

State of Minnesota

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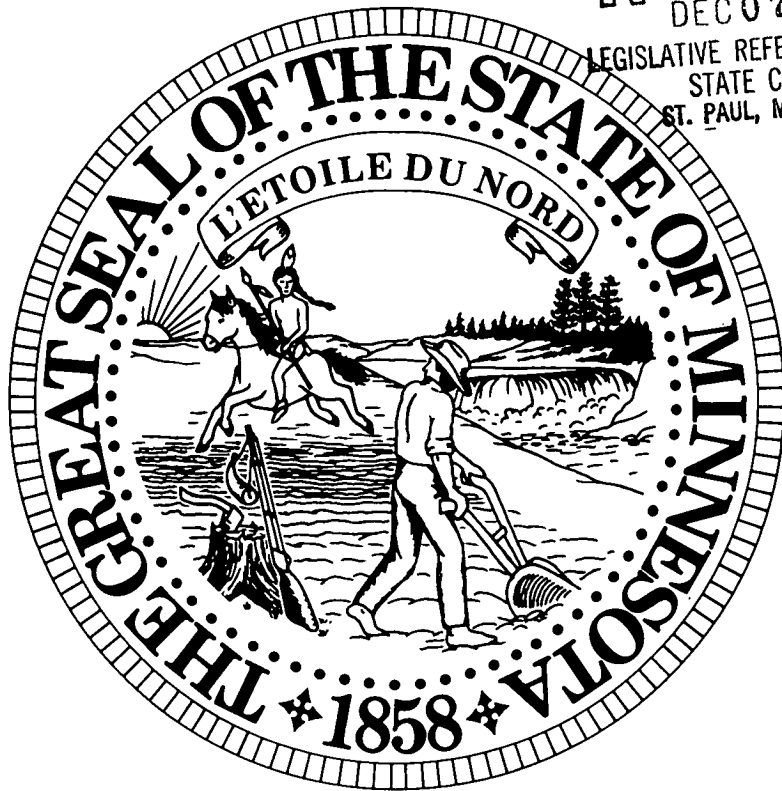
STATE REGISTER

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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
23	Monday 23 November	Monday 30 November	Monday 7 December
24	Monday 30 November	Monday 7 December	Monday 14 December
25	Monday 7 December	Monday 14 December	Monday 21 December
26	Monday 14 December	Monday 21 December	Monday 28 December

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

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

Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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

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

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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. 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*.

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*.

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 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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Proposed Rules

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

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

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

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

Department of Agriculture

Proposed Emergency Amendments to Permanent Rules Relating to Certified Seed Potato Grades

Notice of Intent to Amend a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture intends to amend the above-entitled rule without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22-14.28. The statutory authority to adopt and amend this rule is *Minnesota Statutes*, Sections 21.113 and 21.118.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed amendments 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.

Any person may make a written request for a public hearing on the amendments 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 their name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

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

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

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 amendments has been prepared and is available upon request from Ms. Milligan.

As prescribed by *Minnesota Statutes*, section 14.115, subdivision 1 and 2, the Department of Agriculture has considered the degree of impact the proposed amendments will have on the certified seed potato industry.

The department has determined that the proposed amendments would merely rectify the present rule addressing certified seed potato grades and tolerances and place no additional economic restraints or demands on producers. This amendment would be a positive benefit to Minnesota certified seed potato growers.

If no hearing is required, upon adoption of the final amendments, 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 amendments must submit a written request to Ms. Milligan.

