules

under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Ralph W. Corey, Department of Human Services, Centennial Office Building, St. Paul, Minnesota 55155, telephone 612/296-3996.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Minnesota Merit System, 4th floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Ralph W. Corey.

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 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 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. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and 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 and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

*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 communication 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, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 30 September 1987

Sister Mary Madonna Ashton  
Commissioner

### Rules as Proposed

#### 4670.1200 ADJUSTMENT OF THE OFFICIAL SALARY SCHEDULE OF THE MINNESOTA MERIT SYSTEM.

Subpart 1. **General Annual adjustments.** The compensation plan provided in parts 4670.4200 to 4670.4240 shall be adjusted ~~for annually to reflect changes in the level of salary rates in business and government for similar and competing types of employment and for changes in the Twin Cities consumer price index to achieve equitable compensation relationships between classes of positions based on their comparable work value.~~

Subp. 2. [See Repealer.]

Subp. 3. **Plan amendments.** ~~From the results of this study~~ After a review of changes in the level of salary rates and consideration of available information regarding trends in the Twin City consumer price index, the supervisor shall propose amendments to the compensation plan in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, and ~~parts as outlined in part 4670.1000 to 4670.1020.~~ Amendments shall include a proposed general adjustment to all rates of pay in the professional, health services support, clerical, and building maintenance salary schedules and specific comparability adjustments to all rates of pay for certain classes, as necessary, to correct compensation inequities based on comparable work value. The amended compensation plan shall ~~not~~ be effective ~~until on the next succeeding~~ following January 1, ~~or, for those agencies on a biweekly or four-week payroll period, on the beginning date of the first payroll period after the following the next succeeding~~ January 1.

Subp. 3a. **Employee salary adjustments.** Based on an annual review of adjustments to salary levels by employees with similar and competing types of employment and trends in the Twin City consumer price index, the supervisor shall recommend a general salary adjustment for all employees on the professional, health services support, clerical, and building maintenance salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement. The recommended general salary adjustment shall be proposed in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, in an amount as provided in part 4670.1320. The adopted salary adjustment shall be effective on the following January 1 or, for those agencies on a biweekly or four-week payroll period, on the beginning date of the first payroll period after the following January 1.



Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

Subp. 6. [See Repealer.]

#### **4670.1320 RECOMMENDED ADJUSTMENTS.**

The merit system general adjustment recommended for incumbents is ~~one~~ three percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

#### **4670.4200 PUBLIC HEALTH COMPENSATION PLAN, ~~1987~~ 1988.**

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

#### **4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN.**

##### **Subpart 1. Plan A.**

	<u>Minimum</u>	<u>Maximum</u>
Assistant Director of Environmental Health	<del>1992</del> <u>2052</u>	<del>2847</del> <u>2932</u>
Director of Environmental Health	<del>2280</del> <u>2348</u>	<del>3251</del> <u>3349</u>
Director of Public Health Nursing I	<del>1863</del> <u>1919</u>	<del>2785</del> <u>2869</u>
Public Health Educator	<del>1597</del> <u>1645</u>	<del>2280</del> <u>2348</u>
Public Health Nurse	<del>1597</del> <u>1645</u>	<del>2280</del> <u>2348</u>
Public Health Nurse (Team Leader)	<del>1745</del> <u>1721</u>	<del>2491</del> <u>2566</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	<del>1526</del> <u>1572</u>	<del>2186</del> <u>2252</u>
Sanitarian	<del>1460</del> <u>1504</u>	<del>2186</del> <u>2252</u>
Senior Public Health Nurse	<del>1745</del> <u>1881</u>	<del>2602</del> <u>2680</u>

##### **Subp. 2. Plan B.**

	<u>Minimum</u>	<u>Maximum</u>
Assistant Director of Environmental Health	<del>2085</del> <u>2148</u>	<del>2975</del> <u>3064</u>
Director of Environmental Health	<del>2385</del> <u>2457</u>	<del>3406</del> <u>3508</u>
Director of Public Health Nursing I	<del>1945</del> <u>2003</u>	<del>2909</del> <u>2996</u>
Public Health Educator	<del>1671</del> <u>1721</u>	<del>2385</del> <u>2457</u>
Public Health Nurse	<del>1671</del> <u>1721</u>	<del>2385</del> <u>2457</u>
Public Health Nurse (Team Leader)	<del>1826</del> <u>1797</u>	<del>2602</del> <u>2680</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	<del>1597</del> <u>1645</u>	<del>2280</del> <u>2348</u>
Sanitarian	<del>1526</del> <u>1572</u>	<del>2280</del> <u>2348</u>
Senior Public Health Nurse	<del>1826</del> <u>1962</u>	<del>2721</del> <u>2803</u>

##### **Subp. 3. Plan C.**

	<u>Minimum</u>	<u>Maximum</u>
Assistant Director of Environmental Health	<del>2186</del> <u>2252</u>	<del>3113</del> <u>3206</u>
Director of Environmental Health	<del>2491</del> <u>2566</u>	<del>3562</del> <u>3669</u>
Director of Public Health Nursing I	<del>2132</del> <u>2196</u>	<del>3043</del> <u>3134</u>
Public Health Educator	<del>1745</del> <u>1797</u>	<del>2491</del> <u>2566</u>
Public Health Nurse	<del>1826</del> <u>1881</u>	<del>2491</del> <u>2566</u>
Public Health Nurse (Team Leader)	<del>2036</del> <u>2052</u>	<del>2785</del> <u>2803</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	<del>1745</del> <u>1797</u>	<del>2385</del> <u>2457</u>
Sanitarian	<del>1597</del> <u>1645</u>	<del>2385</del> <u>2457</u>
Senior Public Health Nurse	<del>1992</del> <u>2052</u>	<del>2847</del> <u>2932</u>

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

## Proposed Rules

### 4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

#### Subpart 1. Plan A.

	Minimum	Maximum
Bookkeeper	<del>1091</del> <u>1124</u>	<del>1560</del> <u>1607</u>
Home Health Aide	<del>912</del> <u>961</u>	<del>1364</del> <u>1439</u>
Home Health Aide Coordinator	<del>1224</del> <u>1261</u>	<del>1671</del> <u>1721</u>
Inspector	<del>1224</del> <u>1261</u>	<del>1671</del> <u>1721</u>
Licensed Practical Nurse	<del>1197</del> <u>1261</u>	<del>1631</del> <u>1721</u>
Public Health Aide	<del>839</del> <u>883</u>	<del>1250</del> <u>1261</u>

#### Subp. 2. Plan B.

	Minimum	Maximum
Bookkeeper	<del>1141</del> <u>1175</u>	<del>1631</del> <u>1680</u>
Home Health Aide	<del>955</del> <u>1005</u>	<del>1427</del> <u>1504</u>
Home Health Aide Coordinator	<del>1278</del> <u>1316</u>	<del>1745</del> <u>1797</u>
Inspector	<del>1278</del> <u>1316</u>	<del>1745</del> <u>1797</u>
Licensed Practical Nurse	<del>1250</del> <u>1316</u>	<del>1705</del> <u>1797</u>
Public Health Aide	<del>876</del> <u>921</u>	<del>1307</del> <u>1374</u>

#### Subp. 3. Plan C.

	Minimum	Maximum
Bookkeeper	<del>1197</del> <u>1233</u>	<del>1705</del> <u>1756</u>
Home Health Aide	<del>999</del> <u>1151</u>	<del>1491</del> <u>1572</u>
Home Health Aide Coordinator	<del>1334</del> <u>1374</u>	<del>1826</del> <u>1881</u>
Inspector	<del>1334</del> <u>1374</u>	<del>1826</del> <u>1881</u>
Licensed Practical Nurse	<del>1307</del> <u>1374</u>	<del>1786</del> <u>1881</u>
Public Health Aide	<del>912</del> <u>1101</u>	<del>1364</del> <u>1504</u>

### 4670.4230 CLERICAL COMPENSATION PLAN.

#### Subpart 1. Plan A.

	Minimum	Maximum
Clerk I	<del>758</del> <u>781</u>	<del>1030</del> <u>1061</u>
Clerk II	<del>866</del> <u>892</u>	<del>1234</del> <u>1271</u>
Clerk III	<del>1030</del> <u>1061</u>	<del>1410</del> <u>1452</u>
Clerk-Typist I	<del>831</del> <u>856</u>	<del>1128</del> <u>1162</u>
Clerk-Typist II	<del>866</del> <u>892</u>	<del>1234</del> <u>1271</u>
Clerk-Typist III	<del>1030</del> <u>1085</u>	<del>1473</del> <u>1548</u>
Clerk-Steno	<del>902</del> <u>892</u>	<del>1234</del> <u>1271</u>
Switchboard Operator	<del>831</del> <u>856</u>	<del>1128</del> <u>1162</u>

#### Subp. 2. Plan B.

	Minimum	Maximum
Clerk I	<del>866</del> <u>892</u>	<del>1128</del> <u>1162</u>
Clerk II	<del>986</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Clerk III	<del>1151</del> <u>1186</u>	<del>1503</del> <u>1548</u>
Clerk-Typist I	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>
Clerk-Typist II	<del>986</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Clerk-Typist III	<del>1151</del> <u>1214</u>	<del>1575</del> <u>1660</u>
Clerk-Steno	<del>1030</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Switchboard Operator	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>

#### Subp. 3. Plan C.

	Minimum	Maximum
Clerk I	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>
Clerk II	<del>1088</del> <u>1110</u>	<del>1473</del> <u>1517</u>
Clerk III	<del>1207</del> <u>1243</u>	<del>1575</del> <u>1622</u>
Clerk-Typist I	<del>1030</del> <u>1061</u>	<del>1344</del> <u>1384</u>
Clerk-Typist II	<del>1088</del> <u>1110</u>	<del>1473</del> <u>1517</u>

## Proposed Rules

Clerk-Typist III	<del>1207</del>	<u>1271</u>	<del>1648</del>	<u>1736</u>
Clerk-Steno	<del>1128</del>	<u>1110</u>	<del>1473</del>	<u>1517</u>
Switchboard Operator	<del>1030</del>	<u>1061</u>	<del>1344</del>	<u>1384</u>

### 4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. [Unchanged.]

Subp. 2. **Plan A.**

	Minimum	Maximum
Janitor	<u>947</u>	<u>975</u>
	<del>1214</del>	<u>1250</u>

Subp. 3. **Plan B.**

	Minimum	Maximum
Janitor	<del>1120</del>	<u>1154</u>
	<del>1440</del>	<u>1483</u>

**REPEALER.** Minnesota Rules, part 4670.1200, subparts 2, 4, and 6 are repealed.

## Department of Human Services

### Proposed Permanent Rules Relating to Merit System

#### Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 256.012.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule 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 public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 30, 1987, IN CONFERENCE ROOM D, VETERANS SERVICE BUILDING, 20 WEST 12TH STREET AND COLUMBUS AVENUE, ST. PAUL, MINNESOTA 55155, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between November 19, 1987 and November 25, 1987 at (612) 296-3996.

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

Ralph W. Corey  
Minnesota Merit System  
4th Floor, Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 18, 1987.

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

## Proposed Rules

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

A free copy of this rule is available upon request for your review from: Ralph W. Corey, Minnesota Merit System, 4th Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone (612) 296-3996.

A copy of the proposed rule may be viewed at any of the county welfare or human service agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human services agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Amendments to part 9575.0320 would change the manner in which the Merit System uses to recommend adjustments in even-numbered years from exclusive use of changes in the Twin City Consumer Price Index to consideration of changes in the level of salary rates for similar and competing types of employment in business and government, which is currently used by the Merit System to recommend adjustments in odd-numbered years.

Amendments to part 9575.0350 provides for a general salary adjustment of 3% for merit system employees effective January 1, 1988.

Proposed revisions to part 9575.1500 (the compensation plan) provide for adjustments of varying amounts to the minimum and maximum salaries for classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classes, and deleting class titles and minimum and maximum salaries for abolished classes.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey upon request.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Ralph W. Corey, Department of Human Services, Centennial Office Building, St. Paul, Minnesota 55155, telephone 612/296-3996.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person 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 rule, must submit the written request to Ralph W. Corey.

Dated: 30 September 1987

Sandra S. Gardebring  
Commissioner

### **Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, MN 55155 on November 30, 1987 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between November 19, 1987 and November 25, 1987, at (612) 296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to

be included in the hearing record may be mailed to George Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human services agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Amendments to part 9575.0320 would change the manner in which the Merit System uses to recommend adjustments in even-numbered years from exclusive use of changes in the Twin City Consumer Price Index to consideration of changes in the level of salary rates for similar and competing types of employment in business and government, which is currently used by the Merit System to recommend adjustments in odd-numbered years.

Amendments to part 9575.0350 provides for a general salary adjustment of 3% for merit system employees effective January 1, 1988.

Proposed revisions to 9575.1500 (the compensation plan) provide for adjustments of varying amounts to the minimum and maximum salaries for classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classes, and deleting class titles and minimum and maximum salaries for abolished classes.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256.012. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Ralph W. Corey, Department of Human Services, Centennial Office Building, St. Paul, Minnesota 55155, telephone 612/296-3996.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Department of Human Services, 4th floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155. This rule is also available for viewing at each of the county welfare or human service agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Ralph W. Corey.

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 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 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. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and 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 and 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.

## Proposed Rules

*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 communication 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, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Date: 30 September 1987

Sandra S. Gardebring  
Commissioner

### Rules as Proposed

#### 9575.0320 ADJUSTMENT OF OFFICIAL SALARY SCHEDULE OF THE MINNESOTA MERIT SYSTEM.

Subpart 1. **Consumer price index Annual adjustments.** The compensation plan provided in part 9575.1500 shall be adjusted for annually to reflect changes in the level of salary rates in business and government for similar and competing types of employment and for changes in the Twin City Consumer Price Index to achieve equitable compensation relationships between classes of positions based on their comparable work value.

Subp. 2. [See Repealer.]

Subp. 3. **Plan amendments.** From the results of this study After a review of changes in the level of salary rates and consideration of available information regarding trends in the Twin City Consumer Price Index, the supervisor shall propose amendments to the compensation plan in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, and as outlined in part 9575.0300. An Amendments shall include a proposed general adjustment to all rates of pay in the professional, support, clerical, and maintenance and trades salary schedules and specific comparability adjustments to all rates of pay for certain classes, as necessary, to correct compensation inequities based on comparable work value. The amended compensation plan shall not be effective until on the next succeeding following January 1; or, for those agencies on a bi-weekly biweekly or four-week payroll period, on the beginning date of the first payroll period after the following the next succeeding January 1.

Subp. 3a. Employee salary adjustments. Based on an annual review of adjustments to salary levels by employees with similar and competing types of employment and trends in the Twin City Consumer Price Index, the supervisor shall recommend a general salary adjustment for all employees on the professional, support, clerical, and maintenance and trades salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement. The recommended general salary adjustment shall be proposed in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, in an amount as provided in part 9575.0350, subpart 3. The adopted salary adjustment shall be effective on the following January 1 or, for those agencies on a biweekly or four-week payroll period, on the beginning date of the first payroll period after the following January 1.

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

Subp. 6. [See Repealer.]

#### 9575.0350 SALARY ADJUSTMENTS AND INCREASES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~one~~ three percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

Subp. 4. and 5. [Unchanged.]

#### 9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~1987~~ 1988.

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

## Proposed Rules

	Minimum	Maximum
Accountant	<del>1597</del> <u>1645</u>	<del>2280</del> <u>2348</u>
Accounting Supervisor	<del>1863</del> <u>1919</u>	<del>2785</del> <u>2869</u>
Administrative Assistant I	<del>1992</del> <u>2052</u>	<del>2975</del> <u>3206</u>
Administrative Assistant II	<del>2132</del> <u>2196</u>	<del>3176</del> <u>3430</u>
Administrative Assistant III	<del>2542</del> <u>2618</u>	<del>3641</del> <u>3750</u>
Adult Day Care Center Supervisor	<del>1745</del> <u>1881</u>	<del>2602</del> <u>2680</u>
Assistant Human Services Director	<del>2785</del> <u>2869</u>	<del>3968</del> <u>4087</u>
Assistant Welfare Director	<del>3251</del> <u>3349</u>	<del>4627</del> <u>4766</u>
Auditor	<del>1863</del> <u>1919</u>	<del>2785</del> <u>2869</u>
<del>Center Coordinator</del>	<del>1671</del>	<del>2491</del>
Chemical Dependency Coordinator	<del>1631</del> <u>1645</u>	<del>2437</del> <u>2457</u>
Collection Services Supervisor II	<del>1745</del> <u>1721</u>	<del>2602</del> <u>2566</u>
Community-Health Services Supervisor	<del>1945</del> <u>2003</u>	<del>3043</del> <u>3134</u>
<del>Community Relations Specialist</del>	<del>1786</del>	<del>2542</del>
Computer Programmer	<del>1526</del> <u>1572</u>	<del>2186</del> <u>2252</u>
Day Care Center Teacher	<del>1460</del> <u>1504</u>	<del>2186</del> <u>2252</u>
Developmental Achievement Center Director	<del>1826</del> <u>1881</u>	<del>2602</del> <u>2680</u>
Developmental Achievement Center Teacher	<del>1460</del> <u>1504</u>	<del>2186</del> <u>2252</u>
Director of Business Management I	<del>2085</del> <u>2052</u>	<del>2975</del> <u>3064</u>
Director of Business Management II	<del>2542</del> <u>2618</u>	<del>3641</del> <u>3750</u>
Director of Financial Assistance	<del>2542</del> <u>2618</u>	<del>3641</del> <u>3750</u>
Director of Planning	<del>2542</del> <u>2618</u>	<del>3641</del> <u>3750</u>
Director of Public Health Nursing I	<del>1863</del> <u>1919</u>	<del>2785</del> <u>2869</u>
Director of Social Services	<del>2542</del> <u>2618</u>	<del>3641</del> <u>3750</u>
Employment Guidance Counselor	<del>1397</del> <u>1439</u>	<del>1992</del> <u>2052</u>
Family Service Coordinator II	<del>1560</del> <u>1572</u>	<del>2132</del> <u>2052</u>
Financial Assistance Supervisor I	<del>1705</del> <u>1721</u>	<del>2542</del> <u>2566</u>
Financial Assistance Supervisor II	<del>1992</del> <u>2052</u>	<del>2975</del> <u>3064</u>
Fiscal Manager	<del>2280</del> <u>2348</u>	<del>3251</del> <u>3349</u>
Fiscal Officer	<del>1460</del> <u>1504</u>	<del>2186</del> <u>2252</u>
Fiscal Supervisor I	<del>1460</del> <u>1504</u>	<del>2186</del> <u>2252</u>
Fiscal Supervisor II	<del>1863</del> <u>1919</u>	<del>2785</del> <u>2869</u>
Gerontology Counselor	<del>1705</del> <u>1721</u>	<del>2542</del> <u>2566</u>
<del>Homemaker Supervisor</del>	<del>1826</del>	<del>2602</del>
Human Services Director III	<del>3043</del> <u>3134</u>	<del>4327</del> <u>4457</u>
Human Services Supervisor I	<del>1992</del> <u>2052</u>	<del>2975</del> <u>3206</u>
Human Services Supervisor II	<del>2385</del> <u>2457</u>	<del>3406</del> <u>3508</u>
Jobs and Training Supervisor	<del>1705</del> <u>1721</u>	<del>2542</del> <u>2566</u>
Medical Assistance Prepayment Project Manager	<del>1992</del> <u>2052</u>	<del>2975</del> <u>3064</u>
Mental Health Program Manager	<del>2132</del> <u>2196</u>	<del>3176</del> <u>3271</u>
Mental Health Worker	<del>1745</del> <u>1797</u>	<del>2602</del> <u>2680</u>
Methods & Procedures Analyst	<del>1671</del> <u>1607</u>	<del>2385</del> <u>2399</u>
Nutrition Project Assistant Director	<del>1460</del> <u>1504</u>	<del>2186</del> <u>2252</u>
Nutrition Project Director	<del>1905</del> <u>1919</u>	<del>2847</del> <u>2869</u>
Office Services Supervisor II	<del>1397</del> <u>1439</u>	<del>1992</del> <u>2052</u>
<del>Personnel Officer</del>	<del>1460</del>	<del>2186</del>
<del>Personnel Director</del>	<del>2542</del>	<del>3641</del>
Planner (Human Services)	<del>1826</del> <u>1881</u>	<del>2602</del> <u>2680</u>
Psychologist I	<del>1705</del> <u>1721</u>	<del>2542</del> <u>2566</u>
Psychologist II	<del>1992</del> <u>2003</u>	<del>2847</del> <u>2869</u>