Dated: 5 November 1987

Jim Nichols, Commissioner
Department of Agriculture

Rule as Proposed**1555.6950 MINNESOTA CERTIFIED SEED POTATO GRADES AND TOLERANCES.**

Subpart 1. **Minnesota certified seed potato grades.** Before potatoes are eligible for grading as certified seed potatoes, the requirements of parts 1555.6750 to 1555.6840 must be met. In addition, Primary Foundation certified seed potatoes must meet the requirements of part 1555.6850, Foundation certified seed potatoes must meet the requirements of parts 1555.6860 to 1555.6900, and Generation certified seed potatoes must meet the requirements of parts 1555.6851 to 1555.6852. ~~Grading and tagging or issuance of a bulk certificate are the final steps in the certification process.~~

Subp. 2. **Minnesota blue tag certified seed potato grade.** To be graded as Minnesota blue tag certified seed potatoes, the potatoes must meet the following requirements:

A. The potatoes must be, at the time of final inspection, of one variety, unwashed, fairly well-shaped, free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown, and free from injury by surface or pitted scab, and from damage caused by ~~dirty~~ soil or other foreign matter, second growth, growth cracks, air cracks, cuts, shriveling, sprouts, pitted scab, surface scab, russet scab, dry rot, other diseases, insects or worms, ~~external discoloration caused from loss of skin;~~ mechanical or other means, flattened or depressed areas with underlying flesh discoloration, and from serious damage caused by hollow heart or internal discoloration other than hollow heart. Sunburn is not a factor.

B. Size. For round or intermediate shaped varieties, the maximum size shall be not more than 12 ounces (340.2 grams) and, unless otherwise specified, the minimum size shall be not less than 1-7/8 inches (47.6 millimeters) in diameter. For long varieties, the maximum size shall be not more than 14 ounces (396.9 grams) and, unless otherwise specified, the minimum size shall be not less than 1-3/4 inches (44.5 millimeters) in diameter. For all varieties, size "B," the minimum diameter shall be not less than 1-1/2 inches (38.1 millimeters) and the maximum size shall be not more than 2-1/4 inches (57.1 millimeters) in diameter.

C. Lot tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are provided:

(1) For defects:

- (a) ~~10~~ ten percent for potatoes seriously damaged by hollow heart;
- (b) ~~5~~ five percent for potatoes seriously damaged by internal discoloration (other than hollow heart);
- (c) ~~8~~ eight percent for potatoes injured by (slight) scab;
- (d) ~~10~~ ten percent for potatoes damaged by ~~dirty~~ soil or other foreign matter;
- (e) ~~10~~ 20 percent for potatoes damaged by sprouts; and

(f) ~~6~~ six percent for potatoes which fail to meet the remaining requirements of the grade, provided that included in that amount not more than the following percentages are allowed for the following defects:

- i. soft rot, frozen, or wet breakdown, 0.5 percent;
- ii. damage by surface or pitted scab, 2.0 percent;
- iii. damage by dry rot, 2.0 percent;
- iv. bacterial ring rot, 0.0 percent; ~~and~~
- v. powdery scab, 0.0 percent; and
- vi. late blight tuber rot, 1.0 percent; and

(g) the following do not affect seed quality and must not be scored against the grade:

- i. brown discoloration following skinning;
- ii. dried stems;
- iii. flattened or depressed areas showing no underlying flesh discoloration;
- iv. greening;
- v. sunburn; and

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

Proposed Rules

vi. skin checks.

(2) For offsize:

- (a) 5 five percent for potatoes which fail to meet the required or specified minimum size; and
- (b) 10 ten percent for potatoes which fail to meet the required maximum size.

Subp. 3. **Minnesota yellow tag certified seed potato grade.** To be graded as Minnesota yellow tag certified seed potatoes, the potatoes must meet the following requirements of blue tag with the exceptions in items A and B.

A. The potatoes must be, at the time of final inspection, of one variety, fairly well-shaped, and free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown, and from damage caused by second growth, growth cracks, air cracks, cuts, shriveling, sprouts (after April 15, sprouts are not a factor), pitted scab, surface scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by dirt or other foreign matter, russet scab, hollow heart, or internal discoloration other than hollow heart. Pressure bruising, or flattened or depressed areas with or without underlying flesh discoloration, and sunburn are not factors. Lot tolerances:

(1) For defects:

- (a) 20 percent for potatoes seriously damaged by hollow heart; and
- (b) 20 percent for potatoes that fail to meet the remaining requirements of the grade, with not more than six percent serious damage.

(2) The following do not affect seed quality and must not be scored against the grade:

- (a) sprouts;
- (b) injury by slight scab; and
- (c) flattened or depressed areas with or without underlying flesh discoloration.

B. Size. For all varieties, the maximum size shall must be not more than 14 ounces and unless otherwise specified, the minimum size shall be not less than 1-7/8 inches in diameter for round or intermediate shaped varieties and not less than 1-3/4 inches in diameter for long varieties. For all varieties, size "B", the minimum diameter shall be not less than 1-1/2 inches, and the maximum size shall be not more than 2-1/4 inches in diameter.

C. Lot tolerances. In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are provided:

(1) For defects:

- (a) 20 percent for potatoes seriously damaged by hollow heart;
- (b) 5 percent for potatoes seriously damaged by internal discoloration other than hollow heart;
- (c) 20 percent for potatoes damaged by sprouts; and
- (d) 20 percent for potatoes which fail to meet the remaining requirements of the grade, provided that included in that amount not more than the following percentages are allowed:

i-5 percent damage by surface or pitted scab

ii-2 percent damage by dry rot

iii-6 percent serious damage for other defects other than hollow heart, and internal discoloration other than hollow heart, provided that of this six percent not more than the following percentages are allowed for the following defects:

<u>Soft rot, frozen, or wet breakdown</u>	<u>0.5%</u>
<u>Bacterial ring rot</u>	<u>0.0%</u>
<u>Powdery scab</u>	<u>0.0%</u>

(2) For offsize:

- (a) 5 percent for potatoes which fail to meet the required or specified minimum size;
- (b) 10 percent for potatoes which fail to meet the required maximum size (396.9 grams).

Subp. 4. **Minnesota white tag certified seed potato grade.** Minnesota white tag certified seed potato grade consists of Primary Foundation certified ~~or~~, Foundation certified, or Generation certified seed potatoes which that meet blue tag requirements, but are graded according to agreement between the seller and the purchaser as to size and defects, except that not more than one-half percent of soft rot, frozen, or wet breakdown and two percent dry rot is allowed.

The use of the white tag certified seed potato grade shall must be restricted to intrastate shipments.

Subp. 5. **Application of tolerance.** The contents of individual containers, other than bulk conveyances, in the lot are subject to the following limitations provided that the averages for the entire lot are within the tolerances specified for the grade. An individual container in any lot may contain not more than double the tolerance specified except for sprouts and except that at least one defective specimen, other than bacterial ring rot or powdery scab, and one offsize specimen may be permitted in any container.

Subp. 6. [Unchanged.]

Subp. 7. **Definitions.** For the purpose of part 1555.6950, the following terms have the meanings given them unless the context clearly indicates otherwise:

A. to H. [Unchanged.]

I. "Damage" means any defect or combination of defects which materially affects the appearance of the individual potato or which cannot be removed without a loss of more than five percent of the total weight of the potato including the peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) to (6) [Unchanged.]

(7) ~~dit~~ soil if the individual potato has more than 50 percent of its surface affected by lightly caked ~~dit~~ soil which is scattered, or more than 15 percent of its surface badly caked with ~~dit~~ soil.

J. [Unchanged.]

Board of Barber Examiners

Proposed Permanent Rules Relating to License Transfer and Expansion or Change of Location of School

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Board of Barber Examiners 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. The statutory authority to adopt the rule is *Minnesota Statutes* 154.24.

All persons 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. 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*, sections 14.131 to 14.20.

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

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners
5th Floor Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
612-296-2364

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule

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

Proposed Rules

and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, at the above address and telephone number, upon request.

The proposed rule will have an impact on small business pursuant to MSA 14.155, subdivision 4 because it affects barber shops and barber schools by making it less burdensome for a barber school to transfer its location, change its ownership or be expanded.