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## Proposed Rules

Psychologist III	2659	2680	3641	3669
Public Health Educator	1597	1645	2280	2348
Public Health Nurse	1597	1645	2280	2348
Public Health Nurse (Team Leader)	1745	1721	2491	2566
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1526	1572	2186	2252
Resident Activity Coordinator	1460	1504	2186	2252
Sanitarian	1460	1504	2186	2252
Senior Public Health Nurse	1745	1881	2602	2680
Senior Staff Development Specialist	1945	1919	2785	2869
Social Worker (Licensing Specialist)	1460	1504	2186	2252
Social Worker	1491	1572	2329	2457
Social Worker (Child Protection Specialist)	1491	1572	2329	2457
Social Worker (MSW)	1705	1721	2542	2566
Social Worker (Child Protection Specialist) (MSW)	1705	1721	2542	2566
Social Services Supervisor I	1992	2052	2975	3206
Social Services Supervisor II	2186	2252	3251	3508
Staff Development Specialist	1631	1607	2437	2399
Student Social Worker (Intern)	Rate proposed by appointing authority.			
Student Social Worker (SWEP)	Rate proposed by appointing authority.			
Systems Programmer Analyst	1945	1919	2659	2618
Telecommunications Analyst	1863	1919	2659	2739
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.			
Volunteer Services Coordinator I	1460	1504	2186	2252
<del>Volunteer Services Coordinator II</del>	1826		2602	
Welfare Director I	2329	2399	3481	3585
Welfare Director II	2602	2680	3723	3835
Welfare Director III	2785	2869	3968	4087
Welfare Director IV	3043	3134	4327	4457
Welfare Director V	4055	4177	5762	5935
Work-Experience & Training Specialist	1745	1721	2491	2566

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

	Minimum	Maximum
Accountant	1671	1721
Accounting Supervisor	1945	2003
Administrative Assistant I	2085	2148
Administrative Assistant II	2229	2296
Administrative Assistant III	2659	2739
Adult Day Care Center Supervisor	1826	1962
Assistant Human Services Director	2785	2869
Assistant Welfare Director	3251	3349
Auditor	1945	2003
<del>Center Coordinator</del>	1745	2602
Chemical Dependency Coordinator	1705	1721
Collections Services Supervisor II	1826	1797
Community-Health Services Supervisor	2036	2097
<del>Community Relations Specialist</del>	1863	2659
Computer Programmer	1597	1645
Day Care Center Teacher	1526	1572
Developmental Achievement Center Director	1905	1962
Developmental Achievement Center Teacher	1526	1572
Director of Business Management I	2186	2148
Director of Business Management II	2659	2739
Director of Financial Assistance	2659	2739
Director of Planning	2659	2739



## Proposed Rules

Director of Public Health Nursing I	<del>1945</del>	<u>2003</u>	<del>2909</del>	<u>2996</u>
Director of Social Services	<del>2659</del>	<u>2739</u>	<del>3800</del>	<u>3914</u>
Employment Guidance Counselor	<del>1460</del>	<u>1504</u>	<del>2085</del>	<u>2148</u>
Family Service Coordinator II	<del>1631</del>	<u>1645</u>	<del>2229</del>	<u>2148</u>
Financial Assistance Supervisor I	<del>1786</del>	<u>1797</u>	<del>2659</del>	<u>2680</u>
Financial Assistance Supervisor II	<del>2085</del>	<u>2148</u>	<del>3113</del>	<u>3206</u>
Fiscal Manager	<del>2385</del>	<u>2457</u>	<del>3406</del>	<u>3508</u>
Fiscal Officer	<del>1526</del>	<u>1572</u>	<del>2280</del>	<u>2348</u>
Fiscal Supervisor I	<del>1526</del>	<u>1572</u>	<del>2280</del>	<u>2348</u>
Fiscal Supervisor II	<del>1945</del>	<u>2003</u>	<del>2909</del>	<u>2996</u>
Gerontology Counselor	<del>1786</del>	<u>1797</u>	<del>2659</del>	<u>2680</u>
<del>Homemaker Supervisor</del>	<del>1905</del>		<del>2721</del>	
Human Services Director III	<del>3043</del>	<u>3134</u>	<del>4327</del>	<u>4457</u>
Human Services Supervisor I	<del>2085</del>	<u>2148</u>	<del>3113</del>	<u>3349</u>
Human Services Supervisor II	<del>2491</del>	<u>2566</u>	<del>3562</del>	<u>3669</u>
Jobs and Training Supervisor	<del>1786</del>	<u>1797</u>	<del>2659</del>	<u>2680</u>
Medical Assistance Prepayment Project Manager	<del>2085</del>	<u>2148</u>	<del>3113</del>	<u>3206</u>
Mental Health Program Manager	<del>2229</del>	<u>2296</u>	<del>3330</del>	<u>3430</u>
Mental Health Worker	<del>1826</del>	<u>1881</u>	<del>2721</del>	<u>2803</u>
Methods & Procedures Analyst	<del>1745</del>	<u>1680</u>	<del>2491</del>	<u>2510</u>
Nutrition Project Assistant Director	<del>1526</del>	<u>1572</u>	<del>2280</del>	<u>2348</u>
Nutrition Project Director	<del>1992</del>	<u>2003</u>	<del>2975</del>	<u>2996</u>
Office Services Supervisor II	<del>1460</del>	<u>1504</u>	<del>2085</del>	<u>2148</u>
<del>Personnel Officer</del>	<del>1526</del>		<del>2280</del>	
<del>Personnel Director</del>	<del>2659</del>		<del>3800</del>	
Planner (Human Services)	<del>1905</del>	<u>1962</u>	<del>2721</del>	<u>2803</u>
Psychologist I	<del>1786</del>	<u>1797</u>	<del>2659</del>	<u>2680</u>
Psychologist II	<del>2085</del>	<u>2097</u>	<del>2975</del>	<u>2996</u>
Psychologist III	<del>2785</del>	<u>2803</u>	<del>3800</del>	<u>3835</u>
Public Health Educator	<del>1671</del>	<u>1721</u>	<del>2385</del>	<u>2457</u>
Public Health Nurse	<del>1671</del>	<u>1721</u>	<del>2385</del>	<u>2457</u>
Public Health Nurse (Team Leader)	<del>1826</del>	<u>1797</u>	<del>2602</del>	<u>2680</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	<del>1597</del>	<u>1645</u>	<del>2280</del>	<u>2348</u>
Resident Activity Coordinator	<del>1526</del>	<u>1572</u>	<del>2280</del>	<u>2348</u>
Sanitarian	<del>1526</del>	<u>1572</u>	<del>2280</del>	<u>2348</u>
Senior Public Health Nurse	<del>1826</del>	<u>1962</u>	<del>2721</del>	<u>2803</u>
Senior Staff Development Specialist	<del>2036</del>	<u>2003</u>	<del>2909</del>	<u>2996</u>
Social Worker (Licensing Specialist)	<del>1526</del>	<u>1572</u>	<del>2280</del>	<u>2348</u>
Social Worker	<del>1560</del>	<u>1645</u>	<del>2437</del>	<u>2566</u>
Social Worker (Child Protection Specialist)	<del>1560</del>	<u>1645</u>	<del>2437</del>	<u>2566</u>
Social Worker (MSW)	<del>1786</del>	<u>1797</u>	<del>2659</del>	<u>2680</u>
Social Worker (Child Protection Specialist) (MSW)	<del>1786</del>	<u>1797</u>	<del>2659</del>	<u>2680</u>
Social Services Supervisor I	<del>2085</del>	<u>2148</u>	<del>3113</del>	<u>3349</u>
Social Services Supervisor II	<del>2280</del>	<u>2348</u>	<del>3406</del>	<u>3669</u>
Staff Development Specialist	<del>1705</del>	<u>1680</u>	<del>2542</del>	<u>2510</u>
Student Social Worker (Intern)	Rate proposed by appointing authority.			
Student Social Worker (SWEP)	Rate proposed by appointing authority.			
Systems Programmer Analyst	<del>2036</del>	<u>2003</u>	<del>2785</del>	<u>2739</u>
Telecommunications Analyst	<del>1945</del>	<u>2003</u>	<del>2785</del>	<u>2869</u>
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.			

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## Proposed Rules

Volunteer Services Coordinator I	<del>1526</del>	<u>1572</u>	<del>2280</del>	<u>2348</u>
<del>Volunteer Services Coordinator II</del>	<del>1905</del>		<del>2721</del>	
Welfare Director I	<del>2329</del>	<u>2399</u>	<del>3481</del>	<u>3585</u>
Welfare Director II	<del>2602</del>	<u>2680</u>	<del>3723</del>	<u>3835</u>
Welfare Director III	<del>2785</del>	<u>2869</u>	<del>3968</del>	<u>4087</u>
Welfare Director IV	<del>3043</del>	<u>3134</u>	<del>4327</del>	<u>4457</u>
Welfare Director V	<del>4055</del>	<u>4177</u>	<del>5762</del>	<u>5935</u>
Work-Experience & Training Specialist	<del>1826</del>	<u>1797</u>	<del>2602</del>	<u>2680</u>

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

	Minimum		Maximum	
Accountant	<del>1745</del>	<u>1797</u>	<del>2491</del>	<u>2566</u>
Accounting Supervisor	<del>2036</del>	<u>2097</u>	<del>3043</del>	<u>3134</u>
Administrative Assistant I	<del>2186</del>	<u>2252</u>	<del>3251</del>	<u>3508</u>
Administrative Assistant II	<del>2329</del>	<u>2399</u>	<del>3481</del>	<u>3750</u>
Administrative Assistant III	<del>2785</del>	<u>2869</u>	<del>3968</del>	<u>4087</u>
Adult Day Care Center Supervisor	<del>1905</del>	<u>2052</u>	<del>2847</del>	<u>2932</u>
Assistant Human Services Director	<del>2785</del>	<u>2869</u>	<del>3968</del>	<u>4087</u>
Assistant Welfare Director	<del>3251</del>	<u>3349</u>	<del>4627</del>	<u>4766</u>
Auditor	<del>2036</del>	<u>2097</u>	<del>3043</del>	<u>3134</u>
<del>Center Coordinator</del>	<del>1826</del>		<del>2721</del>	
Chemical Dependency Coordinator	<del>1786</del>	<u>1797</u>	<del>2659</del>	<u>2680</u>
Collections Services Supervisor II	<del>1905</del>	<u>1881</u>	<del>2847</del>	<u>2803</u>
Community-Health Services Supervisor	<del>2132</del>	<u>2196</u>	<del>3330</del>	<u>3430</u>
<del>Community Relations Specialist</del>	<del>1945</del>		<del>2785</del>	
Computer Programmer	<del>1671</del>	<u>1721</u>	<del>2385</del>	<u>2457</u>
Day Care Center Teacher	<del>1597</del>	<u>1645</u>	<del>2385</del>	<u>2457</u>
Developmental Achievement Center Director	<del>1992</del>	<u>2052</u>	<del>2847</del>	<u>2932</u>
Developmental Achievement Center Teacher	<del>1597</del>	<u>1645</u>	<del>2385</del>	<u>2457</u>
Director of Business Management I	<del>2280</del>	<u>2252</u>	<del>3251</del>	<u>3349</u>
Director of Business Management II	<del>2785</del>	<u>2869</u>	<del>3968</del>	<u>4087</u>
Director of Financial Assistance	<del>2785</del>	<u>2869</u>	<del>3968</del>	<u>4087</u>
Director of Planning	<del>2785</del>	<u>2869</u>	<del>3968</del>	<u>4087</u>
Director of Public Health Nursing I	<del>2132</del>	<u>2097</u>	<del>3043</del>	<u>3134</u>
Director of Social Services	<del>2785</del>	<u>2869</u>	<del>3968</del>	<u>4087</u>
Employment Guidance Counselor	<del>1526</del>	<u>1572</u>	<del>2186</del>	<u>2252</u>
Family Service Coordinator II	<del>1705</del>	<u>1721</u>	<del>2329</del>	<u>2252</u>
Financial Assistance Supervisor I	<del>1863</del>	<u>1881</u>	<del>2785</del>	<u>2803</u>
Financial Assistance Supervisor II	<del>2186</del>	<u>2252</u>	<del>3251</del>	<u>3349</u>
Fiscal Manager	<del>2491</del>	<u>2566</u>	<del>3562</del>	<u>3669</u>
Fiscal Officer	<del>1597</del>	<u>1645</u>	<del>2385</del>	<u>2457</u>
Fiscal Supervisor I	<del>1597</del>	<u>1645</u>	<del>2385</del>	<u>2457</u>
Fiscal Supervisor II	<del>2036</del>	<u>2097</u>	<del>3043</del>	<u>3134</u>
Gerontology Counselor	<del>1863</del>	<u>1881</u>	<del>2785</del>	<u>2803</u>
<del>Homemaker Supervisor</del>	<del>1992</del>		<del>2847</del>	
Human Services Director III	<del>3043</del>	<u>3134</u>	<del>4327</del>	<u>4457</u>
Human Services Supervisor I	<del>2186</del>	<u>2252</u>	<del>3251</del>	<u>3508</u>
Human Services Supervisor II	<del>2602</del>	<u>2680</u>	<del>3723</del>	<u>3835</u>
Jobs and Training Supervisor	<del>1863</del>	<u>1881</u>	<del>2785</del>	<u>2803</u>
<u>Medical Assistant Prepayment Project Manager</u>		<u>2252</u>		<u>3349</u>
Mental Health Program Manager	<del>2329</del>	<u>2399</u>	<del>3481</del>	<u>3585</u>
Mental Health Worker	<del>1905</del>	<u>1962</u>	<del>2847</del>	<u>2932</u>
Methods & Procedures Analyst	<del>1826</del>	<u>1756</u>	<del>2602</del>	<u>2618</u>
Nutrition Project Assistant Director	<del>1597</del>	<u>1645</u>	<del>2385</del>	<u>2457</u>
Nutrition Project Director	<del>2085</del>	<u>2097</u>	<del>3113</del>	<u>3134</u>

## Proposed Rules

Office Services Supervisor II	<del>4526</del>	<u>1572</u>	<u>2186</u>	<u>2252</u>
<del>Personnel Officer</del>	<del>4597</del>		<u>2385</u>	
<del>Personnel Director</del>	<del>2785</del>		<u>3968</u>	
Planner (Human Services)	<u>4992</u>	<u>2052</u>	<u>2847</u>	<u>2932</u>
Psychologist I	<u>4863</u>	<u>1881</u>	<u>2785</u>	<u>2803</u>
Psychologist II	<u>2186</u>	<u>2196</u>	<u>3113</u>	<u>3134</u>
Psychologist III	<u>2909</u>	<u>2932</u>	<u>3968</u>	<u>4003</u>
Public Health Educator	<u>4745</u>	<u>1797</u>	<u>2494</u>	<u>2566</u>
Public Health Nurse	<u>4826</u>	<u>1881</u>	<u>2494</u>	<u>2566</u>
Public Health Nurse (Team Leader)	<u>2036</u>	<u>2052</u>	<u>2785</u>	<u>2803</u>
Registered Nurse (A. A. Degree, 3 year Diploma, or B.S. Degree)	<u>4745</u>	<u>1797</u>	<u>2385</u>	<u>2457</u>
Resident Activity Coordinator	<u>4597</u>	<u>1645</u>	<u>2385</u>	<u>2457</u>
Sanitarian	<u>4597</u>	<u>1645</u>	<u>2385</u>	<u>2457</u>
Senior Public Health Nurse	<u>4992</u>	<u>2052</u>	<u>2847</u>	<u>2932</u>
Senior Staff Development Specialist	<u>2132</u>	<u>2097</u>	<u>3043</u>	<u>3134</u>
Social Worker (Licensing Specialist)	<u>4597</u>	<u>1645</u>	<u>2385</u>	<u>2457</u>
Social Worker	<u>4631</u>	<u>1721</u>	<u>2542</u>	<u>2680</u>
Social Worker (Child Protection Specialist)	<u>4631</u>	<u>1721</u>	<u>2542</u>	<u>2680</u>
Social Worker (MSW)	<u>4863</u>	<u>1881</u>	<u>2785</u>	<u>2803</u>
Social Worker (Child Protection Specialist) (MSW)	<u>4863</u>	<u>1881</u>	<u>2785</u>	<u>2803</u>
Social Services Supervisor I	<u>2186</u>	<u>2252</u>	<u>3254</u>	<u>3508</u>
Social Services Supervisor II	<u>2385</u>	<u>2457</u>	<u>3562</u>	<u>3835</u>
Staff Development Specialist	<u>4786</u>	<u>1756</u>	<u>2659</u>	<u>2618</u>
Student Social Worker (Intern)	Rate proposed by appointing authority.			
Student Social Worker (SWEP)	Rate proposed by appointing authority.			
Systems Programmer Analyst	<u>2132</u>	<u>2097</u>	<u>2909</u>	<u>2869</u>
Telecommunications Analyst	<u>2036</u>	<u>2097</u>	<u>2909</u>	<u>2996</u>
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.			
Volunteer Services Coordinator I	<u>4597</u>	<u>1645</u>	<u>2385</u>	<u>2457</u>
<del>Volunteer Services Coordinator II</del>	<u>4992</u>		<u>2847</u>	
Welfare Director I	<u>2329</u>	<u>2399</u>	<u>3484</u>	<u>3585</u>
Welfare Director II	<u>2602</u>	<u>2680</u>	<u>3723</u>	<u>3835</u>
Welfare Director III	<u>2785</u>	<u>2869</u>	<u>3968</u>	<u>4087</u>
Welfare Director IV	<u>3043</u>	<u>3134</u>	<u>4327</u>	<u>4457</u>
Welfare Director V	<u>4055</u>	<u>4177</u>	<u>5762</u>	<u>5935</u>
Work-Experience & Training Specialist	<u>4905</u>	<u>1881</u>	<u>2724</u>	<u>2803</u>

Subp. 4. **Support personnel: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	<u>4044</u>	<u>1075</u>
Accounting Technician	<u>4091</u>	<u>1124</u>
Adult Day Care Center Program Coordinator	<u>4117</u>	<u>1151</u>
Case Aide	<u>4117</u>	<u>1151</u>
Chemical Dependency Counselor	<u>4364</u>	<u>1405</u>
Child Health Aide	<u>933</u>	<u>921</u>
Child Support Officer I	<u>4278</u>	<u>1288</u>
Child Support Officer II	<u>4460</u>	<u>1504</u>
Collections Officer	<u>4278</u>	<u>1288</u>
Collection Services Supervisor I	<u>4597</u>	<u>1607</u>

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## Proposed Rules

Community Service Aide	839	883	1250	1261
Computer Operations Specialist	1197	1175	1560	1536
Coordinator of Aging	1278	1346	1905	2003
Developmental Achievement Center Instructor	1117	1261	1671	1721
Employment Technician	1117	1151	1671	1721
Family Service Aide I	912	961	1364	1439
Family Service Aide II	1044	1101	1560	1572
Family Service Coordinator I	1224	1261	1671	1721
Family Service/Home Health Aide	912	961	1364	1439
Financial Assistance Specialist	1397	1439	1992	2052
Financial Worker	1117	1151	1671	1721
Food Stamp Corrective Action Specialist I	1526	1572	2186	2252
Food Stamp Corrective Action Specialist II	1671	1721	2385	2457
Home Health Aide	912	961	1364	1439
Home Health Aide Coordinator	1224	1261	1671	1721
Housekeeper				