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 Adam J. Mikrot, Executive Secretary at the above address.

Dated: 23 November 1987

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners

Rules as Proposed

2100.5500 LOCATION OF LICENSE AND, TRANSFER OF LOCATION, OR EXPANSION OF SCHOOL.

Subpart 1. [Unchanged.]

Subp. 2. Transfer of location license, change of location, or expansion of school. The license may, by written application to the board, request a hearing for transfer of a license, change of location of the barber school facility, or expansion of the school. Upon receipt of such an application, to the board shall conduct a public hearing in accordance with Minnesota Statutes, chapter 14, and rules promulgated thereunder. The criteria for determining the application for a transfer, change of location, or expansion shall be the same standards applicable to the issuance of an original license for transfer of a license, change of location of the barber school facility, or expansion of the school, the board shall approve or deny the application in accordance with the standards of Minnesota Statutes, section 154.07, and parts 2100.5100 to 2100.5200. If the board denies the application, it shall notify the applicant of a right to a hearing under Minnesota Statutes, chapter 14.

Department of Human Services

Proposed Permanent Rules Relating to Medical Assistance Reimbursement for Training and Habilitation Services

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 256B.501. This notice is also required by the *Code of Federal Regulations*, title 42, section 447.205.

Persons interested in this rule shall have 30 days in which to submit comments 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 JANUARY 19, 1988, 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 Thursday, January 7 and Monday, January 18, 1988 at (612) 297-3829.

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

Lisa Rotegard
Long Term Care Management
Minnesota Department of Human Services
444 Lafayette Road, 4th Floor
St. Paul, MN 55155
(612) 297-3829

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on January 6, 1988.

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 the person and address noted above.

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

Under current rules, *Minnesota Rules*, parts 9525.1210 to 9525.1250, the Medical Assistance program reimburses intermediate care facilities for persons with mental retardation or related conditions (ICFs/MR) for training and habilitation services, including "work activity", for clients eligible for medical assistance. The proposed amendments distinguish reimbursable training and habilitation services from educational and vocational services that are funded by other programs. The proposed changes will affect ICFs/MR certified for medical assistance and clients of ICFs/MR who are eligible for medical assistance. These proposed amendments are necessary to conform with *Minnesota Statutes 1987*, section 252.41, subdivision 3, and the Social Security Act, sections 1905(a)(6) and 1902(a)(25), and guidelines of the Health Care Financing Administration, U.S. Department of Health and Human Services.

No changes in annual aggregate expenditures are anticipated.

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 from Lisa Rotegard at the address or telephone indicated above.

Adoption of these rules will not result in any additional spending by local public bodies for the first two years following adoption, under the requirements of *Minnesota Statutes*, section 14.11.

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 Lisa Rotegard at the address indicated above.

Dated: 19 November 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 Room D, 5th Floor, Veteran's Service Building, 20 W. 12th Street, St. Paul, MN, on January 19, 1988 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed amendments may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed amendments, 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 Thursday, January 7 and Monday, January 18, 1988 at (612) 297-3829.

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

Proposed Rules

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7608, 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*, sections 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.

Under current rules, *Minnesota Rules*, parts 9525.1210 to 9525.1250, the Medical Assistance program reimburses intermediate care facilities for persons with mental retardation or related conditions (ICFs/MR) for training and habilitation services, including "work activity", for clients eligible for medical assistance. The proposed amendments distinguish reimbursable training and habilitation services from educational and vocational services that are funded by other programs. The proposed changes will affect ICFs/MR certified for medical assistance and clients of ICFs/MR who are eligible for medical assistance. These proposed amendments are necessary to conform with *Minnesota Statutes 1987*, section 252.41, subdivision 3, and the Social Security Act, sections 1905(a)(6) and 1902(a)(25), and guidelines of the Health Care Financing Administration, U.S. Department of Health and Human Services.