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

Housing Coordinator	1597	1645	2280	2348
Housing Rehabilitation Specialist	1250	1261	1786	1721
Licensed Practical Nurse	1197	1261	1631	1721
Methods and Procedures Technician	1364	1405	1786	1840
Office Services Supervisor I	1224	1261	1671	1721
Public Health Aide	839	883	1250	1261
Senior Citizen's Aide	912	961	1364	1439
<u>Support and Collections Specialist</u>	1504		2052	
Support Enforcement Aide	1044	1075	1427	1470
Welfare Fraud Investigator	1597	1607	2085	2097

Subp. 5. **Support personnel: plan B.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum		
Account Clerk	1091	1124	1491	1536
Accounting Technician	1141	1175	1631	1680
Adult Day Care Center Program Coordinator	1168	1203	1745	1797
Case Aide	1168	1203	1745	1797
Chemical Dependency Counselor	1427	1470	1863	1919
Child Health Aide	976	1005	1334	1374
Child Support Officer I	1334	1346	1905	1919
Child Support Officer II	1526	1572	2085	2148
Collections Officer	1334	1346	1905	1919
Collection Services Supervisor I	1671	1680	2280	2296
Community Service Aide	876	921	1307	1374
Computer Operations Specialist	1250	1233	1631	1607
Coordinator of Aging	1334	1405	1992	2097
Developmental Achievement Center Instructor	1168	1316	1745	1797
Employment Technician	1168	1203	1745	1797
Family Service Aide I	955	1005	1427	1504
Family Service Aide II	1091	1151	1631	1645
Family Service Coordinator I	1278	1316	1745	1797
Family Service/Home Health Aide	955	1005	1427	1504
Financial Assistance Specialist	1460	1504	2085	2148
Financial Worker	1168	1203	1745	1797
Food Stamp Corrective Action Specialist I	1526	1572	2186	2252
Food Stamp Corrective Action Specialist II	1671	1721	2385	2457
Home Health Aide	955	1005	1427	1504
Home Health Aide Coordinator	1278	1316	1745	1797
Housekeeper				

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

## Proposed Rules

Housing Coordinator	<del>1671</del>	<u>1721</u>	<del>2385</del>	<u>2457</u>
Housing Rehabilitation Specialist	<del>1307</del>	<u>1316</u>	<del>1863</del>	<u>1797</u>
Licensed Practical Nurse	<del>1250</del>	<u>1316</u>	<del>1705</del>	<u>1797</u>
Methods and Procedures Technician	<del>1427</del>	<u>1470</u>	<del>1863</del>	<u>1919</u>
Office Services Supervisor I	<del>1278</del>	<u>1316</u>	<del>1745</del>	<u>1797</u>
Public Health Aide	<del>876</del>	<u>921</u>	<del>1307</del>	<u>1374</u>
Senior Citizen's Aide	<del>955</del>	<u>1005</u>	<del>1427</del>	<u>1504</u>
<u>Support and Collections Specialist</u>		<u>1572</u>		<u>2148</u>
Support Enforcement Aide	<del>1091</del>	<u>1124</u>	<del>1491</del>	<u>1536</u>
Welfare Fraud Investigator	<del>1671</del>	<u>1680</u>	<del>2186</del>	<u>2196</u>

Subp. 6. **Support personnel: plan C.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	<del>1141</del> <u>1175</u>	<del>1560</del> <u>1607</u>
Accounting Technician	<del>1197</del> <u>1233</u>	<del>1705</del> <u>1756</u>
Adult Day Care Center Program Coordinator	<del>1224</del> <u>1261</u>	<del>1826</del> <u>1881</u>
Case Aide	<del>1224</del> <u>1261</u>	<del>1826</del> <u>1881</u>
Chemical Dependency Counselor	<del>1491</del> <u>1536</u>	<del>1945</del> <u>2003</u>
Child Health Aide	<del>1069</del> <u>1101</u>	<del>1460</del> <u>1504</u>
Child Support Officer I	<del>1397</del> <u>1405</u>	<del>1992</del> <u>2003</u>
Child Support Officer II	<del>1597</del> <u>1645</u>	<del>2186</del> <u>2252</u>
Collections Officer	<del>1397</del> <u>1405</u>	<del>1992</del> <u>2003</u>
Collection Services Supervisor I	<del>1745</del> <u>1756</u>	<del>2385</del> <u>2399</u>
Community Service Aide	<del>912</del> <u>1101</u>	<del>1364</del> <u>1504</u>
Computer Operations Specialist	<del>1307</del> <u>1288</u>	<del>1705</del> <u>1680</u>
Coordinator of Aging	<del>1397</del> <u>1470</u>	<del>2085</del> <u>2196</u>
Developmental Achievement Center Instructor	<del>1224</del> <u>1374</u>	<del>1826</del> <u>1881</u>
Employment Technician	<del>1224</del> <u>1261</u>	<del>1826</del> <u>1881</u>
Family Service Aide I	<del>999</del> <u>1151</u>	<del>1491</del> <u>1572</u>
Family Service Aide II	<del>1141</del> <u>1203</u>	<del>1705</del> <u>1721</u>
Family Service Coordinator I	<del>1334</del> <u>1374</u>	<del>1826</del> <u>1881</u>
Family Service/Home Health Aide	<del>999</del> <u>1151</u>	<del>1491</del> <u>1572</u>
Financial Assistance Specialist	<del>1526</del> <u>1572</u>	<del>2186</del> <u>2252</u>
Financial Worker	<del>1224</del> <u>1261</u>	<del>1826</del> <u>1881</u>
Food Stamp Corrective Action Specialist I	<del>1526</del> <u>1572</u>	<del>2186</del> <u>2252</u>
Food Stamp Corrective Action Specialist II	<del>1671</del> <u>1721</u>	<del>2385</del> <u>2457</u>
Home Health Aide	<del>999</del> <u>1151</u>	<del>1491</del> <u>1572</u>
Home Health Aide Coordinator	<del>1334</del> <u>1374</u>	<del>1826</del> <u>1881</u>
Housekeeper		

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

Housing Coordinator	<del>1745</del> <u>1797</u>	<del>2491</del> <u>2566</u>
Housing Rehabilitation Specialist	<del>1364</del> <u>1374</u>	<del>1945</del> <u>1881</u>
Licensed Practical Nurse	<del>1307</del> <u>1374</u>	<del>1786</del> <u>1881</u>
Methods and Procedures Technician	<del>1491</del> <u>1536</u>	<del>1945</del> <u>2003</u>
Office Services Supervisor I	<del>1334</del> <u>1374</u>	<del>1826</del> <u>1881</u>
Public Health Aide	<del>912</del> <u>1101</u>	<del>1364</del> <u>1504</u>
Senior Citizen's Aide	<del>999</del> <u>1054</u>	<del>1491</del> <u>1572</u>
<u>Support and Collections Specialist</u>	<u>1645</u>	<u>2252</u>
Support Enforcement Aide	<del>1141</del> <u>1175</u>	<del>1560</del> <u>1607</u>
Welfare Fraud Investigator	<del>1745</del> <u>1756</u>	<del>2280</del> <u>2296</u>

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## Proposed Rules

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

	Minimum	Maximum
Administrative Secretary	<del>1078</del> <u>1110</u>	<del>1473</del> <u>1586</u>
Clerk I	<del>758</del> <u>781</u>	<del>1030</del> <u>1061</u>
Clerk II	<del>866</del> <u>892</u>	<del>1234</del> <u>1271</u>
Clerk III	<del>1030</del> <u>1061</u>	<del>1410</del> <u>1452</u>
Clerk-Typist I	<del>831</del> <u>856</u>	<del>1128</del> <u>1162</u>
Clerk-Typist II	<del>866</del> <u>892</u>	<del>1234</del> <u>1271</u>
Clerk-Typist III	<del>1030</del> <u>1085</u>	<del>1473</del> <u>1548</u>
Clerk-Steno	<del>902</del> <u>892</u>	<del>1234</del> <u>1271</u>
Data Entry Operator	<del>831</del> <u>856</u>	<del>1128</del> <u>1162</u>
Information Systems Specialist	<del>902</del> <u>892</u>	<del>1234</del> <u>1271</u>
Legal Secretary	<del>1030</del> <u>1061</u>	<del>1410</del> <u>1452</u>
Switchboard Operator	<del>831</del> <u>856</u>	<del>1128</del> <u>1162</u>

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

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

	Minimum	Maximum
Administrative Secretary	<del>1207</del> <u>1214</u>	<del>1648</del> <u>1660</u>
Clerk I	<del>866</del> <u>892</u>	<del>1128</del> <u>1162</u>
Clerk II	<del>986</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Clerk III	<del>1151</del> <u>1186</u>	<del>1503</del> <u>1548</u>
Clerk-Typist I	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>
Clerk-Typist II	<del>986</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Clerk-Typist III	<del>1151</del> <u>1214</u>	<del>1575</del> <u>1660</u>
Clerk-Steno	<del>1030</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Data Entry Operator	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>
Information Systems Specialist	<del>1030</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Legal Secretary	<del>1151</del> <u>1186</u>	<del>1503</del> <u>1548</u>
Switchboard Operator	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>

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

Subp. 9. **Clerical: plan C.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	<del>1263</del> <u>1271</u>	<del>1721</del> <u>1736</u>
Clerk I	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>
Clerk II	<del>1088</del> <u>1110</u>	<del>1473</del> <u>1517</u>
Clerk III	<del>1207</del> <u>1243</u>	<del>1575</del> <u>1622</u>
Clerk-Typist I	<del>1030</del> <u>1061</u>	<del>1344</del> <u>1384</u>
Clerk-Typist II	<del>1088</del> <u>1110</u>	<del>1473</del> <u>1517</u>
Clerk-Typist III	<del>1207</del> <u>1271</u>	<del>1648</del> <u>1736</u>
Clerk-Steno	<del>1128</del> <u>1110</u>	<del>1473</del> <u>1517</u>
Data Entry Operator	<del>1030</del> <u>1061</u>	<del>1344</del> <u>1384</u>
Information Systems Specialist	<del>1128</del> <u>1110</u>	<del>1473</del> <u>1517</u>
Legal Secretary	<del>1207</del> <u>1243</u>	<del>1575</del> <u>1622</u>
Switchboard Operator	<del>1030</del> <u>1061</u>	<del>1344</del> <u>1384</u>

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

Subp. 10. **Maintenance and trades: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

## Proposed Rules

	Minimum		Maximum
Auto Driver	<del>869</del> <u>895</u>	<del>1120</del> <u>1154</u>	
Bus Driver	<del>947</del> <u>955</u>	<del>1214</del> <u>1278</u>	
Janitor	<del>947</del> <u>975</u>	<del>1214</del> <u>1250</u>	

Subp. 11. **Maintenance and trades: plan B.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum		Maximum
Auto Driver	<del>1120</del> <u>1130</u>	<del>1440</del> <u>1451</u>	
Bus Driver	<del>1167</del> <u>1176</u>	<del>1502</del> <u>1514</u>	
Janitor	<del>1120</del> <u>1154</u>	<del>1440</del> <u>1483</u>	

**REPEALER.** Minnesota Rules, part 9575.0320, subparts 2, 4, and 6, are repealed.

## Department of Jobs and Training

### Proposed Permanent Rules Relating to Unemployment Compensation; Hearings

#### Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing If Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the State Department of Jobs and Training proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The specific statutory authority to adopt the rules is *Minnesota Statutes*, section 268.10, subdivisions 4 and 6, and section 268.021.

Persons interested in these rules will have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules and comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules 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. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 23, 1987, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF JOBS AND TRAINING. To verify whether a hearing will be held, please call the Department of Jobs and Training between November 19, 1987 and November 20, 1987 at 612/296-3669.

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

William Brown  
Appellate Section  
2nd Floor, 390 North Robert Street  
St. Paul, MN 55101

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 18, 1987.

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

The department's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 268.10, subdivisions 4 and 6 and section 268.021.

In 1983, the Minnesota Legislature amended *Minnesota Statutes* 268.10, subdivisions 4 and 6. The amendments require the

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## Proposed Rules

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commissioner of the Department of Jobs and Training to adopt rules for the conduct of appeals of initial unemployment insurance determinations.

Hearings governed by these proposed rules, *Minnesota Rules*, parts 3310.2900 to 3310.2928, are those conducted by department referees on the appeal of (1) department determinations about the validity of claims for unemployment benefits; (2) determinations pertaining to eligibility or disqualifications from unemployment benefits; (3) charges to employers' accounts and contribution rate assignments; (4) determinations on an employing unit's liability to pay unemployment contributions; (5) determinations on erroneous or fraudulent benefits; and (6) all other matters under the jurisdiction of referees of the appellate office either by law or rule.

The proposed rules, *Minnesota Rules*, parts 3310.2901 to 3310.2928, describe what procedure is to be followed in appeal hearings and what evidence may be admitted at the hearings. The proposed rules address the parties' access to department data, the data practices implications of the hearings and the public's access to the hearings.

A copy of these rules are available upon request for your review from:

Colleen Gunderson  
Policy Analysis Division  
3rd Floor, 390 North Robert Street  
St. Paul, MN 55101  
Telephone: 612/296-3669

A fiscal note will not be prepared. The authority for these proposed rules, *Laws of Minnesota 1983*, Chapter 372, was enacted before July 1, 1985. Therefore, these proposed rules need not include a fiscal note under exceptions provided by *Minnesota Statutes*, section 3.983, subdivision 3.

If no hearing is required upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person 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 the written request to Colleen Gunderson.

Joseph Samargia, Commissioner  
Department of Jobs and Training

### **Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at 500 Rice Street, 1st Floor, St. Paul, MN 55155 on November 23, 1987 commencing at 9:30 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rules hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF JOBS AND TRAINING. To verify whether a hearing will be held, please call the Department of Jobs and Training between November 19, 1987 and November 20, 1987 at 612/296-3669.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rules hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedures may be directed to the Administrative Law Judge.

The department's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 268.10, subdivisions 4 and 6 and section 268.021.



In 1983, the Minnesota Legislature amended *Minnesota Statutes* 268.10, subdivisions 4 and 6. The amendments required the commissioner of the Department of Jobs and Training to adopt rules for the conduct of appeals of initial unemployment insurance determinations.

Hearings governed by these proposed rules, *Minnesota Rules*, parts 3310.2900 to 3310.2928, are those conducted by department referees on the appeal of (1) department determinations about the validity of claims for unemployment benefits; (2) determinations pertaining to eligibility or disqualification from unemployment benefits; (3) charges to employers' accounts and contribution rate assignments; (4) determinations on an employing unit's liability to pay unemployment contributions; (5) determinations on erroneous or fraudulent benefits; and (6) all other matters under the jurisdiction of referees of the appellate office either by law or rule.

The proposed rules, *Minnesota Rules*, parts 3310.2901 to 3310.2928, describe what procedure is to be followed in appeal hearings and what evidence may be admitted at the hearings. The proposed rules address the parties' access to department data, the data practices implications of the hearings and the public's access to the hearings.

A fiscal note will not be prepared. The authority for these proposed rules, *Laws of Minnesota 1983*, Chapter 372, was enacted before July 1, 1985. Therefore, these proposed rules need not include a fiscal note under exceptions provided by *Minnesota Statutes*, section 3.983, subdivision 3.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Colleen Gunderson, Policy Analysis Division, 3rd Floor, 390 North Robert Street, St. Paul, Minnesota 55101, 612/296-3669.

Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Colleen Gunderson.

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 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 the rules were filed. If you want to be 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. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and 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 and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

*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 spend 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 communication 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 communication or urging others to communicate with public officials.

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

These proposed rules may affect small businesses as defined in *Minnesota Statutes*, section 14.115, subdivision 1. Pursuant to *Minnesota Statutes*, section 14.115, subdivision 2, five methods were considered by the department to reduce the impact of the proposed rules on small businesses. A discussion of these methods can be found in the Statement of Need and Reasonableness.

Joseph Samargia, Commissioner  
Department of Jobs and Training

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

### **3310.2901 SCOPE AND PURPOSE.**

Parts 3310.2901 to 3310.2929 establish procedures for hearings conducted by department referees on the appeal of department

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## Proposed Rules

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determinations about the validity of claims for unemployment benefits referred to in part 3310.2700, subpart 5, determinations pertaining to eligibility or disqualification from unemployment benefits referred to in part 3310.2800, charges to employers' accounts and contribution rate assignments under Minnesota Statutes, section 268.06, subdivision 20, determinations on an employing unit's liability to pay unemployment contributions under Minnesota Statutes, section 268.12, subdivision 13, determinations on the erroneous or fraudulent payment of unemployment benefits under Minnesota Statutes, section 268.18, and all other appeals which are decided by referees of the appellate office either by law or rule.

### 3310.2902 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 3310.2901 to 3310.2929, the terms defined in this part have the meanings given them.

Subp. 2. **Appellate office.** "Appellate office" means the appellate office of the Department of Jobs and Training.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Department of Jobs and Training or a designee.

Subp. 4. **Department.** "Department" means the Department of Jobs and Training.

Subp. 5. **Party.** "Party" means any unemployment insurance claimant, employer, or authorized representative of the claimant or employer whose legal rights, duties, or privileges will be directly determined in a hearing.

### 3310.2903 METHODS OF FILING APPEALS.

Appeals may be filed in person at any unemployment insurance office of the department or through the United States mail. Appeals shall be filed as prescribed in Minnesota Statutes, section 268.04, subdivision 15.

### 3310.2904 CONTENTS OF APPEAL DOCUMENTS.

An appeal must be in writing, be signed by the appealing party or an authorized representative, and contain the following:

A. the name, address, and social security number of the claimant if the appeal involves a claim for unemployment benefits, and the unemployment tax identification number of the employer if the appeal involves an unemployment contribution liability or rate determination;

B. reference to the determination or order from which the appeal is taken; and

C. the fact that an appeal from that determination is being made.

If the term "appeal" is not used, but the party's written statement indicates by its meaning that a review of the determination is desired, the statement shall constitute an appeal.

### 3310.2905 NOTICE OF APPEAL.

When a party files an appeal, the department must promptly send notice of the appeal to all interested parties involved in the issue under consideration. The notice of appeal shall identify the determination from which the appeal is taken.

### 3310.2906 HEARING OF APPEALS.

Hearings may be conducted as follows:

A. in person with the referee and all parties present at the same location;

B. as split hearings with the parties present at different times and locations before a referee;

C. through the means of written interrogatories to the parties by the referee; or

D. by a telephone conference.

Hearings by telephone conference may be scheduled under the following circumstances:

(1) the parties are at such locations as to make a prompt in-person hearing impractical;

(2) the appeal involves a single party hearing; or

(3) department budgetary constraints preclude the conduct of an in-person hearing.

Split hearings are ordinarily available only if an in-person or telephone hearing with all parties participating at the same time is not possible.

Interrogatories are available only when one of the parties is found in a foreign jurisdiction where practical means of reasonable voice communication are not available.

### 3310.2907 PROMPT SCHEDULING OF HEARINGS.

Hearings shall be scheduled as promptly as possible by the appellate office.

**3310.2908 RESCHEDULING.**

Requests to reschedule a hearing must be addressed to the appellate office in advance of the regularly scheduled hearing date. A hearing may be rescheduled based on a party's need for additional time to obtain necessary evidence, inability to be present at the regularly scheduled time due to illness, other judicial or quasi-judicial proceedings which have previously been scheduled, or other compelling reasons beyond the control of the party which prevent attendance at the originally scheduled time. A letter confirming the reasons for requesting that the case be rescheduled shall be provided to the appellate office by the requesting party.