The agency's authority to adopt the proposed rule amendments is contained in *Minnesota Statutes*, section 256B.501. Adoption of these amendments 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. This notice is also required by the *Code of Federal Regulations*, title 42, section 447.205.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to:

Lisa Rotegard
Long Term Care Management
Minnesota Department of Human Services
444 Lafayette Road, 4th Floor
St. Paul, MN 55155
(612) 297-3829

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 Lisa Rotegard at the address and telephone number noted above.

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 amendments 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 amendments were adopted and filed with the secretary of state. The notice must be mailed on the same day the amendments 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 amendments 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 amendments. 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: 19 November 1987

Sandra S. Gardebring
Commissioner

Rules as Proposed

9525.1210 DEFINITIONS.

Subpart 1. to 10. [Unchanged.]

Subp. 12a. Prevocational services. "Prevocational services" means services directed toward developing and maintaining the skills and overall functioning of clients in areas such as compliance with task instructions, prompt attendance at scheduled activities, task completion, problem solving, social appropriateness, and safety. Training must be conducted using materials, tasks, situations, and settings that are age-appropriate and enhance the clients' self esteem. Adults will typically receive prevocational training on work and work-related tasks, tasks related to community participation such as travel and shopping, home care, and self care. Wages may be paid to clients.

Subp. 13. and 14. [Unchanged.]

Subp. 15. [See Repealer.]

9525.1250 REIMBURSABLE SERVICES.

Subpart 1. **Types of services.** Day training and habilitation services are reimbursable under the medical assistance program when the services are provided for the development and maintenance of life skills. Reimbursable services include transportation to and from the service site and supervision, assistance, and training in one or more of the following when they are provided to promote age-appropriate outcomes and community integration:

A. ~~work activity;~~ prevocational services, if the services meet all of the following requirements:

(1) the documented goals of the service do not include placement within one year in either a sheltered workshop's transitional employment program or unsupervised competitive employment in the general work force. In this subitem, "unsupervised" means not directly supervised by a provider or a vocational service agency; and

(2) the client receives ongoing supervision from the provider while participating in the training activities.

B. to H. [Unchanged.]

Subp. 2. **Service requirements.** Day training and habilitation services are reimbursable under the medical assistance program if the services provided are in compliance with subpart 1 and the conditions listed in items A to E F are met.

A. to E. [Unchanged.]

F. Day training and habilitation services must not include:

(1) special education and related services as defined in the Education of the Handicapped Act, United States Code, title 20, chapter 33, section 1401, clauses (6) and (17), as amended through October 8, 1986, which otherwise are available through a local educational agency; or

(2) vocational services funded under section 110 of the Rehabilitation Act of 1973, United States Code, title 29, section 720, as amended through October 21, 1986, which otherwise are available from a local vocational rehabilitation agency.

REPEALER. Minnesota Rules, part 9525.1210, subpart 15, is repealed.

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Proposed Rules

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Rules of Practice

Notice of Intent to Amend Rules Without a Public Hearing

Notice is hereby given that the State Department of Labor and Industry, Workers' Compensation Division, intends to adopt the above entitled amendments to *Minnesota Rules*, parts 5220.2500 to 5220.5000 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. The statutory authority to adopt the rules is contained in *Minnesota Statutes* § 175.17 (2); § 176.83, subd. 1 and 15; and § 176.129, subd. 10.

All persons 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. 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*, sections 14.131 to 14.20.

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

Ray Bohn
Commissioner, Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

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

The text of the proposed amendments follows this notice in the *State Register*. It sets out the procedure for handling the issuance of third-party subrogation orders and revises the penalty for nonpayment of the Special Compensation Fund assessment.

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 amendment has been prepared and is available from the Commissioner upon request.

The Commissioner has determined that these rules do not have impact on small business directly. The duties contained in the rules are imposed on self-insured employers which are, by definition, not small businesses and insurers, which are also not small businesses.