A referee who has been assigned a case for hearing may reschedule a hearing at the request of a party provided grounds for rescheduling as set forth above have been established. The failure of subpoenaed witnesses to appear at the hearing or the failure to produce subpoenaed documents may constitute grounds for rescheduling.

**3310.2909 REQUESTS FOR IN-PERSON HEARINGS.**

Upon the filing of an appeal or upon the receipt of a notice of appeal, any party may request an in-person hearing. When a telephone hearing is scheduled, all parties shall be notified in writing on the notice of hearing of their right to request an in-person hearing. The request shall be granted unless it is impractical due to the location of the parties or if granting the request would unreasonably delay the time period in which the hearing could be held.

**3310.2910 NOTICE OF HEARING; CONSOLIDATION OF ISSUES.**

The notice of hearing shall be mailed to each party at the last known address at least ten days before the scheduled date of hearing unless otherwise provided by law, or when notice is waived by the parties. The notice shall state the time, date, and place of the hearing, the name of the referee who will hear the case, and the issues to be considered at the hearing. The parties shall also be advised of their right to represent themselves or to be represented by an attorney or other duly authorized representative. Upon the motion of a party to a hearing or on the referee's motion, the referee may consolidate for hearing issues involving the same parties and may take testimony and render a decision on issues not listed on the notice of hearing if each party is so notified at the hearing and does not object.

**3310.2911 INTERPRETERS.**

The department shall provide an interpreter, when necessary upon the request of a party. The requesting party shall notify the appellate office at least seven calendar days before the date of the hearing that an interpreter is required. All notices and other documents distributed to parties and witnesses by the appellate office shall be prepared in easily understood English.

A written statement in English, Spanish, Laotian, Vietnamese, Cambodian, and Hmong which states that the accompanying documents are important, and that if the reader does not understand the documents, the reader should seek immediate assistance, shall accompany all notices and written documents distributed by the appellate office to the party whenever the office has reason to believe the primary language of the party is one of those previously listed other than English.

**3310.2912 EXHIBITS IN TELEPHONE HEARINGS.**

Upon receipt of notice of a telephone hearing, and no later than five calendar days before the scheduled time of hearing, parties may submit to the department any documents they wish to offer as exhibits at the hearing. Copies of the documents as well as all documents which are to be introduced as department exhibits shall be mailed to all parties by the appellate office in advance of the hearing. If a party moves to introduce additional documents during the course of the hearing, and the referee rules that the documents should be admitted into evidence, the moving party shall send copies of the documents to the referee and the opposing party. The record shall be left open for sufficient time for the submission of a written objection and for response to the documents.

**3310.2913 ACCESS TO DATA.**

The parties to a hearing shall be allowed reasonable access to department data necessary to represent themselves properly in proceedings under parts 3310.2901 to 3310.2929. Access to data under parts 3310.2901 to 3310.2929 shall be consistent with Minnesota Statutes, section 268.12, subdivision 12, Minnesota Statutes, chapter 13, and other laws relating to data practices.

**3310.2914 SUBPOENAS.**

Subpoenas are available to a party to compel the attendance of witnesses, the production of documents or other exhibits upon a showing of necessity by the party applying for subpoenas. Subpoenas may be obtained by calling or writing the appellate office sufficiently in advance of the scheduled hearing to allow for the service of the subpoenas. The requesting party must identify the

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## **Proposed Rules**

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person or documents to be subpoenaed, the subject matter of the evidence requested, and their necessity. Subpoenas shall only be issued when necessary to ensure the fair adjudication of the issue or issues that are the subject of the hearing. A request for a subpoena may be denied if the testimony or documents sought would be irrelevant, immaterial, or unduly cumulative or repetitious. A request for a subpoena may be renewed when a party finds an additional basis or need for evidence.

A party whose request for a subpoena has been denied may request at the time of the hearing that the referee who conducts the hearing issue the subpoena. If the referee grants the request for a subpoena, the referee may adjourn the hearing to allow a sufficient time for service of and compliance with the subpoena.

### **3310.2915 DISQUALIFICATION OF REFEREE.**

A referee shall remove himself or herself from any case where the referee believes that presiding over the case would create the appearance of impropriety. No referee may hear any case where any of the parties to the appeal are related to the referee by blood or marriage. A referee shall not hear any case if the referee has a financial or personal interest in the outcome. A referee having knowledge of such a relationship or interest shall immediately remove himself or herself from the case.

Any party may move for the removal of a referee by written application of the party together with a statement of the basis for removal. Upon the motion of the party, the director of the appellate office shall decide the fitness of the referee to hear the particular case.

### **3310.2916 REPRESENTATION BEFORE REFEREE.**

Any individual may personally appear in any proceeding before a referee and may be represented by an attorney or a duly authorized representative. Any partnership may be represented by any of its members, an attorney, or other duly authorized representative. Any corporation or association may be represented by an officer, an attorney, or other duly authorized representative.

The commissioner may refuse to allow any person to represent others in any proceeding before a referee if that person is unethical in conduct or intentionally and repeatedly fails to observe the provisions of the law or rules relative to such proceedings or the instructions of the commissioner or a referee.

### **3310.2917 PUBLIC ACCESS TO HEARINGS.**

Appeal hearings are public hearings. A referee may exclude nonessential persons only when necessary due to physical space limitations or to maintain decorum. Upon the referee's motion or upon the motion of a party, a referee may sequester witnesses due to space limitations or to avoid prejudice or collusion.

The referee shall make a tape recording of all testimony that is the official record. No other voice recordings or pictures shall be made in the hearing room of any party, attorney, representative, or witness involved in the hearing while the hearing is in session.

### **3310.2918 APPEARANCES AT TELEPHONE HEARINGS.**

Appearances before a referee at telephone hearings shall be by telephone. The parties must notify the appellate office of the telephone number where they can be reached at the scheduled hearing time. The parties must also notify the appellate office of the telephone numbers of their attorney, representative, or witnesses. The notifications shall be made as far in advance of the hearing as possible.

Whenever a party does not have a telephone or access to one, they may appear by telephone from an area office of the department.

Telephone hearings may also be held at area offices of the department with the parties present in the area office and the referee at a different location communicating by telephone.

### **3310.2919 DATA PRACTICES NOTICE.**

At the beginning of each hearing, a referee shall advise the parties in the following or a similar manner of the data practices implications of the hearing:

"The purpose of this hearing is to take testimony and evidence. This information will be used to decide your rights under Minnesota law. Certain other government officials may have access to information provided at this hearing if this is allowed by statute or the information may be disclosed pursuant to valid court order."

### **3310.2920 ADMINISTRATION OF OATH OR AFFIRMATION.**

Before testifying, every witness shall be required to declare to testify truthfully, by oath or affirmation. The mode of administering an oath shall be as practiced in this state. The form of the oath or affirmation shall be as set forth in Minnesota Statutes, sections 358.07 and 358.08.

### **3310.2921 CONDUCT OF HEARING.**

The order of presentation of evidence shall be determined by the referee. The referee shall inform the parties of their burdens of proof before the taking of testimony.

Each party may present and examine witnesses and offer their own documents or other exhibits. Opposing parties shall have the right to examine witnesses, object to exhibits and testimony, and cross-examine the other party's witnesses. The referee should assist unrepresented parties in the presentation of evidence. The referee shall rule upon evidentiary objections on the record. The referee shall permit rebuttal testimony. Parties shall have the right to make closing statements. Closing statements may include comments based upon the evidence and arguments of law. The referee may limit repetitious testimony and arguments.

The referee shall exercise control over the hearing procedure in a manner that protects the parties' rights to a fair hearing. The referee shall ensure that relevant facts are clearly and fully developed.

#### **3310.2922 RECEIPT OF EVIDENCE.**

Only evidence offered into the record of any hearing may be considered by the referee. The parties may stipulate to the existence of any fact or the authenticity of any exhibit.

All competent, relevant, and material evidence, including records and documents in the possession of the parties which are offered into evidence, shall be part of the hearing record. A referee may receive any evidence which possesses probative value, including hearsay, if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in the conduct of their serious affairs. A referee may exclude any evidence which is irrelevant, immaterial, unreliable, or unduly repetitious. A referee shall not be bound by statutory and common law rules of evidence. The rules of evidence may be used as a guide in a determination of the quality and priority of evidence offered. A referee may draw adverse inferences from the refusal of a party or witness to testify on the basis of any privilege. A referee shall only use reliable, probative, and substantial evidence as a basis for decision.

#### **3310.2923 OFFICIAL NOTICE.**

A referee may take official notice of adjudicative facts and matters of common knowledge and may take notice of facts within the referee's specialized knowledge in the field of unemployment insurance. Parties shall be notified of any facts officially noticed by the referee and shall be given an opportunity to contest the noticed facts.

A referee may officially note any facts which are subject to judicial notice in the courts of Minnesota.

#### **3310.2924 EX PARTE COMMUNICATIONS.**

Private communication between a referee assigned to an appeal and one or more of the parties to an appeal, in the absence of the other parties to the appeal, is forbidden if it relates to the substance of the matter at issue. Private communication is to be avoided even when it does not relate to the subject matter of the appeal if it would create the appearance of impropriety.

#### **3310.2925 NONAPPEARANCES.**

When a party fails to appear at a regularly scheduled hearing, the referee may issue a decision based upon the evidence that is available unless it appears that there is good and sufficient cause to reschedule the hearing.

#### **3310.2926 DECISIONS.**

Following the conclusion of the hearing of an appeal, a referee shall, within a reasonable time, issue a decision. Decisions of a referee shall contain a statement of the date and place of hearing, the parties in attendance, and the procedural history of the claim from which the appeal is taken.

Decisions shall contain a statement of the issue involved, findings of fact, reasons for the decision which apply the law to the facts, and a decision. Decisions may contain additional material at the discretion of a referee.

Decisions made by a referee shall be filed in the state office of the Department of Jobs and Training at Saint Paul, Minnesota. Notice of the filing of a referee's decision together with a copy of the decision shall be mailed to all parties to the appeal. Every decision shall contain a prominent statement indicating in clear language the method of appealing the decision, the time within which the appeal must be made, and the consequences of not appealing the decision.

#### **3310.2927 WITHDRAWAL OF APPEAL.**

Any party who has filed an appeal may withdraw the appeal at any time before the decision is issued by a referee. All withdrawals must be in writing signed by the party or an authorized representative or placed on the record of the hearing by the party or an authorized representative. Withdrawals in writing must identify the appeal that is being withdrawn. Upon the filing of a withdrawal, the referee before whom the matter is pending shall issue an order dismissing the appeal.

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## Proposed Rules

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### 3310.2928 APPEAL OF REFEREE'S DECISION.

A decision of a referee may be appealed to the commissioner in accordance with applicable statutes and rules relating to appeals to the commissioner.

**REPEALER.** Minnesota Rules, parts 3310.2900, 3310.3500, 3310.3600, 3310.4100, 3310.4200, 3310.4300, 3310.4400, 3310.4900, and 3310.5300 are repealed.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Exports and Lists

#### Notice of Intent to Adopt Rule Amendments Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1986).

All persons have until 4:30 p.m. on November 19, 1987, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Patrick Carey  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
612/296-7767

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

The proposed rule amendments, if adopted, will incorporate recent changes to the federal hazardous waste regulations regarding the lists of hazardous wastes and the exports of hazardous waste to a foreign country. The proposed rule amendments add to the list of hazardous wastes four wastes generated during the production or formulation of ethylenedisithiocarbamic acid and its salts. Furthermore, the proposed rule amendments provide more extensive regulation of hazardous waste exports. The proposed rule amendments are published below. One free copy of the rules is available upon request from Patrick Carey at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rule amendments has been prepared and is available from Patrick Carey upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "small business considerations in rulemaking," that the proposed rule amendments will have a minimal impact on small businesses. Since the amendments are already required under the Federal Hazardous Waste Program, the MPCA is merely adopting as State rules the regulations already in effect on the federal level.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person 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 rule amendments as adopted, must submit a written request to Patrick Carey at the address stated above.

Thomas J. Kalitowski  
Commissioner

**Rules as Proposed****7045.0020 DEFINITIONS.**

Subpart 1. to 10. [Unchanged.]

Subp. 10a. Consignee. “Consignee” means the ultimate treatment, storage, or disposal facility in a receiving country to which the hazardous waste will be sent.

Subp. 11. to 21. [Unchanged.]

Subp. 21a. EPA Acknowledgment of Consent. “EPA Acknowledgment of Consent” means the cable sent to EPA from the United States Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country’s consent to the shipment.

Subp. 22. to 72. [Unchanged.]

Subp. 72a. Primary exporter. “Primary exporter” means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with Code of Federal Regulations, title 40, part 262, subpart B, or equivalent state provision, that specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

Subp. 73. [Unchanged.]

Subp. 73a. Receiving country. “Receiving country” means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage, or disposal, except short-term storage incidental to transportation.

Subp. 73a 73b. Reclamation. “Reclamation” means the processing or regeneration of a waste to recover a useable product. Examples are the recovery of lead values from spent batteries and regeneration of spent solvents.

Subp. 73b 73c. Recycle. “Recycle” means the reclamation, reuse, or use of a hazardous waste.

Subp. 74. to 93. [Unchanged.]

Subp. 93a. Transit country. “Transit country” means any foreign country, other than a receiving country, through which a hazardous waste is transported.

Subp. 94. to 108. [Unchanged.]

**7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.**

Subpart 1. and 3. [Unchanged.]

**Subp. 4. Management of specific hazardous wastes.** Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0685: industrial ethyl alcohol that is reclaimed, except as provided in subpart 12; used batteries or used battery cells returned to a battery manufacturer for regeneration; and scrap metal.

Subp. 5. to 11. [Unchanged.]

**Subp. 12. Export of industrial ethyl alcohol.**

A. Unless provided otherwise in an international agreement as authorized by Code of Federal Regulations, title 40, part 262.58, a person initiating a shipment of industrial ethyl alcohol for reclamation in a foreign country, and any intermediary arranging for the shipment, must: (1) comply with the requirements applicable to a primary exporter in part 7045.0302, subpart 2; subpart 6, items A to D and F; and subpart 7; (2) export industrial ethyl alcohol for reclamation only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as specified in part 7045.0302; and (3) provide a copy of the EPA Acknowledgment of Consent to the transporter transporting the shipment for export.

B. Transporters transporting a shipment for export may not accept a shipment if the shipment does not conform to the EPA Acknowledgment of Consent, and must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and that the shipment is delivered to the designated facility.

**7045.0135 LISTS OF HAZARDOUS WASTES.**

Subpart 1. and 2. [Unchanged.]

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## Proposed Rules

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed with the industry and hazardous waste number and hazard code in items A to L.

A. to D. [Unchanged.]

E. Pesticides:

(1) to (14) [Unchanged.]

(15) K043, 2,6-Dichlorophenol waste from the production of 2,4-D: (T); ~~and~~

(16) K099, untreated wastewater from the production of 2,4-D: (T);

(17) K123, process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts: (T);

(18) K124, reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts: (C,T);

(19) K125, filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts: (T); and

(20) K126, bag house dust and floor sweepings in milling and packaging operations from the production of ethylenebisdithiocarbamic acid and its salts: (T).

F to L. [Unchanged.]

Subp. 4. and 5. [Unchanged.]

### 7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

Subpart 1. [Unchanged.]

Subp. 2. **Constituents.** The constituents which are the basis for listing the wastes identified in part 7045.0135, subparts 2 and 3 are listed in items A and B.

A. [Unchanged.]

B. Constituents of wastes identified in part 7045.0135, subpart 3 are listed in subitems (1) to ~~(85)~~ (89).

(1) to (83) [Unchanged.]

(84) K118: Ethylene dibromide; ~~and~~

(85) K123: Ethylene thiourea;

(86) K124: Ethylene thiourea;

(87) K125: Ethylene thiourea;

(88) K126: Ethylene thiourea; and

(89) K136: Ethylene dibromide.

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

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Management requirements.**

A. [Unchanged.]

B. Unless explicitly exempted under subpart 4, all small quantity generators must also comply with the following requirements:

(1) to (7) [Unchanged.]

(8) The small quantity generator shall either treat or dispose of the hazardous waste in an on-site facility or ensure delivery to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be: permitted to accept hazardous waste under the agency's permitting procedures; or in interim status under parts 7045.0552 to 7045.0642; or authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency; or a facility which ~~in accordance with~~ under part 7045.0125 beneficially uses or reuses, or legitimately recycles, or reclaims the waste or treats the waste ~~prior to~~ before beneficial use or reuse, or legitimate recycling or reclamation.

C. [Unchanged.]

Subp. 6. [Unchanged.]



**7045.0296 ANNUAL REPORTING.**

Subpart 1. **Generators who ship wastes.** A generator who ships hazardous waste ~~off-site~~ off site to a treatment, storage, or disposal facility within the United States must submit annual reports to the director on the forms provided no later than March 1 for the preceding calendar year.

Subp. 2. **Required information.** The annual report must contain the following information related for each hazardous waste or wastes produced during the preceding calendar year:

A. the generator's name, address, and identification number;

B. the calendar year covered by the report;

C. the name of the hazardous waste or wastes, the hazardous waste number or numbers, and the United States Department of Transportation hazard class;

~~C.~~ D. the amount of each hazardous waste produced and shipped off site to a facility within the United States;

~~D.~~ E. the names and identification numbers of the transporters ~~utilized~~ used to transport shipments to facilities within the United States;

~~E.~~ F. the names and addresses of the hazardous waste facilities ~~utilized~~ used in the United States, their identification numbers, the method of treatment or disposal, or both, and, as applicable:

(1) the numbers of the hazardous waste facility permits issued by the agency for those facilities located in ~~the state of~~ Minnesota;

(2) the addresses of those facilities located outside ~~the state of~~ Minnesota;

(3) the name of the wastewater treatment works to which a sewerage hazardous waste was discharged; and

(4) the national pollution discharge elimination system or state disposal permit number for discharge to land and waters of the state; ~~and~~

~~F.~~ G. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

~~G.~~ H. a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available before 1984; and

~~H.~~ I. the certification signed by the generator or authorized representative.

Subp. 3. **Generators who do not ship wastes.** Any generator who treats, stores, or disposes of hazardous waste on-site must submit an annual report covering those wastes in accordance with ~~the provisions of~~ parts 7045.0450 to 7045.0642.

Subp. 4. **Generators who export waste.** Reporting for exports of hazardous waste is not required under this part. Export reporting requirements are set out in part 7045.0302, subpart 6.

Subp. 5. **Approval of annual reports.** Annual reports shall be subject to the director's procedures and approval ~~as described in~~ under part 7045.0245.

Subp. 5- 6. **Wastes which are recycled.** Generators of wastes that are recycled in accordance with the provisions of part 7045.0125 and are exempt from the requirements of parts 7045.0261 and 7045.0265 must include the following information in the annual report:

A. evidence that the waste was recycled as indicated in the management plan; and

B. evidence that a continuing market exists for the waste.

**7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.**

Subpart 1. **General requirement.** Any person who exports hazardous waste to a foreign country from Minnesota or imports hazardous waste from a foreign country into Minnesota must comply with the special requirements of subparts 2 to 4 7.

Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this part and parts 7045.0351 to 7045.0397. Exports of hazardous waste are prohibited unless:

A. notification in accordance with subpart 2 has been provided;

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## Proposed Rules

B. the receiving country has consented to accept the hazardous waste;

C. a copy of the EPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest, or for bulk shipment exports by water to the shipping paper; and

D. the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgment of Consent.

Subp. 2. **Procedures Notification.** When shipping hazardous waste outside the state of Minnesota to a foreign country the generator primary exporter must:

A. notify the administrator of the Environmental Protection Agency and the director in writing four weeks before the initial shipment of hazardous waste to each country in each calendar year. The waste must be identified by its hazardous waste identification number and its United States Department of Transportation shipping description and the name and address of the foreign consignee must be included in this notice. These notices must be sent to: "Office of International Activities (A-106)," United States Environmental Protection Agency, Washington, D.C. 20460; and Minnesota Pollution Control Agency, Division of Solid and Hazardous Waste, 520 Lafayette Road, Saint Paul, Minnesota 55155;

B. require that the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose;

C. meet the requirements under parts 7045.0261 and 7045.0265 for the manifest except that:

(1) in place of the name, address, and identification number of the designated facility, the name and address of the foreign consignee must be used; and

(2) the generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country; and

D. use a Minnesota manifest. notify the director and the EPA of an intended export before the waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:

A. name, mailing address, telephone number, and EPA identification number of the primary exporter; and

B. by consignee, for each hazardous waste type:

(1) a description of the hazardous waste and the EPA hazardous waste number (from Code of Federal Regulations, title 40, part 261, subpart C or D), United States Department of Transportation proper shipping name, hazard class, and identification number (UN/NA) for each hazardous waste as identified in Code of Federal Regulations, title 49, parts 171 to 177;

(2) the estimated frequency or rate at which the waste is to be exported and the period over which the waste is to be exported;

(3) the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);

(4) all points of entry to and departure from each foreign country through which the hazardous waste will pass;

(5) a description of the means by which each shipment of the hazardous waste will be transported, such as by air, highway, rail, water, etc., and the types of container to be used, such as drums, boxes, or tanks;

(6) a description of how the hazardous waste will be treated, stored, or disposed of in the receiving country, such as land or ocean incineration, other land disposal, ocean dumping, or recycling;

(7) the name and site address of the consignee and any alternate consignee;

(8) the name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in those countries and the nature of its handling while there; and

(9) upon request by the EPA, a primary exporter shall furnish to the EPA and the director any additional information which a receiving country requests in order to respond to a notification.

The notification shall be sent to the director at 520 Lafayette Road, Saint Paul, Minnesota 55115, and to the Office of International Activities (A-106), EPA, 401 M Street, S.W., Washington, DC 20460, with the phrase "Attention: Notification to Export" prominently displayed on the front of the envelope.

The primary exporter must provide the director and the EPA with written renotification of any changes to the notification, except for changes to the telephone number, decreases in the quantity indicated in subitem (3), and changes in the means of transport in

subitem (5). The waste shall not be shipped until the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

Subp. 3. **Exception report.** A generator must file an exception report ~~to~~ with the EPA and the director at the addresses listed in subpart 2, item A B if:

A. ~~he the generator~~ has not received a copy of the manifest signed by the transporter stating the date and place of departure from Minnesota within 45 days from the date it was accepted by the initial transporter; ~~or~~

B. within 90 days from the date the waste was accepted by the initial transporter, the ~~generator~~ primary exporter has not received written confirmation from the ~~foreign~~ consignee that the hazardous waste was received; or

C. the waste is returned to the United States.

Subp. 4. **Importers manifest requirements.** When importing hazardous waste, a person must use a Minnesota manifest and meet all requirements of parts 7045.0261 and 7045.0265 for the manifest except that:

A. and B. [Unchanged.]

Subp. 5. **Annual report Exporters manifest requirements.** ~~Any person exporting hazardous waste identified or listed under this chapter shall file with the agency and the United States Environmental Protection Agency at the Office of International Activities (A-106) United States Environmental Protection Agency, Washington, D.C. 20460 no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all the hazardous waste exported during the previous calendar year. When exporting hazardous waste, a primary exporter must use a Minnesota manifest and comply with parts 7045.0351 to 7045.0397, except that:~~

A. In lieu of the name, site address, and the EPA identification number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee.

B. In lieu of the name, site address, and the EPA identification number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee.

C. In special handling instructions and additional information, the primary exporter must identify the point of departure from the United States.

D. The following statement must be added to the end of the first sentence of the certification, Uniform Hazardous Waste Manifest Form, item 16: "and conforms to the terms of the attached EPA Acknowledgment of Consent."

E. The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies, as described in part 7045.0476, between the manifest and the shipment. A copy of the manifest signed by the facility may be used to confirm delivery of the hazardous waste.

F. In lieu of the requirements of part 7045.0261, subpart 4, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:

(1) renotify the EPA and the director of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with subpart 2 and obtain an EPA Acknowledgment of Consent before delivery; or

(2) instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

(3) instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

G. The primary exporter must attach a copy of the EPA Acknowledgment of Consent for the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or bulk shipments by water, the primary exporter must provide the transporter with an EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for bulk shipment exports by water, the primary exporter must attach the copy of the EPA Acknowledgment of Consent to the shipping paper.

H. The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the United States Customs official at the point the hazardous waste leaves the United States under part 7045.0381, subpart 4, item D.

Subp. 6. **Annual reports.** Primary exporters of hazardous waste identified or listed under this chapter shall file with the director

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## Proposed Rules

and the EPA no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. The reports shall include the following:

A. the EPA identification number, name, and mailing and site address of the exporter;

B. the calendar year covered by the report;

C. the name and site address of each consignee;

D. by consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from Code of Federal Regulations, title 40, part 261, subpart C or D), the Department of Transportation hazard class, the name and United States EPA identification number, where applicable, for each transporter used, the total amount of waste shipped, and number of shipments pursuant to each notification;

E. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated and a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available for years before 1984; and

F. a certification signed by the primary exporter which states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

Reports shall be sent to the director at 520 Lafayette Road, Saint Paul, Minnesota 55155, and to the Office of International Activities (A-106), Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460.

Subp. 7. **Recordkeeping.** For all exports, a primary exporter must:

A. keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

B. keep a copy of each EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

C. keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and

D. keep a copy of each annual report for a period of at least three years from the due date of the report.

The periods of retention referred to in this part are extended automatically during any unresolved enforcement action regarding the regulated activity or at the request of the director.

### 7045.0375 THE MANIFEST SYSTEM; GENERAL REQUIREMENTS.

Subpart 1. **Acceptance of shipment.** A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed by the generator according to parts 7045.0205 to 7045.0304. In the case of exports, a transporter may not accept waste:

A. if the shipment does not conform to the EPA Acknowledgment of Consent; and

B. unless in addition to a signed manifest, the waste is also accompanied by an EPA Acknowledgment of Consent that, except for shipment by rail, is attached to the manifest or for bulk shipment exports by water to the shipping paper.

Subp. 2. [Unchanged.]

Subp. 3. **Manifest with shipment.** The transporter must ensure that the manifest accompanies the hazardous waste shipment and is maintained in an accessible location during transportation if required by part 7045.0381. In the case of exports, the transporter must ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

### 7045.0381 USE OF MANIFEST.

Subpart 1. [Unchanged.]

Subp. 2. **Delivery of bulk shipments by water.** The requirements of subpart 1 do not apply to bulk shipments by water if:

A. [Unchanged.]

B. a shipping paper containing all the information required on the manifest, excluding the identification numbers, generator certification, and signatures, and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste;

C. to E. [Unchanged.]

Subp. 3. **Delivery of shipments by rail.** The requirements of subparts 1 and 2 do not apply to shipments by rail and the requirements of items A to F do apply.

A. [Unchanged.]

B. Rail transporters must ensure that a shipping paper containing all the information required on the manifest excluding the identification numbers, generator certification, and signatures and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste at all times.

C. to F. [Unchanged.]

Subp. 4. **Transportation to foreign country from Minnesota.** Transporters who transport hazardous waste to a foreign country from Minnesota must:

A. [Unchanged.]

B. sign the manifest and retain one copy according to part 7045.0391; ~~and~~

C. return a signed copy of the manifest to the generator; and

D. give a copy of the manifest to a United States Customs official at the point of departure from the United States.

## Department of Public Safety

### Proposed Permanent Rules Relating to Merit System

#### Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the State Department of Public Safety proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 12.22, subd. 3.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule 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 public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 30, 1987, IN CONFERENCE ROOM D, VETERANS SERVICE BUILDING, 20 WEST 12TH STREET AND COLUMBUS AVENUE, ST. PAUL, MINNESOTA 55155, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Minnesota Merit System between November 19, 1987 and November 25, 1987 at (612) 296-3996.

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

Ralph W. Corey  
Minnesota Merit System  
4th Floor, Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 18, 1987.

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

## Proposed Rules

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

A free copy of this rule is available upon request for your review from: Ralph W. Corey, Minnesota Merit System, 4th Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone (612) 296-3996.

The Minnesota Merit System rules provide for a system of personnel administration for 21 local and county emergency management agencies. The rules apply to all positions and employees engaged in the administration of emergency management programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Amendments to part 7520.0620 would change the manner in which the Merit System uses to recommend adjustments in even-numbered years from exclusive use of changes in the Twin City Consumer Price Index to consideration of changes in the level of salary rates for similar and competing types of employment in business and government, which is currently used by the Merit System to recommend adjustments in odd-numbered years.

Amendments to part 7520.0650 provides for a general salary adjustment of 3% for merit system employees effective January 1, 1988.

Proposed revisions to part 7520.1000-1100 (the compensation plan) provide for adjustments of varying amounts to the minimum and maximum salaries for classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey upon request.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Ralph W. Corey, Department of Human Services, Centennial Office Building, St. Paul, Minnesota 55155, telephone 612/296-3996.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person 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 rule, must submit the written request to Ralph W. Corey.

Dated: 28 September 1987

Rudy Perpich  
Governor

### **Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, MN 55155 on November 30, 1987 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Minnesota Merit System between November 19, 1987 and November 25, 1987, at (612) 296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to George Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the

record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The Minnesota Merit System rules provide for a system of personnel administration for 21 local and county emergency management agencies. The rules apply to all positions and employees engaged in the administration of emergency management programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Amendments to part 7520.0620 would change the manner in which the Merit System uses to recommend adjustments in even-numbered years from exclusive use of changes in the Twin City Consumer Price Index to consideration of changes in the level of salary rates for similar and competing types of employment in business and government, which is currently used by the Merit System to recommend adjustments in odd-numbered years.

Amendments to part 7520.0650 provides for a general salary adjustment of 3% for merit system employees effective January 1, 1988.

Proposed revisions to 7520.1000-1100 (the compensation plan) provide for adjustments of varying amounts to the minimum and maximum salaries for classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 12.22, subd. 3. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Ralph W. Corey, Department of Human Services, Centennial Office Building, St. Paul, Minnesota 55155, telephone 612/296-3996.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph W. Corey, Department of Human Services, 4th floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Ralph W. Corey.

**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 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 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. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, justifying both the need for and 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 and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

*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

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## Proposed Rules

of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including 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, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 28 September 1987

Rudy Perpich  
Governor

### Rules as Proposed

#### 7520.0620 ADJUSTMENT OF OFFICIAL SALARY SCHEDULE OF THE MINNESOTA MERIT SYSTEM.

Subpart 1. **Consumer price index Annual adjustments.** The compensation plans provided in parts 7520.1000 and 7520.1100 shall be adjusted ~~for annually to reflect changes in the level of salary rates in business and government and for similar and competing types of employment and for changes in the Twin City consumer price index to achieve equitable compensation relationships between classes of positions based on their comparable work value.~~

Subp. 2. [See Repealer.]

Subp. 3. **Plan amendments.** ~~From the results of this study~~ After a review of changes in the level of salary rates and consideration of available information regarding trends in the Twin City consumer price index, the supervisor shall propose amendments to the compensation plan in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, and as outlined in part 7520.0600. ~~An Amendments shall include a proposed general adjustment to all rates of pay in the professional and clerical salary schedules and specific comparability adjustments to all rates of pay for certain classes, as necessary, to correct compensation inequities based on comparable work value. The amended compensation plan shall not be effective until on the next succeeding following January 1, or, for those agencies on a biweekly or four-week payroll period, on the beginning date of the first payroll period following after the next succeeding following January 1.~~

Subp. 3a. **Employee salary adjustments.** Based on an annual review of adjustments to salary levels by employees with similar and competing types of employment and trends in the Twin City consumer price index, the supervisor shall recommend a general salary adjustment for all employees on the professional and clerical salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement. The recommended general salary adjustment shall be proposed in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, in an amount as provided in part 7520.0650, subpart 3. The adopted salary adjustment shall be effective on the following January 1 or, for those agencies on a biweekly or four-week payroll period, on the beginning date of the first payroll period after the following January 1.

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

Subp. 6. [See Repealer.]

#### 7520.0650 SALARY ADJUSTMENTS AND INCREASES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~one~~ three percent for employees on the professional and clerical salary schedules.

Subp. 4. and 5. [Unchanged.]

#### 7520.1000 COMPENSATION PLAN (EMERGENCY SERVICES), 1987 1988; PROFESSIONAL.

Subpart 1. **Plan A.**

	Minimum	Maximum
Administrative Officer Assistant	+597 1645	2186 2252
Emergency Management Director	+397 1439	1992 2052
Communications Officer	+397 1439	1905 1962
Operations Officer	+597 1645	2186 2252
Public Information Officer	+597 1645	2186 2252
Radiological Officer	+397 1439	1905 1962
Safety Services Coordinator	+597 1645	2186 2252



## Proposed Rules

### Subp. 2. Plan B.

	Minimum	Maximum
Administrative Officer Assistant	<del>1671</del> <u>1721</u>	<del>2280</del> <u>2348</u>
Emergency Management Director	<del>1460</del> <u>1504</u>	<del>2085</del> <u>2148</u>
Communications Officer	<del>1460</del> <u>1504</u>	<del>1992</del> <u>2052</u>
Operations Officer	<del>1671</del> <u>1721</u>	<del>2280</del> <u>2348</u>
Public Information Officer	<del>1671</del> <u>1721</u>	<del>2280</del> <u>2348</u>
Radiological Officer	<del>1460</del> <u>1504</u>	<del>1992</del> <u>2052</u>
Safety Services Coordinator	<del>1671</del> <u>1721</u>	<del>2280</del> <u>2348</u>

### Subp. 3. Plan C.

	Minimum	Maximum
Administrative Officer Assistant	<del>1745</del> <u>1797</u>	<del>2385</del> <u>2457</u>
Emergency Management Director	<del>1526</del> <u>1572</u>	<del>2186</del> <u>2252</u>
Communications Officer	<del>1526</del> <u>1572</u>	<del>2085</del> <u>2148</u>
Operations Officer	<del>1745</del> <u>1797</u>	<del>2385</del> <u>2457</u>
Public Information Officer	<del>1745</del> <u>1797</u>	<del>2385</del> <u>2457</u>
Radiological Officer	<del>1526</del> <u>1572</u>	<del>2085</del> <u>2148</u>
Safety Services Coordinator	<del>1745</del> <u>1797</u>	<del>2385</del> <u>2457</u>

### 7520.1100 COMPENSATION PLAN (EMERGENCY SERVICES), 1987 1988; CLERICAL.

#### Subpart 1. Plan A.

	Minimum	Maximum
Clerk I	<del>758</del> <u>781</u>	<del>1030</del> <u>1061</u>
Clerk II	<del>866</del> <u>892</u>	<del>1234</del> <u>1271</u>
Clerk III	<del>1030</del> <u>1061</u>	<del>1410</del> <u>1452</u>
Clerk-Typist I	<del>831</del> <u>856</u>	<del>1128</del> <u>1162</u>
Clerk-Typist II	<del>866</del> <u>892</u>	<del>1234</del> <u>1271</u>
Clerk-Typist III	<del>1030</del> <u>1085</u>	<del>1473</del> <u>1548</u>
Clerk-Steno	<del>902</del> <u>892</u>	<del>1234</del> <u>1271</u>

#### Subp. 2. Plan B.

	Minimum	Maximum
Clerk I	<del>866</del> <u>892</u>	<del>1128</del> <u>1162</u>
Clerk II	<del>986</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Clerk III	<del>1151</del> <u>1186</u>	<del>1503</del> <u>1548</u>
Clerk-Typist I	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>
Clerk-Typist II	<del>986</del> <u>1016</u>	<del>1344</del> <u>1384</u>
Clerk-Typist III	<del>1151</del> <u>1214</u>	<del>1575</del> <u>1660</u>
Clerk-Steno	<del>1030</del> <u>1016</u>	<del>1344</del> <u>1384</u>

#### Subp. 3. Plan C.

	Minimum	Maximum
Clerk I	<del>942</del> <u>970</u>	<del>1234</del> <u>1271</u>
Clerk II	<del>1088</del> <u>1110</u>	<del>1473</del> <u>1517</u>
Clerk III	<del>1207</del> <u>1243</u>	<del>1575</del> <u>1622</u>
Clerk-Typist I	<del>1030</del> <u>1061</u>	<del>1344</del> <u>1384</u>
Clerk-Typist II	<del>1088</del> <u>1110</u>	<del>1473</del> <u>1517</u>
Clerk-Typist III	<del>1207</del> <u>1271</u>	<del>1648</del> <u>1736</u>
Clerk-Steno	<del>1128</del> <u>1110</u>	<del>1473</del> <u>1517</u>

**REPEALER.** Minnesota Rules, part 7520.0620, subparts 2, 4, and 6 are repealed.

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### Public Utilities Commission

#### Proposed Permanent Rules Relating to Telephone Assistance Plan

##### Notice of Intent to Adopt Rule Without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28 (1986). The Commission's authority to adopt the rule is set forth in *Laws of Minnesota 1987*, chapter 340, sections 13 to 16.

All persons have until 4:30 p.m. on November 18, 1987, to submit comments in support of or in opposition to the proposed rule or any part of the 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.

Any person may make a written request for a public hearing on the rule within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Mary Ellen Hennen  
Executive Secretary  
Minnesota Public Utilities Commission  
780 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

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

The proposed rule, if adopted, will provide eligible seniors with a discount on their telephone bills. The proposed rule is published below. One free copy of the rule is available upon request by calling Kris Kline at (612) 296-7124.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request by calling Kris Kline at (612) 296-7124.

You are hereby advised, pursuant to *Minnesota Statutes* section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule will affect small telephone company businesses as defined in that section. The proposed rule requires telephone companies to collect a monthly surcharge and provide a monthly credit to eligible telephone subscribers. The proposed rule also requires telephone companies to record the amount of surcharges and credits and to provide quarterly and annual reports. However, the proposed rule allows the telephone companies to be reimbursed for their administrative expenses from the surcharge revenues.

In addition, pursuant to *Minnesota Statutes* section 14.11, subdivision 1 (1986), "Special notice of rulemaking," the proposed rule will require the expenditure of public money by local public bodies. The proposed rule requires county or multicounty agencies that are authorized to administer public assistance programs to determine eligibility and provide notice to the telephone companies and the applicants. A reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule is approximately \$600,000. This estimate is based on the cost of annually verifying the income of approximately 30,000 applicants, as required by the federal matching telephone assistance plan.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person 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 rule, must submit the written request to Mary Ellen Hennen.

Mary Ellen Hennen  
Executive Secretary

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

###### 7817.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Access line.** "Access line" means telephone company-owned facilities furnished to permit switched access to the telecommunications network that extend from a central office to the demarcation point on the property where the subscriber is served. The term includes access lines provided to residential and business subscribers and includes centrex access lines on a trunk-equivalent basis, but does not include private nonswitched or wide area telephone service access lines.

Subp. 3. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 4. **Department of Human Services.** "Department of Human Services" means the Minnesota Department of Human Services.

Subp. 5. **Department of Public Service.** "Department of Public Service" means the Minnesota Department of Public Service.

Subp. 6. **Federal matching plan.** "Federal matching plan" means the telephone assistance plan of the Federal Communications Commission in Code of Federal Regulations, title 47, part 69, that waives the federal access charge for eligible local telephone subscribers. This federal plan provides matching federal assistance to eligible households receiving assistance through a state telephone assistance plan.

Subp. 7. **Household.** "Household" means a subscriber, a subscriber's spouse, and the minor children with whom a subscriber resides.

Subp. 8. **Income.** "Income" has the meaning given it in Minnesota Statutes, section 290A.03, subdivision 3.

Subp. 9. **Local agency.** "Local agency" means a county or multicounty agency that is authorized under Minnesota Statutes, sections 393.01, subdivision 7, and 393.07, subdivision 2, to administer public assistance programs.

Subp. 10. **Local exchange service.** "Local exchange service" means telecommunication service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange. It also includes extended area service that is interexchange calling for which a message toll charge is not assessed.

Subp. 11. **Permanent changes.** "Permanent changes" means changes in eligibility that are expected to continue for 12 months or more. These changes include increased income, change of residence, or death of the subscriber.

Subp. 12. **Public assistance programs.** "Public assistance programs" means programs administered by local agencies to provide financial assistance to needy individuals.

Subp. 13. **Subscriber.** "Subscriber" means a person in whose name local exchange telecommunications service is provided by a telephone company.

Subp. 14. **Telephone assistance credits.** "Telephone assistance credits" means the credits applied to reduce the local telephone rates of residential households that qualify under the telephone assistance plan.

Subp. 15. **Telephone assistance plan.** "Telephone assistance plan" means the plan required by Laws of Minnesota 1987, chapter 340, sections 13 to 16, and set out in this chapter.

Subp. 16. **Telephone company.** "Telephone company" has the meanings given it in Minnesota Statutes, section 237.01, subdivisions 2 and 3, that provides local exchange telephone service.

#### **7817.0200 PURPOSE AND CONSTRUCTION.**

The purpose of this chapter is to develop and implement a statewide telephone assistance plan to provide telephone assistance credits to reduce the local telephone rates of eligible residential households, to be jointly administered by the commission, the Department of Human Services, and the telephone companies. The purpose of this chapter is also to permit the implementation of federal telephone assistance plans so that the state's local telephone customers are afforded the opportunity to acquire the benefits of these federal plans.

This chapter is to be liberally construed to further these purposes.

#### **7817.0300 FUNDING.**

Subpart 1. **Uniform statewide monthly surcharge.** The telephone assistance plan must be funded through the assessment of a uniform recurring monthly surcharge applicable to all classes and grades of access lines provided by each telephone company in the state. The initial surcharge must be assessed beginning with the first billing cycle occurring immediately after the effective date of

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## Proposed Rules

this part. The commission shall determine the level of the surcharge on an annual basis beginning with the first billing cycle of the calendar year. The surcharge must be calculated based on the following criteria:

- A. the revenue generated by the surcharge must not exceed \$2,500,000 on a statewide basis;
- B. the statewide \$2,500,000 must be apportioned between telephone companies based on their relative number of access lines; and
- C. the surcharge level must be uniform statewide.

**Subp. 2. Use of surcharge revenues.** "A telephone company shall bill the surcharge and collect the surcharge revenues. The telephone company shall use those revenues to extend credits to eligible subscribers under the telephone assistance plan. The company shall also use the surcharge revenues to cover its administrative expenses associated with the telephone assistance plan. The telephone company shall remit, with its quarterly report, excess surcharge revenues to the commission to become part of the statewide surcharge revenue pool.

**Subp. 3. Statewide surcharge revenue pool.** Excess surcharge revenues remitted by the telephone companies to the commission must be placed in a statewide surcharge revenue pool to be administered by the commission. The commission shall use the surcharge revenue pool funds:

- A. for full or partial reimbursement of its reasonable administrative expenses associated with the telephone assistance plan; and
- B. to reimburse a telephone company, within 60 days of receipt of the company's quarterly report, reasonable expenses associated with the telephone assistance plan and not covered by the surcharge revenues collected by the telephone company.

### **7817.0400 ELIGIBILITY FOR TELEPHONE ASSISTANCE CREDITS.**

**Subpart 1. Information provided.** On request, the local agency shall offer to a person an application form developed by the Department of Human Services and a brochure that describes the program's eligibility requirements and application process.

**Subp. 2. Application process.** On completing the application, the applicant must return it to the local agency for an eligibility determination. An application may be made by the subscriber, the subscriber's spouse, or a person authorized by the subscriber to act on the subscriber's behalf.

**Subp. 3. Documenting, verifying, and reviewing eligibility.** A local agency shall verify the income of an applicant and the applicant's spouse at the time of application. When a condition of eligibility changes, and at each redetermination of eligibility, the local agency may verify income.

A. An applicant or recipient shall document income or authorize the local agency to verify the income. The local agency shall help an applicant or recipient obtain documents that the applicant or recipient does not possess and cannot obtain. Information previously verified and retained by the local agency must not be verified again unless the information no longer applies to current circumstances.

B. The local agency shall not request information about an applicant or recipient that is not of public record from a source other than local agencies, the Department of Human Services, and telephone companies without the applicant's or recipient's prior written consent. The local agency shall not provide third parties with access to information about an applicant's or recipient's eligibility status or other case record information without the prior written consent of that applicant or recipient, except where access to specific case information is granted to agencies designated by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13. Information designated as confidential by the Minnesota Government Data Practices Act may only be made available to agencies granted access under that law and must not be provided to an applicant, recipient, or third party.

C. The local agency shall inform the recipient of the recipient's responsibility to report permanent changes in circumstances that affect eligibility within ten days of each change.

**Subp. 4. Eligibility criteria.** To be eligible for a telephone assistance credit:

- A. the household must not be in receipt of assistance for telephone service under any other state public assistance program;
- B. the household must contain a member who subscribes to local exchange service and is 65 years of age or older; and
- C. the subscriber resides in Minnesota or has moved to Minnesota and intends to remain.

**Subp. 5. Income.** To determine program eligibility, a local agency shall evaluate income received by household members. All payments must be counted as income if listed in Minnesota Statutes, section 290A.03, subdivision 3. Maximum total annual household income must not exceed:

- A. when the size of the household is one, \$7,862;
- B. when the size of the household is two, \$10,281;

C. when the size of the household is three, \$12,699;

D. when the size of the household is four, \$15,118; or

E. when the size of the household is more than four, \$15,118 plus, for each additional household member, \$2,419.

For the purpose of calculating income under this subpart, household income does not include the income of minor children.

Subp. 6. **Local agency responsibilities.** On receiving an application, the local agency shall determine the applicant's eligibility or ineligibility within 30 days.

Subp. 7. **Applicant and recipient responsibilities.** An applicant shall provide current information on an application form about circumstances that permanently affect the applicant's program eligibility. Before the end of every 12-month period, the recipient shall complete a recertification form required for the redetermination of eligibility.

Subp. 8. **Notices.** A local agency shall notify an applicant or recipient of the disposition of the application by mailing the notice to the last known address.

A. When an applicant or recipient is found eligible, the local agency shall notify the applicant or recipient in writing.

B. When an applicant or recipient is found eligible, the local agency shall notify the telephone company.

C. When an applicant or recipient is denied or terminated, the local agency shall notify the applicant or recipient in writing of the reasons for the denial or termination, of the right to appeal, and of the right to reapply.

D. When a recipient is terminated, the local agency shall notify the telephone company.

E. Sixty days before the end of every 12-month period, the local agency shall notify the recipient of the need to redetermine eligibility.

Subp. 9. **Termination of credit.** A local agency shall terminate a telephone assistance credit if income limits permanently exceed the maximums described in subpart 5, or the local agency is notified of permanent changes in basic eligibility requirements.

#### **7817.0500 CALCULATION OF CREDITS.**

The commission shall calculate a telephone assistance plan credit for each telephone company on an annual basis at the beginning of each calendar year. The credits must be calculated based on the following criteria:

A. the credits must not exceed the amount of credit available under the federal matching plan;

B. the credits must not exceed more than 50 percent of the weighted average of the local exchange rate charged for local exchange service provided to the household by that household's telephone company;

C. the credits must not exceed the level of credits that can actually be funded in accordance with the surcharge limitations in part 7817.0300; and

D. the level of credits must be uniform for each company statewide.

#### **7817.0600 PROVISION AND TERMINATION OF CREDITS.**

Subpart 1. **Provision of credits.** A telephone company shall provide telephone assistance plan credits against monthly charges for each certified household. Telephone assistance plan credits must be made available within 90 days after the date the surcharge is first assessed.

Subp. 2. **Following notice from local agency.** After the telephone company receives an eligibility or termination notice from the local agency, the telephone company shall proceed according to items A to C.

A. A telephone company shall apply telephone credits beginning with the telephone company's billing cycle that begins in the month after the month in which the local agency notifies it of an applicant's or recipient's eligibility.

B. A telephone company shall cease credits at the end of every 12-month period by billing cycle unless notified by the local agency that eligibility has been redetermined.

C. A telephone company shall cease credits before the end of the 12-month period when notified by the local agency that eligibility has been permanently terminated. When so notified, the credit ends with the start of the telephone company's billing cycle beginning in the month after the month in which the company is notified.

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

## Proposed Rules

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### 7817.0700 ADJUSTMENT TO LEVEL OF SURCHARGE AND CREDITS.

When it appears to the commission that the revenue generated by the maximum level of surcharge permitted under part 7817.0300 will be inadequate to fund a particular level of telephone assistance credits, the commission by official order and on 30 days' notice to the telephone companies, shall reduce the credits to a level that can be adequately funded by the maximum level of surcharge. Similarly, the commission by official order and on 30 days' notice to the telephone companies, may increase the level of the telephone assistance plan credits that are available or reduce the surcharge to a level and for a period of time that will prevent an unreasonable overcollection of surcharge revenues.

### 7817.0800 FEDERAL TELEPHONE ASSISTANCE PLANS.

The telephone assistance plan must be combined with the existing federal matching plan. Telephone companies shall participate in both plans. If and when other federal telephone assistance plans are developed, the commission shall seek outside comment on those plans and review each plan and the comments submitted by interested persons. After appropriate proceedings, the commission shall determine whether to incorporate those plans into the telephone assistance plan and require telephone companies to participate.

### 7817.0900 COMPANY RECORDING, REPORTING REQUIREMENTS.

Subpart 1. **Records to be maintained.** A telephone company shall maintain adequate records of surcharge revenues, expenses, and credits related to the telephone assistance plan.

Subp. 2. **Quarterly report.** No later than 30 days after the end of each calendar year quarter, a telephone company shall file a quarterly report with the commission and the Department of Public Service for review. With the quarterly report, the telephone company shall submit a check to the commission in the amount of the excess surcharge revenues collected during that quarter. The quarterly report must list, quarterly and cumulatively for the year:

- A. the surcharge revenues collected by the telephone company;
- B. the number of access lines billed the surcharge;
- C. itemized telephone assistance plan expenses incurred by the company;
- D. the amount of excess surcharge revenues collected;
- E. the amount of surcharge revenue deficiency;
- F. the amount of reimbursement from the federal matching plan applied for or received;

G. the number of subscribers that received credits under the telephone assistance plan and the number of subscribers that were given waivers under the federal matching plan; and

H. the monetary amount of credits extended by the telephone company under the telephone assistance plan and the monetary amount of waivers given under the federal matching plan.

This report must be made on a form prescribed by the commission.

Subp. 3. **Annual report.** No later than 30 days after the end of a calendar year, a telephone company shall file a year-end report with the commission and the Department of Public Service. The cumulative fourth-quarter report provided under subpart 2 may serve as the annual report. This report must be a financial report and accounting for the telephone company's experience under the telephone assistance plan. The report must also be adequate to satisfy the reporting requirements of the federal matching plan.

### 7817.1000 APPEALS AND COMPLAINTS.

Subpart 1. **Appeal after termination or denial of eligibility.** An applicant or recipient who is denied or terminated telephone assistance credits has the right to appeal. Appeal hearings must be conducted at a reasonable time, date, and place by an impartial referee employed by the Department of Human Services. An applicant or recipient may introduce evidence relevant to the issues on appeal. Recommendations of an appeals referee must be based on evidence introduced at the hearing and are not limited to a review of the propriety of a local agency's action.

Subp. 2. **Complaint procedure.** Complaints against the telephone companies regarding the telephone assistance plan may be referred to the commission. Complaints against telephone companies regarding the telephone assistance plan must be investigated by the Department of Public Service. The Department of Public Service shall report the results of its investigation to the commission within 45 days of receipt of the complaint.

## **Waste Management Board**

### **Proposed Permanent Rules Relating to Industrial and Hazardous Waste Processing Grants**

#### **Notice of Intent to Adopt Rules Without a Public Hearing**

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt the above-entitled amendments to the rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rules is set forth in *Minnesota Statutes* § 115A.06, subd. 2, 115A.156 and § 115A.162 (1986).

All persons have until 4:30 p.m. on November 18, 1987, to submit comments in support of or in opposition to the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Prior to October 30, 1987

Kevin J. McDonald  
Minnesota Waste Management Board  
7323 58th Avenue North  
Crystal, Minnesota 55428  
(612) 536-0816

After October 30, 1987

Kevin J. McDonald  
Minnesota Waste Management Board  
1350 Energy Lane  
St. Paul, Minnesota 55108  
(612) 649-5744

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

The proposed amendments, if adopted, will expand the Hazardous Waste Processing Facility Grant Program to include the eligibility of nonhazardous industrial waste streams. The proposed rules are published below. One free copy of the rules is available upon request from the Board at the address and telephone number stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed amendments to the rules will not have a direct effect on small businesses. The rules do not impose any requirements or standards on the operation of small businesses. The programs which these amendments are designed to modify will provide grants to persons seeking to develop and operate industrial and hazardous waste collection and processing facilities and services. Availability of these facilities and services to small businesses generating industrial and hazardous waste is an important goal of the Board.

If no hearing is required, upon adoption of the amendments to rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person 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 rule as adopted, must submit a written request to the Board.

Joseph M. Pavelich  
Chairman, Waste Management Board

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

## Proposed Rules

### Rules as Proposed

#### 9200.6000 SCOPE AND AUTHORITY.

Parts 9200.6000 to 9200.6011 govern the administration of development grants for waste processing and collection facilities and services as provided under Minnesota Statutes, section 115A.156, and certification of hazardous waste processing facility loan applications received by the energy agricultural and economic development authority board and forwarded to the waste management board for certification under Minnesota Statutes, ~~sections~~ section 115A.162 and ~~116M.07, subdivision 9.~~

#### 9200.6001 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Lending authority.** "Lending authority" means the Minnesota Energy Agricultural and Economic Development Authority Board created in Minnesota Statutes, section ~~116M.06~~ 41A.02.

Subp. 3. [Unchanged.]

Subp. 4. **Capital costs.** "Capital costs" means expenditures that meet the requirements of federal industrial development bond law, including:

A. to G. [Unchanged.]

H. fee of guarantor, insurer, or financial institution, other than the lending authority, who provides letters of credit, surety bonds, or equivalent security;

I. lending authority fees, including application and guaranty fees of the lending authority and administrative costs and expenses;

J. to M. [Unchanged.]

Subp. 5. **Chairperson.** "Chairperson" means the chairperson of the ~~board~~ Waste Management Board.

Subp. 6. and 7. [Unchanged.]

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of energy trade and economic development.

Subp. 9. **Generator.** "Generator" means a person who produces a an industrial or hazardous waste.

Subp. 10. [Unchanged.]

Subp. 10a. Industrial waste. "Industrial waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 13a.

Subp. 11. **Loan.** "Loan" means a hazardous waste processing facility loan as defined in Minnesota Statutes 1986, section 116M.03, subdivision 15.

Subp. 12. to 15. [Unchanged.]

#### 9200.6002 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Unless eligibility is limited under part 9200.6004, subpart 3, the following are eligible to apply for a development grant:

A. a person who proposes to develop and operate specific commercial collection or processing facilities or services to serve generators of industrial or hazardous waste in the state;

B. an association of two or more Minnesota generators who propose to develop and operate specific commercial collection and processing facilities or services to serve generators of industrial or hazardous waste in the state.

Subp. 2. **Eligible proposals.** Proposals for the following types of work which are preliminary to the development and operation of specific types of commercial facilities and services for collecting or processing industrial or hazardous waste are eligible:

A. to F [Unchanged.]

Subp. 3. to 6. [Unchanged.]

#### 9200.6003 GRANT APPLICATION.

An applicant must submit an application in the form specified by the ~~board~~ chairperson. An application must include the following information:

A. to C. [Unchanged.]

D. A statement whether the applicant is planning to apply for future grants under this program, or has applied or is planning to apply for a an industrial or hazardous waste processing facility loan administered by the Minnesota Energy Agricultural and Economic Development Authority Board.



E. [Unchanged.]

#### **9200.6004 APPLICATION PROCESS.**

Subpart 1. **Deadline.** The board will solicit applications by notification in the State Register or by written notice to eligible applicants if eligibility is limited pursuant to subpart 3. The board may set reasonable deadlines for submission of applications.

Subp. 2. **Limited solicitation of applications.** The board may limit its solicitation of applications to particular types of proposals, facilities, or services based upon:

A. the board's evaluation of the results of previous studies of industrial or hazardous waste processing and reduction proposals and opportunities in Minnesota; and

B. [Unchanged.]

Subp. 3. **Limitations on eligibility of applicants.** The board may limit eligibility for a grant to persons who have responded to a request for proposal issued by the board or chairperson under Minnesota Statutes, section 115A.158 or 115A.192, for development of a facility or service for collecting or processing industrial or hazardous waste, or who have been selected by the board to develop such a facility under Minnesota Statutes, section 115A.192.

#### **9200.6007 AWARD OF GRANTS.**

Subpart 1. **General procedure.** The board shall award grants for those proposals which in the board's judgment will be the most beneficial in improving industrial or hazardous waste management in the state, based upon its evaluation of the factors identified in part 9200.6006.

Subp. 2. [Unchanged.]

Subp. 3. **Matching funds required.** For hazardous waste, a recipient other than an association of generators in the state shall agree to provide at least 50 percent of the cost of the proposal. An association of two or more generators in the state shall agree to provide at least 20 percent of the cost of the proposal.

For industrial waste, a grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost.

Subp. 4. [Unchanged.]

#### **9200.6008 GRANT AGREEMENT.**

Subpart 1. **Grant contents.** The board and a grant recipient shall enter into a grant agreement. The grant agreement must:

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part will have a maximum term of one year.

B. and C. [Unchanged.]

Subp. 2. **Cancellation of grants.** The grant is subject to cancellation by the board if the board determines that the proposal is no longer feasible or if the proposed work is not completed in accordance with the terms and conditions of the grant agreement, including time schedules, unless the chairperson determines that variances from the respective agreements are in order.

Subp. 3. **Termination.** The board may terminate the work under an agreement upon 30 days notice if it determines that the proposal is no longer feasible. A request for termination may be initiated by either the board or a grant recipient. The procedure for determining that a proposal is not feasible shall be specified in the grant agreement. The chairperson may suspend the work under an agreement upon written notice whenever it appears that there are grounds for cancellation of the grant under subpart 2. The chairperson may negotiate and enter into amendments to the agreement to avoid cancellation if the original purposes of the grant can be accomplished under an amended agreement. Unless amendments to the agreement have been executed, the chair shall recommend cancellation of the grant under subpart 2 within 60 days after suspending any work under the agreement. The chairperson shall promptly notify the board after any suspension of work or grant agreement executed under this subpart.

Subp. 4. **Disbursement.** The ~~board~~ chairperson shall disburse grants in accordance with the payment schedule set out in the grant agreement. At the discretion of the board, this may include a phased disbursement or final holdback of a percentage of funds.

Subp. 5. **Return of unspent funds.** Upon completion of the ~~proposal,~~ work under the grant or cancellation of the grant, ~~or~~

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## Proposed Rules

~~termination of the work under a grant agreement~~ the grant recipient shall return the state's share of the unspent funds. The procedure for determining the amount of funds to be returned shall be specified in the grant agreement.