Upon adoption of the amendments without a public hearing 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 the Commissioner.

Dated: 23 November 1987

Ray Bohn, Commissioner
Department of Labor and Industry

Rules as Proposed

5220.2690 SUBROGATION INTEREST IN THIRD-PARTY RECOVERY.

Subpart 1. [Unchanged.]

Subp. 2. Determination of subrogation information interest. ~~The parties shall furnish the division with the information necessary to issue its order determining the subrogation rights of the insurer, and any credit to which the insurer may be entitled against compensation liability. The division must serve the subrogation order on the parties. The insurer or employee must comply with the procedures in this part in submitting a petition to the workers' compensation division for an order determining subrogation interest and credit.~~

A. The petition must be on the form prescribed by the commissioner and contain substantially the following:

(1) information identifying both the district court action and the workers' compensation claim involved;

- (2) the total proceeds of the third-party settlement or award;
- (3) the amount of legal fees and costs of the third-party claim;
- (4) the subrogation interest of the employer itemized by type of benefit:
 - (a) temporary total disability;
 - (b) temporary partial disability;
 - (c) permanent total disability;
 - (d) permanent partial disability;
 - (e) medical expenses; and
 - (f) other;

(5) the name, address, and telephone number of the attorney for each party; and

(6) the subrogation interest of the special compensation fund. Any benefit payments for which reimbursement has been or may be claimed under Minnesota Statutes, section 176.131 or 176.132, shall be itemized.

B. The petitioner shall serve a copy of the petition and attachments on all parties to both the third-party action and the workers' compensation proceeding.

C. The original petition, together with a copy of the district court order or stipulation for settlement and corresponding order for dismissal or other documentary evidence reflecting the nature and extent of the resolution in district court must be filed with the division with proof of service as required in item B.

D. Upon receipt of the petition, the division will issue a proposed order containing the following:

- (1) information identifying both the district court action and the workers' compensation claim involved;
- (2) the information upon which the subrogation order is based;
- (3) the calculation of the subrogation interest, including the future credit amount and the sum payable to the employee;

and

- (4) an explanation of the effect of the credit upon future benefit entitlement.

The proposed order will be served on all parties and will contain notice of the parties' right to object to the proposed order within 30 days of its service.

E. If an objection to the proposed order is not received by the division within 30 days, the proposed order will be referred to a settlement judge for issuance of the final order.

Subp. 3. Objection to proposed order. A party may object to the proposed order by filing a written objection with the division and serving it on all parties within 30 days of the service of the proposed order. The objection must contain a detailed statement explaining the factual or legal basis for the objection and include any documentation supporting the objection.

Upon receipt of a timely objection, the matter will be referred to a settlement judge for a settlement conference to resolve the issues by agreement.

If agreement is not reached at the settlement conference but the parties agree to a stipulated set of facts, the settlement judge will rule on the subrogation interest under Minnesota Statutes, section 176.322. The determination is appealable as provided in Minnesota Statutes, section 176.322.

If agreement is not reached at the settlement conference and facts remain in dispute, the matter will be certified to the office for hearing.

5220.2840 FAILURE TO MAKE PAYMENT TO SPECIAL FUND; PENALTY.

For payments under Minnesota Statutes, section 176.129, the original payment notice will give warning that failure to pay by the due date without requesting an extension or showing good cause will result in a penalty.

Within 30 working days after the due date, the fund director must send notice of penalty by certified mail to those who have

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Proposed Rules

not responded to the original payment notice. Payment of the original amount due plus a fine of 15 percent of the amount due or \$500, whichever is greater, must be made within 30 days of notice of penalty by the fund director or good cause must be shown, or a request for hearing must be filed with the division.

If the insurer penalized does not make payment within six months of the original payment notice, the fund director will refer the file to the department of commerce for consideration of license or permit revocation.