### 9200.6010 EVALUATION OF LOAN APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Certification factors.** In addition to determining whether the requirements of part 9200.6011, subpart 2, have been satisfied, the board shall consider the following factors in evaluating whether a loan application will be certified and in determining the share of capital costs that must be provided by the applicant:

A. to H. [Unchanged.]

I. the availability of funds from the lending authority.

Subp. 3. [Unchanged.]

## Waste Management Board

### Proposed Permanent Rules Relating to Hazardous and Industrial Waste Reduction Grants

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

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt the above-entitled amendments to the rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rules is set forth in *Minnesota Statutes* § 115A.06, subd. 2 and § 115A.154 (1986).

All persons have until 4:30 p.m. on November 18, 1987, to submit comments in support of or in opposition to the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

#### Prior to October 30, 1987

Susan Thornton  
Minnesota Waste Management Board  
7323 58th Avenue North  
Crystal, Minnesota 55428  
(612) 536-0816

#### After October 30, 1987

Susan Thornton  
Minnesota Waste Management Board  
1350 Energy Lane  
St. Paul, Minnesota 55108  
(612) 649-5783

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

The proposed amendments, if adopted, will expand the Hazardous Waste Reduction Grant Program to include the eligibility of nonhazardous industrial waste streams. The proposed rules are published below. One free copy of the rules is available upon request from the Board at the address and telephone number stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed amendments to the rules will not have a direct effect on small businesses. The rules do not impose any requirements or standards on the operation of small businesses. The programs which these amendments are designed to modify will provide grants to persons seeking to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous or industrial waste. Availability of these facilities and services to small businesses generating hazardous or industrial waste is an important goal of the Board.

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## Proposed Rules

If no hearing is required, upon adoption of the amendments to rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person 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 rule as adopted, must submit a written request to the Board.

Joseph M. Pavelich  
Chairman, Waste Management Board

### Rules as Proposed

#### 9200.9501 DEFINITIONS.

Subpart 1. to 2. [Unchanged.]

Subp. 3. **Chairperson Chair.** "~~Chairperson Chair~~" means the ~~chairperson chair~~ of the board.

Subp. 5. **Generator.** "Generator" means a person or a local government unit who produces a hazardous or industrial waste in Minnesota.

Subp. 6. [Unchanged.]

Subp. 6a. Industrial waste. "Industrial waste" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 13a.

Subp. 7. to 9. [Unchanged.]

Subp. 10. **Recipient.** "Recipient" means an applicant who has received a grant under the hazardous and industrial waste reduction grants program.

Subp. 10a. **Recycling.** "Recycling" means has the reclamation by the generator of usable components from waste streams meaning given in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 11. **Reduction.** "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous or industrial waste generated by the generator through abatement, minimization, reuse, or recycling; or

B. decreases the quantity of one or more types of hazardous or industrial waste that results in a decrease in risk to the public health and safety and the environment, but does not decrease the total quantity of hazardous or industrial wastes generated by the generator.

Subp. 12. [Unchanged.]

#### 9200.9502 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** The following are eligible to apply for a hazardous or industrial waste reduction grant:

A. a generator; or

B. an association that consists of or represents two or more generators generating similar hazardous or industrial wastes in Minnesota.

Subp. 2. **Eligible projects.** Projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous or industrial waste are eligible to receive a hazardous or industrial waste reduction grant. Eligible projects include projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology.

Application or research projects currently under development by the applicant and new projects are eligible.

Subp. 3. and 4. [Unchanged.]

#### 9200.9503 GRANT APPLICATION.

An applicant shall submit an application in the form specified by the ~~board~~ chair. An application must include the following information:

A. A description of the applicant's managerial and technical ability to undertake a hazardous or industrial waste reduction feasibility study, including any consultant help that may be anticipated.

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## Proposed Rules

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

- (1) a description of the method or technology to be studied;
- (2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;
- (3) a description of the hazardous or industrial waste affected by the proposed project that is generated by the applicant, including the quantity generated in the previous calendar year;
- (4) an estimate of the decrease in the quantity of hazardous or industrial waste generated ~~and any decrease in risk that results from the application of the method or technology to be studied; and~~
- (5) the current method used to manage the hazardous or industrial waste generated by the applicant, and any anticipated change in management occurring after the reduction; ~~and~~
- ~~(6) estimated increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented.~~

C. [Unchanged.]

### 9200.9506 EVALUATION OF PROPOSALS.

Subpart 1. **Evaluation schedule.** Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a deadline for action.

Subp. 2. **Evaluation factors.** In evaluating each proposal the board shall consider the following factors:

A. The relationship of the proposed hazardous or industrial waste reduction to the goals and policies of the Waste Management Board.

B. The significance of the proposed waste reduction measured by:

- (1) the decrease in total hazardous or industrial waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; and
- (2) the decrease in risk to the public health and safety and the environment resulting from the waste reduction including:
  - (a) the decrease in the quantity of waste with a high degree of intrinsic hazard;
  - (b) the decrease in the quantity of untreatable waste requiring land disposal; or
  - (c) the effect of waste reduction on the subsequent management of any remaining waste, including the need for ~~and risk associated with~~ further processing and disposal steps to properly manage the waste.

C. The merits of the specific method or technology proposed by the applicant which will be based on the following factors:

- (1) the percentage decrease in the quantity of hazardous or industrial waste affected by the reduction;
- (2) the percentage increase or decrease in the total quantity of hazardous or industrial wastes generated by the applicant;
- (3) the general applicability of the hazardous or industrial waste reduction method or technology to other generators located in Minnesota; and
- (4) the likelihood of the success of the specific method or technology to reduce hazardous or industrial wastes, the estimated reliability of the proposed method or technology, and capital, operating, and maintenance costs required to operate and maintain the proposed method or technology if it is implemented.

D. Other factors including:

(1) Whether an applicant is an association of two or more generators. In considering this factor, the board may give preference to an association of two or more generators if the board determines that the association significantly contributes to cooperation among generators in reducing hazardous or industrial waste generation.

(2) The recommendations of the board's ~~technical assistance program advisory committee~~ hazardous waste management planning council.

(3) and (4) [Unchanged.]

### 9200.9508 GRANT AGREEMENT.

Subpart 1. **Contents of agreement.** The board and a grant recipient shall enter into a grant agreement. The grant agreement must:

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part must have a maximum term of one year.

B. Provide that the recipient is authorized to enter into contracts to complete the work specified in the agreement.

C. Identify the product of the proposal and provide that the results of all studies or analyses performed under this agreement are made available to the board and to the general public. All information and techniques developed through a project assisted by a board grant will be made available to all hazardous and industrial waste generators in the state through the technical assistance program established by the board.

Subp. 2. to 4. [Unchanged.]

Subp. 5. **Audit.** Since this program involves the expenditure of public funds, the books, records, documents, and accounting procedures and practices of the recipient of grant funds that are only relevant to this program are subject to examination at any time by the ~~chairperson~~ chair of the board and other appropriate state officials. Any audit exceptions identified by the board must be reimbursed at the board's discretion.

Subp. 6. [Unchanged.]

## **Department of Labor and Industry**

### **Proposed Permanent Rules Relating to Employee Termination Notice**

#### **Notice of Intent to Adopt Rules Without a Public Hearing**

Notice is hereby given that the Department of Labor and Industry, Labor Standards Division, proposes to adopt the above-captioned Rule part 5200.0280 without a public hearing. The Department has determined that the proposed adoption of the rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, Section 14.21-14.28 (1984).

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

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes*, Section 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Ray Bohn  
Commissioner, Department of Labor and Industry  
5th Floor, Space Center Building  
444 Lafayette Road  
St. Paul, Minnesota 55101  
(612) 296-2342

Authority for the adoption of this rule is contained in *Minnesota Statutes* 181.934. A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule identifies the data and information relied upon to support the proposed rule and assesses the impact of the proposed rule on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The qualitative, quantitative impact on small business after the adoption of the rule will have no greater effect on small business than already placed on small business by the Legislature under *Minnesota Statutes* 181.931 through 181.935.

Upon adoption of the final rule without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written amendments and requests for hearing received, and the final rule as adopted, will be delivered to the Attorney General. The rule will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the rule and the existence of a rational basis for the need for and reasonableness of the proposed rule. Persons who wish to be notified of the submission of this material to the Attorney General, including modifi-

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

## Proposed Rules

cations to the rule as originally proposed, or who wish to receive a free copy of the final rule as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendment follows this notice in the *State Register*.

One free copy of the proposed amendments may be obtained by contacting Don Jackman at the above address or by calling (612) 296-2282.

Dated: 2 October 1987

Ray Bohn, Commissioner  
Department of Labor and Industry

### Rules as Proposed (all new material)

#### 5200.0280 DISCRIMINATION AND TERMINATION.

Subpart 1. **Notice required.** All employers must notify employees of their rights regarding termination under *Minnesota Statutes*, sections 181.931 to 181.935.

Subp. 2. **Form and time of notice.** Notice is accomplished by:

A. posting summaries of *Minnesota Statutes*, sections 181.931 to 181.935 in a conspicuous and accessible place in or about the premises in which any employee works; and

B. by reminding the employee at termination of the employee's right to request in writing the employer's reason in writing for termination under *Minnesota Statutes*, section 181.933, subdivision 1.

Subd. 3. **Penalties.** Employer noncompliance is subject to penalties under *Minnesota Statutes*, sections 177.31; 177.32; and 181.935.

## Adopted Rules

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

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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

## Minnesota Higher Education Coordinating Board

### Adopted Emergency Rules Relating to Education Grants; Dislocated Rural Workers

#### Findings of Fact, Conclusions and Order Adopting Emergency Rule

Notice of the Board's intent to adopt the above-entitled rule was published in the *State Register* on August 17, 1987, and was sent by United States mail to all persons on the list maintained by the agency pursuant to *Minnesota Statutes*, section 14.30 on August 12, 1987.

All persons were given the opportunity to submit written comment on the rule for at least 25 days after notice of proposed rulemaking.

One comment on the rule was received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comment received, one change was made between the rule as proposed and the rule as adopted. One sentence was added: "For schools located in Hennepin and Ramsey counties, the following counties are considered contiguous: Chisago, Isanti,

Sherburne, Wright, McLeod, Sibley, Le Sueur, Rice and Goodhue." This addition allows schools in the Twin Cities metropolitan area to be eligible to receive an allocation. This change does not constitute a substantial change because it enlarges rather than diminishes the pool of eligible schools.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Dislocated Rural Worker Assistance Program (as modified) is adopted this 21st day of September, 1987, pursuant to authority vested in me by *Minnesota Statutes*, section 136A.111 subd. 4, and *Laws of Minnesota for 1987*, Chapter 386, Article 10, Section 6.

David A. Longanecker, Executive Director  
Minnesota Higher Education Coordinating Board

The rules proposed and published at *State Register*, Volume 12, Number 7, pages 288-290, August 17, 1987 (12 S.R. 288) are adopted with the following modifications:

### **Rules as Adopted**

#### **4830.1562 [Emergency] APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.**

Subpart 1. **Allocation formula.** The board shall allocate grant money to eligible schools according to the formula in this subpart. An eligible school's allocation is the school's share, divided by the sum of school shares. An eligible school's share is the number of entering Minnesota resident students enrolled in the last fiscal year, from the school's home county, and contiguous counties. For schools located in Hennepin and Ramsey counties, the following counties are considered contiguous: Chisago, Isanti, Sherburne, Wright, McLeod, Sibley, Le Sueur, Rice, and Goodhue. Students who resided in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county must not be counted in any school's share. A school whose allocation would be less than \$500 using this formula must not receive an allocation. Would-be allocations of less than \$500 must be reallocated, using this formula, to other schools.

## **Department of Human Services**

### **Adopted Permanent Rules Relating to Title IV-E Funding Allocation**

The rules proposed and published at *State Register*, Volume 12, Number 4, pages 133-136, July 27, 1987 (12 S.R. 133) are adopted as proposed.

## **Legislative Commission to Review Administrative Rules**

### **Correction to Rules of Procedure**

The procedural rules adopted by the commission on September 16, 1987, and published in the *State Register* on September 28, 1987, Volume 12, Number 13, pages 585-587, had two omissions:

**4.8 [Excused absences.]** The chair may excuse any commission member from attending a commission meeting.

**6.2 [Conduct.]** The preliminary assessment shall be conducted by the commission.

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

# Official Notices

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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.

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## Department of Commerce

### Bulletin of Pending Applications Subject to the Reciprocal Interstate Banking Act *Minnesota Statutes, § 48.98, Subdivision 2,(2)*

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes, § 48.93* and shall be disapproved if:

(1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;

(3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area; or

(4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or developmental investments in the community affected.

#### Current list of Pending Applications:

- The Frandsen Financial Corporation, 200 Main Street South, Luck, Wisconsin 54853 (mailing address: 20 North Lake Street, Suite 210, Forest Lake, Minnesota 55025), proposes to acquire the Farmers and Merchants State Bank of Hinckley, 108 Main Street, Hinckley, Minnesota 55037.

#### NOTICE

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the bulletin of Pending Applications which includes the listing of the acquisition.

#### Public Information

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner is available without charge to any person upon request by writing to Department of Commerce, Bulletin of Pending Applications, Reciprocal Interstate Banking Act, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

Michael A. Hatch  
Commissioner of Commerce

## Department of Human Services

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Medical Assistance Reimbursement for Training and Habilitation Services for Persons with Mental Retardation or Related Conditions, under *Minnesota Rules*, Parts 9525.1210 to 9525.1250

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 of amendments to *Minnesota Rules*, parts 9525.1210 to 9525.1250, governing medical assistance reimbursement for training and habilitation services for persons with mental retardation or related conditions. The proposed amendments are intended to distinguish between reimbursable prevocational services and nonreimbursable education or vocational training services. The adoption of the rule is authorized by *Minnesota Statutes*, section 256B.501, in conjunction with the Social



Security Act, sections 1905(a)(6) and 1902(a)(25), which authorize the agency to establish procedures and rules for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions which qualify as vendors of medical assistance, waived services, and for provision of training and habilitation services.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. 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:

Lisa Rotegard  
Long-term Care Management  
Minnesota Department of Human Services  
444 Lafayette Road, 4th Floor  
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 297-3829 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**

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Reimbursement for Cost of Care of Patients of State Regional Treatment Centers, under *Minnesota Rules*, Parts 9515.1000 to 9515.2600**

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 amendment of rules governing reimbursement for cost of care of patients of state regional treatment centers, under *Minnesota Rules*, Parts 9515.1000 to 9515.2600. The proposals would conform the rules to new statutory definitions, and to the requirement for full-pay by recipients of chemical dependency treatment, and would except Supplemental Security Income from net income in determining ability to pay costs. The amendments of the rules are authorized by *Minnesota Statutes*, section 246.01, section 246.23, and sections 246.50 to 246.55, in conjunction with section 1611(e)(1)(E) of the Social Security Act, which permit the agency to administer and manage state facilities and establish rules for the determination of the responsibility for a patient's or resident's care.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. 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:

Julie Elhard  
Reimbursement Division  
Minnesota Department of Human Services  
444 Lafayette Road, 2nd Floor  
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-3507 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.

## **Metropolitan Council**

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Matters of Metropolitan Significance**

Notice is hereby given that the Metropolitan Council is seeking information or opinions from sources outside the Metropolitan

## Official Notices

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Council in preparing to propose the amendment of the rules governing matters of metropolitan significance. The adoption of the rules is authorized by *Minnesota Statutes*, section 473.173, which requires the Metropolitan Council to determine whether any proposed matter is of metropolitan significance.

The Metropolitan Council 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: Barbara Senness, 300 Metro Square Building, St. Paul, Minnesota 55101. Oral statements will be received during regular business hours over the telephone at 291-6419 and in person at the above address.

All statements of information and opinions shall be accepted until 4:00 p.m., December 17, 1987. Any person who may have previously submitted written material on the subject matter of the rules is hereby advised that any such previously submitted material must be resubmitted pursuant to this notice in order to become part of the record in this rule-making procedure. Any written material received by the Metropolitan Council shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the amended rules are adopted.

Dated: 13 October 1987

David Renz, Executive Director  
Metropolitan Council

## Department of Natural Resources

### Division of Fish and Wildlife

#### Notice of Intent to Solicit Outside Opinion Regarding Creation of Rules on the Issuance of Permits for Aeration and Similar Systems in Public Waters

Notice is hereby given that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to promulgate rules regarding the issuance of permits to operate aeration or similar systems in public waters. Creation of rules relating to the issuance of permits for aeration, bubbler, water circulation, and similar systems used to increase dissolved oxygen or to maintain open water on the ice of public waters is required by Chapter 184 of the 1987 Regular Session Laws.

In the past, lake aeration has been regulated by the Department of Natural Resources by Commissioner's Orders; it is currently regulated by Commissioner's Order Number 2194, as amended by Commissioner's Order Number 2258. The purpose of creating rules to regulate aeration is to clarify permitting requirements and procedures. Copies of the current Commissioner's Orders may be obtained by writing or telephoning the office of the Division of Fish and Wildlife.

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

Larry R. Shannon, Director  
Division of Fish and Wildlife  
Department of Natural Resources  
500 Lafayette Road, Box 20  
St. Paul, MN 55155-4020

Oral statements will be received during regular business hours over the telephone at (612) 296-2835 and in person at the above address.

All statements of information and comment shall be accepted until December 31, 1987. Any written material received by the Department of Natural Resources shall become part of the record.

Dated: 12 October 1987

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Minnesota Pollution Control Agency

### Division of Air Quality

#### Notice of Intent to Solicit Outside Information Regarding Amending Rules Governing Standards of Performance for Incinerators

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside

sources in preparing to propose the amendment of rules governing Standards of Performance for Incinerators, *Minnesota Rules* 7005.0600-7005.0650. The amendment of the rules is authorized by *Minnesota Statutes* 116.07 subd. 4 (1986), which authorizes the Agency to adopt and amend rules for the prevention, abatement, or control of air pollution.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Louis M. Chamberlain  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7625

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until January 1, 1987. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is amended.

Thomas J. Kalitowski  
Commissioner

## **Minnesota Pollution Control Agency**

### **Division of Air Quality**

#### **Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing the Regulation of Toxic Air Pollutants**

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the adoption of new rules governing the regulation of Toxic Air Pollutants. The term Toxic Air Pollutants refers to a large number of pollutants, such as metals and organic compounds. The adoption of the rule is authorized by *Minnesota Statutes* 116.07 subd. 4 (1986), which authorizes the Agency to adopt rules for the prevention, abatement, or control of air pollution.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Paul E. Gerbec  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7757

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until January 1, 1987. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is adopted.

Thomas J. Kalitowski  
Commissioner

## **Department of Public Safety**

### **Driver and Vehicle Services**

#### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to the Rules of the State Department of Public Safety Governing License Revocation for Alcohol and Controlled Substance Related Incidents**

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to amend rules governing license revocation for alcohol and controlled substance related incidents, specifically part 7503.0800, Subp. 3 and part 7503.1700, Subp. 6.

The promulgation of these rules is authorized by *Minnesota Statutes*, section 169.128, which permits the agency to promulgate rules to carry out the provisions of *Minnesota Statutes*, sections 169.121 and 169.123.

## Official Notices

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

Jeff Bruce  
Management Analyst  
Room 205, Transportation Building  
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-9503 and in person at the above address.

All statements of information and comment shall be accepted until November 26, 1987. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

Paul J. Tschida  
Commissioner of Public Safety

## Board of Water and Soil Resources

### Meeting Notice

The Board of Water and Soil Resources will meet on Wednesday, October 21, 1987, at 9:00 a.m. in Conference Room A of the Department of Agriculture Building, 90 W. Plato Boulevard, St. Paul, Minnesota.