Subpart 1. Due date. For workers' compensation benefits paid from January 1 through June 30, the due date of the completed assessment form and corresponding assessment amount is August 15 of the same calendar year.

For workers' compensation benefits paid from July 1 through December 31, the due date of the corresponding assessment amount is March 1 of the following calendar year.

Notice of the assessment rate and instructions for payment will be issued by the fund 45 or more days before the due date.

Subp. 2. Basis. A penalty will be assessed under Minnesota Statutes, section 176.129, subdivision 10, where either:

A. the completed assessment form and payment of the special compensation fund assessment; or

B. written certification that the assessment report and assessment payment will not be made by the due date because of reasons beyond the control of the insurer, is not received by the special compensation fund on or before the due date.

Subp. 3. Amount. Within 30 days of the due date, the special compensation fund will give notice of penalty to those who have neither filed the completed assessment form and paid the assessment amount, nor submitted a certified reason for nonpayment by the due date as follows:

A. Either:

(1) 2.5 percent of the assessment amount due if the assessment payment is received at the fund within five days after the due date; or

(2) five percent of the assessment amount due if the assessment payment is received at the fund within six to 30 days after the due date; or

(3) ten percent of the assessment amount due if the assessment payment is received at the fund within 31 to 60 days after the due date; or

(4) 15 percent of the assessment amount due if the assessment payment is received at the fund 61 or more days after the due date; or

B. \$500, whichever is greater.

Subp. 4. Payable to. Both the assessment amount and any penalty due under this part are payable to the special compensation fund.

Subp. 5. Continued nonpayment. If the insurer penalized does not make payment within six months of the due date, the fund director shall refer the file to the Department of Commerce for consideration of license or permit revocation.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Public Employees; Exclusive Representatives; Right to Strike

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, Sections 14.22-14.28.

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rules and shall have 30 days to do so. Each comment should identify the portion of the proposed rules being addressed, the reason the comment is being made, and any changes in the proposed rules which are being suggested. The proposed rules may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rules.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to

identify the portion of the proposed rules addressed by their request, the reason for the request, and any changes in the proposed rules which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to *Minnesota Statutes*, sections 14.14-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Commissioner
Minnesota Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5429

Authority to adopt these rules is contained in *Minnesota Statutes*, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for the and the reasonableness of the proposed rules and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rules as Adopted, should submit a written request to the address provided above.

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

Copies of this notice and the proposed rules are available and may be obtained by contacting the Bureau at the above address or telephone number.

Dated: 7 December 1987

Paul W. Goldberg, Commissioner
Bureau of Mediation Services

Rules as Proposed

5510.2310 STATUS OF EMPLOYEE ORGANIZATION CHANGE IN EXCLUSIVE REPRESENTATIVE STATUS.

Subpart 1. Change in or transfer of exclusive representative. ~~When there is a change in exclusive representative, the incumbent exclusive representative retains the rights and obligations established by the act and the labor contract through the contract's expiration including:~~

- ~~A. fair share fee assessments;~~
- ~~B. dues check-off; and~~
- ~~C. time off for union officers.~~

The incoming exclusive representative, prior to the expiration of the labor contract, has all rights and obligations necessary to carry out its status as an exclusive representative including negotiation of the successor labor contract, and access to financial information for use in negotiations. When an incumbent exclusive representative is replaced by a new exclusive representative as a result of a representation election or the transfer of status from one organization to another, the new exclusive representative assumes all rights and responsibilities as an exclusive representative effective the day following certification, except as otherwise provided by this part.

A. All rights and obligations of the collective bargaining agreement transfer to and are assumed by the new exclusive representative, including the processing of pending grievances made known to the new exclusive representative.

B. The employer shall terminate all payroll deduction of dues and fair share fees for the prior exclusive representative effective with the first payroll period following the certification of the new exclusive representative. Payroll deduction of dues for the new exclusive representative may begin with the first payroll period following certification, if the new exclusive representative has submitted signed authorizations for the deductions from affected employees. Payroll deduction of fair share fees for the new exclusive representative may begin once the requirements of part 5510.1410 have been satisfied.