## State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, 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 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Floor maintenance equipment (BT)	October 19	Regional Human Services	Brainerd	02310 15645
Purchase of copiers (BT)	October 21	State University	Marshall	26175 07173
60 month lease of xerox 1025 (BT)	October 21	Regional Human Services	Cambridge	55201 07203
Liquid scintillation counting sys- tem (JG)	October 21	State University	Moorhead	26072 01300
Move (MJB)	October 21	Waste Mgmt Brd.	Crystal	99650 88051
IBM system 12 (BV)	October 22	State University	Marshall	26175 07199
Maintenance on IBM computer (BV)	October 22	Pera Pub. Empl. Retire. Assn.	St. Paul	63000 80320
Offset press (JD)	October 22	Administration Printing	St. Paul	02520 82047

## State Contracts and Advertised Bids

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
Cell harvesters (JG)	October 22	State University	Bemidji	26070 13349
Radiographic system—rebid (JG)	October 22	Regional Treatment Center	Willmar	55106 06740
Calcomp plotter supplies (JD)	October 23	Transportation	St. Paul	79000 81979
Microscopes	October 23	Community College	Bloomington	27156 10239
Analysis, transportation, storage & disposal of hazardous waste (JJ)	October 23	Various	Various	Price Contract
L.A.N. (BV)	October 26	Jobs & Training	St. Paul	23200 16345
Men's underwear (AW)	October 26	Various	Various	Price Contract
Lease snowmobiles (DM)	October 26	Natural Resources	Various	20001 12373
Repair of boom truck (DM)	October 26	Transportation/Central Shop	St. Paul	79990 00122
Epson computers—no printers (PA)	October 26	State University	St. Cloud	26073 19870
Epson computers (PA)	October 26	State University	St. Cloud	26073 19505
Rental of Xerox 9900 (BT)	October 27	Community College	White Bear Lake	27154 46696
Used shear rebid (DT)	October 27	Transportation	Oakdale	79000 74331
Crushed quartzite—St. Cloud (PA)	October 27	Transportation	St. Cloud	79350 Q
Aggregates (PA)	October 27	Transportation	Owatonna	79650 A

## Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
Braille envelope	October 20	Jobs & Training	St. Paul	2437
Certificate of Blindness envelopes	October 20	Jobs & Training	St. Paul	2436
Brochure: PERA and You	October 21	Pub. Empl. Retire. Assn	St. Paul	2349
Special Vehicle Permit	October 21	Natural Resources	St. Paul	2376
Spring & Fall quarterly bulletins	October 27	Community College	Rochester	1530
Letterhead, continuous feed	October 22	State Patrol	St. Paul	2280
Special letters	October 22	PERA	St. Paul	1392
Nursing renewal application	October 23	Nursing Board	St. Paul	2438

## Department of Administration

### Notice of Request for Proposals for Rental of Office Space

The Department of Administration desires proposals for the rental of up to 141,700 usable square feet of office space and approximately 6,500 usable square feet of storage space for the Department of Public Safety. Proximity to the State Capitol Complex is desired.

Contact:

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

Proposals must be submitted by 4:30 p.m. (CST) on Friday, January 8, 1988.

## State Contracts and Advertised Bids

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### Minnesota Pollution Control Agency

#### Division of Air Quality

#### Request for Proposals for Analytical Services of Lake and Stream Samples

The Minnesota Pollution Control Agency (Agency) is seeking proposals from qualified firms to analyze lake and stream samples for the biennium starting July 1, 1987. The Agency will continue a seasonal sampling program for lakes in Pine, Carlton, Itasca, St. Louis, Lake and Cook Counties and initiate an investigation into the decline of pH and alkalinity in streams along the North Shore of Lake Superior during snowmelt. Data obtained from the analyses of these lake and stream samples will be used to assess long-term water chemistry trends, and assess the importance of acid deposition to spring snowmelt depressions of pH and alkalinity in selected streams.

The proposal should address the contractor's laboratory capabilities, proposed analytical methods, quality assurance and quality control, instrument maintenance and calibration, data reduction and reporting, sample handling, analyses turnaround, and costs. Information on any laboratory certifications that the contractor possesses should be reported in the proposal.

Interested parties may request a detailed Request for Proposal by calling or writing to:

Cliff Twaroski  
Minnesota Pollution Control Agency  
Division of Air Quality  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
612/296-7800

Proposals are due in Mr. Twaroski's office no later than 4:30 p.m. thirty (30) days following the date of publication of this request in the *State Register*.

The actual cost of the analyses performed by the contractor will depend upon the extent of funding from the Legislature, the number of samples collected, the extent of the Quality Assurance Program, and the contractor's cost per sample analyzed. The Agency anticipates the maximum cost of this contract to be \$68,000 spread over the biennium.

## Non-State Public Contracts

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

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

## Metropolitan Waste Control Commission

#### Request for Proposals for Emergency Contractors

The Metropolitan Waste Control Commission is requesting proposals from general, electrical, and mechanical contractors who wish to be considered for emergency repair work in 1988.

All contractors' proposals must be received on or before 5:00 p.m., November 13, 1987.

Proposal information and prequalification forms may be obtained from Paula Duffield, Operations Coordinator, Metropolitan Waste Control Commission, 350 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota 55101 or by calling 222-8423, extension 122.

## **Ramsey County**

### **Legal Notice of Request for Proposals for Financial Analysis and Audit of Proposals**

The Ramsey County Board of Commissioners has issued a Request for Proposals for a financial analysis and audit of proposals the County received for the Ramsey County Service Center.

The due date for the RFP is November 6, 1987.

Those interested in obtaining a copy of this RFP may do so by calling the Ramsey County Executive Director's Office at 298-5980.

## **Regional Transit Board**

### **Notice for Request for Proposal for Production of RTB Slide Show**

Notice is hereby given that the Regional Transit Board (RTB) will receive proposals at its offices from firms interested in providing assistance in the production of a 10-minute, 35-millimeter slide show about the agency. **Proposals are due by 5:00 p.m., October 26, 1987.**

The selected firm will provide creative advice, all art, photography, taping, production editing and conversion to video of the completed work. The work will be done from an RTB staff script. **Work will begin immediately and be completed by November 30, 1987.**

The slide show will be formatted for either a two or one projector application. A show of roughly 140 slides is envisioned. The show will then be video taped on 1/2 inch VHS format.

The Regional Transit Board encourages proposals from certified minority/female-owned firms, or from groups formed for purposes of making proposals that are made up of minorities or women.

Proposals can be sent to:

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

## **Supreme Court Calendar**

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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.

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### **November 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, November 2, 1987 9:00 a.m.**

**C3-87-419 & C2-87-511 DALE L. HODDER Respondent (C3-87-419) Appellant (C2-87-511)** (Attorneys: Paul E. Godlewski of Barna, Guzy, Merrill, Hynes & Gianxola, Ltd and Randy W. James of John C. Risjord & Associates) **vs. The GOODYEAR TIRE & RUBBER COMPANY, et al., defendants, petitioners, Appellants (C3-87-419) Respondents (C2-87-511)** (Attorneys:

## Supreme Court Calendar

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James B. Vessey of Dorsey & Whitney and Randall E. Hendricks of Stinson, Mag & Fizzell). **PIONEER RIM & WHEEL COMPANY, Respondent** (Attorney: Geoffrey P. Jarpe, Esq. of Maun, Green, Hayes, Simon, Johanneson and Brehl). **AND The GOODYEAR TIRE & RUBBER COMPANY, defendant and third party plaintiff, petitioner, Appellant (C3-87-419), Respondent (C2-87-511)** (Attorney: James B. Vessey of Dorsey & Whitney) **vs. REMER OIL COMPANY, INC.** (Attorney: Charles E. Spevacek of Meagher, Geer, Markham, Anderson, Adamson, Flaskam & Brennan) **and PIONEER RIM & WHEEL COMPANY, defendant and third party plaintiff, Respondent** (Attorney: Geoffrey P. Jarpe of Maun, Green, Hayes, Simon, Johanneson and Brehl) **vs. ACHESON TIRE COMPANY, third party defendant, Respondent** (Attorneys: Castor, Ditzler, Klakas & Scherer) **ARROWHEAD EQUIPMENT COMPANY, third party defendant, Respondent** (Attorney: Mark Gwin of Cousineau, McGuire, Shaughnessy & Anderson) **ITASCA TIRE COMPANY, third party defendant, Respondent** (Attorney: Dale M. Wagner of Moss & Barnett).  
Order and Judgment Hennepin County

Is the employer/insurer entitled to a cash payment from the proceeds of Respondents judgment for future workers' compensation benefits not yet paid or alternatively a credit toward future payments under *Minnesota Statutes*, § 176.061 subd. 6?

Is the District Court Administrator required to tax interest on punitive damages from the date of verdict until the day of entry of judgment pursuant to *Minnesota Statutes* § 549.01, subd. 1?

Is a product manufacturer entitled to entry of judgment when the jury finds that the product's useful life had expired before the accident?

Does a defendant which did not design, manufacture, sell or distribute the product have a duty to accompany the product with a warning?

Is a product manufacturer per se negligent for failing to accompany a product with a warning or is its duty to warn a reasonableness standard?

Can a defendant be liable for a failure to provide warnings where the harm was caused after the product useful life had expired under *Minnesota Statutes* § 604.03?

If *Minnesota Statutes* § 604.03 is a complete bar to plaintiff's recovery does it then violate Article 1, Section 8 of the Minnesota Constitution?

### Tuesday, November 3, 1987 9:00 a.m.

**C5-87-1037 EDDIE T. PARSON, Respondent** (Attorney: Michael J. Healey) **vs. HOLMAN ERECTION COMPANY, INC. and HOME INSURANCE COMPANY, Relators** (Attorney: Katherine L. MacKinnon of Arthur, Chapman, Michaelson and McDonough, P.A.) **L. H. SOWLES, INC. and HOME INSURANCE COMPANY, Respondent** (Attorney: John T. Thul of Cousineau, McGuire, Shaughnessy & Anderson).

Order Workers' Compensation Court of Appeals

Do the 1983 amendments to *Minnesota Statutes* § 176.101 bar an employee from receiving temporary total disability benefits after he has reached maximum medical improvement?

If the 1983 amendments bar an employees' ability to receive temporary total disability benefits, do the amendments violate Constitutional due process principles or inadequately substitute for pre-existing common law remedies?

Is an employee entitled to collect temporary partial disability benefits for an injury which severely reduces his earning capacity in spite of the fact that he has been unable after reasonable diligent efforts to find employment.

**CX-86-1878 DENNIS BREVIK, et al., Respondents** (Attorney: David A. Singer of Singer & Singer Ltd.) **STATE OF MINNESOTA, Plaintiff-Intervenor** (Attorney: Kathleen L. Winters) **vs. KITE PAINTING, INC., Petitioner, Appellant** (Attorney: Mark B. Rotenberg of Dorsey & Whitney).

Opinion Court of Appeals

Does *Minnesota Statutes* § 182.669 create a private cause of action for employer retaliation against an employee who exercises a statutorily guaranteed right?

Do federal and Minnesota labor law principles require dismissal of Respondents' claims because Respondents failed to exhaust the contractual grievance-arbitration process?

Are Respondents' state law claims preempted by federal labor law because respondent is covered by a collective bargaining agreement?

### Wednesday, November 4, 1987 9:00 a.m.

**C9-86-1757 EUGENE BAHR, et. al., Respondents** (Attorney: Robert D. Schaps) **vs. CITY OF LITCHFIELD, et. al., Petitioners, Appellants** (Attorney: Steven E. Drange of Olson, Nelson, Drange & Wood) **CHARLES SCHRUM, et. al., Respondents** (Attorney: Ronald C. Anderson).

Opinion Court of Appeals



Is personal service of a written notice of a civil service commission decision required in order to commence the running of the 60-day statutory time limit within which a writ of certiorari may be issued?

Does the doctrine of laches bar an action challenging a civil service promotion decision which was brought over two years after the promotion has been made?

**C2-87-816 STATE OF MINNESOTA, Plaintiff**, (Attorney: James A. Terwedo Scott County Attorney) **vs. THOMAS TRACZYK, Defendant** (Attorney: James J. Abbs of Phillip G. Villaume & Associates).  
Certified Question Scott County

Is the extension of the Statute of Limitations for certain criminal offense, which was enacted during the original time period for the offense, but after the date of the offense, an Ex Post Facto Law which would bar a prosecution outside the original limitations?

**Thursday, November 5, 1987 9:00 a.m.**

**C1-87-452 STATE OF MINNESOTA, Respondent** (Attorney: Thomas Foley Ramsey County Attorney) **vs. CRAIG THOMAS SEIFERT, Appellant** (Attorney: Steven H. Goldberg).  
Order Court of Appeals

When, if ever, during the appeals process may an indigent criminal defendant refuse representation by the state public defender and act as his own attorney?

Is an indigent criminal defendant, acting as his own attorney, entitled to a free transcript which is necessary to the preparation of his appeal?

**C2-86-1633 HOMER JARVIS, Individually and on behalf of all others similarly situated, Petitioner, Appellant** (Attorney: Charles H. Thomas and Eugenia L. Hedlund of Southern Minnesota Regional Legal Services, Inc.) **vs. LEONARD W. LEVINE, in his official capacity as COMMISSIONER OF HUMAN SERVICES, et. al., Respondents** (Attorney: Mary L. Stanislav).  
Opinion Court of Appeals

Does Minnesota law establish substantive rights of involuntarily committed patients which exceed a constitutional minimum?

Does forced neuroleptic treatment of involuntarily committed mental patients constitute an intrusive therapy?

Did the Court of Appeals err when it held that Appellant's allegations did not give rise to a cause of action for damages?

**Monday, November 9, 1987 9:00 a.m.**

**C5-86-2100 DEBORAH FOLEY, Respondent**, (Attorney: Richard L. Hendrickson of Gawron & Hendrickson) **vs. ROGER ALLARD, individually and as trustee for EDWARD MATTSON, Respondent** (Attorney: Mack, Moosbrugger, Ohlsen, Dvorak & Carter) **R.J. STEICHEN & COMPANY, Petitioner, Appellant** (Attorney: Philip T. Colton of Maun, Green, Hayes, Simon, Johanneson and Brehl) **EDWARD MATTSON** (Attorney: Mack, Moosbrugger, Ohlsen, Dvorak & Carter).  
Opinion Court of Appeals

Does a genuine issue of material fact remain as to the existence of an apparent authority agency relationship?

Does a genuine issue of material fact remain as to whether or not defendant R. J. Steichen & Company materially aided defendant Roger Allard in violation of *Minnesota Statutes* § 80A.23?

**C5-87-1264 & C6-87-1340 LYLE EMME, as parent and natural guardian of CHRISTOPHER EMME, Respondents (C5-87-1264) Appellants (C6-87-1340)** (Attorney: Roger A. Johnson of Golden Valley Law Offices) **vs. C.O.M.B., Inc., et. al., Respondents** (Attorney: Lawrence J. Skoglund of Chadwick, Johnson & Condon, P.A.) **AIRDART, INC., et. al., Appellants (C5-87-1264) Respondents (C6-87-1340)** (Attorney: James T. Martin of Gislason, Martin, & Varpness, P.A.).  
Order Hennepin County

If a toy sold in Minnesota presents a "mechanical hazard" in violation of the Minnesota Hazardous Toy Act (*Minnesota Statutes* 325F08), does such violation result in the imposition of absolute liability upon the manufacturer?

Was the District Courts' dismissal of Respondent C.O.M.B., et. al. an abuse of discretion?

**Tuesday, November 10, 1987 9:00 a.m.**

**C2-87-1481 RAYMOND P. GIVVERD (Deceased), by ELIZABETH C. GIBBERD, Respondent** (Attorney: Mary J. Bjorklund) **vs. CONTROL DATA CORPORATION, Self-Insured, Relator** (Attorney: Richard Riemer and Jeff M. Zalasky of Chadwick, Johnson & Condon, P.A.).  
Order Workers' Compensation Court of Appeals

Did the Respondent's death arise out of and in the course and scope of his employment with Relator?

Was the Respondent in, on, or about the premises of Relator at the time of his death?

## Supreme Court Calendar

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Did the Respondent die as a Result of a compensable assault?

Did the Respondent's employment expose him to a different and greater hazard from assault than the general public?

**Wednesday, November 18, 1987 9:00 a.m.**

**C2-86-1468 In Re Petition for Disciplinary Action against Geoffrey Peters, an Attorney at Law of the State of Minnesota**  
(Attorney: Keith E. Roberts, Sr. of Donovan and Roberts, P.C.).

Petition for Disciplinary Action

Is a public reprimand warranted where a superior has engaged in repeated acts of unwelcome sexual contact with subordinates?

## Announcements

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**Minnesota Department of Health:** Minnesota has become one of the first states to provide local funding for the federal WIC nutrition program. Minnesota has allocated \$1,000,000 in state funds for the program, over the next two years. The state is one of only ten that provide local support for the federally-funded program. Officials at the Minnesota Department of Health estimate that the new funding will allow the program to serve a thousand additional participants over the two years. Currently, between 55,000 and 60,000 Minnesotans participate in WIC during any given month. The Special Supplemental Food Program for Women, Infants and Children—or WIC—has been operating in Minnesota since 1974. WIC is administered in Minnesota by the state health department, and a statewide network of 60 local WIC agencies is responsible for providing services under the program.

Eligible participants can include pregnant women, nursing mothers, infants, and children up to age five. Each participant must be professionally evaluated, and found to have special nutrition-related health needs. Participants must also be Minnesota residents, and have incomes that fall below established guidelines. WIC participants are given vouchers that can be used to buy food from grocery stores or drug stores. The vouchers can only be used for certain kinds of foods, selected by WIC staff to meet the specific nutritional needs of each participant. Participants also receive nutrition education, and are referred for additional health-related services. A special effort has been underway recently in Minnesota to bring eligible pregnant women into the program. Many potentially eligible women in that group have not been participating in the program, according to health department officials, even though good nutrition is especially important during pregnancy.

**State Parks Announce Permit Contest:** The Department of Natural Resources (DNR) announced the opening of the second annual contest to design the 1989 state park permit. The DNR annually issues the permit, which provides access to Minnesota's 64 state parks. The park system issues over 100,000 of these windshield stickers every year. The subject for the 1989 permit is the eastern bluebird. The park featured along with the bird is Camden State Park (south of Marshall, MN), a popular place to see this once endangered species. The design must feature an illustration or graphic representation of the bird(s) and the park. The contest is open to all Minnesota residents. The designs may be done in any one or combination of mediums such as acrylic, oil, watercolor, pen-and-ink, airbrush, pastels, etc. The design must fit into a circle format measuring ten inches in diameter. Entries for the 1989 contest will be accepted from Feb. 1 through March 11, 1988. There is no financial award for winning, however, the artist retains the rights for reproduction of the original artwork. Entry forms and rules are now available. Copies are available by writing: Permit Contest, Minnesota State Parks, 500 Lafayette Road, St. Paul, MN 55155-4039. For more information, contact: Bill Chiat, Parks Division (612) 296-8162.

**Landowners and Hunters Reminded About CRP and RIM Posting:** Minnesota Department of Natural Resources (DNR) wildlife officials this week reminded landowners who have lands enrolled in the Conservation Reserve or Reinvest In Minnesota Programs that they may want to post their property if they wish to restrict public access. "With nearly 1.2 million acres of CRP (Federal Conservation Reserve Program) and RIM (State Reinvest in Minnesota) lands seeded to grasses and trees by this fall, the question of public access has arisen," explained DNR Wildlife Chief, Roger Holmes. The state's trespass law defines "agricultural lands" as land that is either plowed or tilled, has standing crops or crop residue on it, or is within a maintained fence for enclosing livestock. "Technically, CRP and RIM lands meet the agricultural lands definition because landowners are paid to plant marginal croplands to grasses and trees for conservation purposes. From the practical standpoint, these cover crops are more typical of noncrop lands and there simply is no way for hunters, trappers or other recreationists to distinguish these lands as agricultural lands. The enforcement of the trespass laws on non-posted CRP or RIM lands would be extremely difficult," added Holmes. For more information, contact: Roger Holmes, Section of Wildlife (612) 296-3344.

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