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

Proposed Rules

Subp. 2. [Unchanged.]

Subp. 3. [See Repealer.]

5510.2910 RENEWAL OF EXISTING CONTRACT; MEDIATION PERIOD, IMPASSE, ARBITRATION, AND STRIKE NOTICE FOR PUBLIC EMPLOYEES EXCEPT CONFIDENTIAL, ESSENTIAL, SUPERVISORY EMPLOYEES, AND PRINCIPALS AND ASSISTANT PRINCIPALS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Request for arbitration at impasse.** A joint request by the parties to submit the impasse to arbitration may be served at any time during the negotiations, mediation period, or thereafter. A joint request must be signed by the authorized representatives of both parties and must contain a list of the items in dispute and a statement agreeing to arbitrate the items.

A request by a single party to submit an impasse to arbitration may be served at any time after the expiration of the mediation period. ~~In the case of teacher units the parties must have been at impasse for a 45-calendar-day period following the expiration of the mediation period.~~ The request must be in writing, signed by an authorized representative, and contain a list of the items in dispute.

A request to arbitrate is accepted by the other party only upon receipt by the bureau and the offering party of a written acceptance. A joint request satisfies this requirement.

A joint request or written acceptance of a request to arbitrate is binding upon the parties except to the extent they otherwise mutually agree in writing.

A single-party offer to arbitrate an impasse is rejected:

- A. by serving written notice of rejection on the bureau and the other party;
- B. by failing to accept the offer in writing within 15 calendar days following service of the request;
- C. if the exclusive representative serves a notice of intent to strike following receipt by the bureau of an offer to arbitrate; or
- D. if the exclusive representative does not withdraw a previously served notice of intent to strike by serving a written acceptance of the offer.

An offer to arbitrate an impasse is considered to be withdrawn if the offer is rejected by the other party in accordance with parts 5510.2410 to 5510.3210.

Subp. 4a. to 6. [Unchanged.]

Subp. 7. **Notice of intent to strike, other than teachers.**

A. A notice of intent to strike must be in writing and signed by an authorized representative of the exclusive representative. ~~The notice must set forth the date upon which the exclusive representative believes the right to strike will mature. The date shall be subject to adjustment by the director to conform to parts 5510.2410 to 5510.3210. The date the right to strike matures will be established by the director in conformance with this part.~~ The notice must be served on the employer and the director by the exclusive representative.

B. to E. [Unchanged.]

Subp. 8. **Notice of intent to strike, teachers.**

A. A notice of intent to strike must be in writing and signed by an authorized representative of the exclusive representative. ~~The notice must set forth the date upon which the exclusive representative believes the right to strike will mature. The date shall be subject to adjustment by the director to conform to parts 5510.2410 to 5510.3210. The date the right to strike matures will be established by the director in conformance with this part.~~ The notice must be served on the employer and the director by the exclusive representative.

B. to F. [Unchanged.]

REPEALER. Minnesota Rules, part 5510.2310, subpart 3, is repealed.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Repeal of Transmittal of Labor Contract Obligation

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Rules

NOTICE IS HEREBY GIVEN that the Commissioner, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, Sections 14.22-14.28.

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rules and shall have 30 days to do so. Each comment should identify the portion of the proposed rules being addressed, the reason the comment is being made, and any changes in the proposed rules which are being suggested. The proposed rules may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rules.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to identify the portion of the proposed rules addressed by their request, the reason for the request, and any changes in the proposed rules which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to *Minnesota Statutes*, sections 14.14-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Commissioner
Minnesota Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5429

Authority to adopt these rules is contained in *Minnesota Statutes*, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for the and the reasonableness of the proposed rules and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rules as Adopted, should submit a written request to the address provided above.

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

Copies of this notice and the proposed rules are available and may be obtained by contacting the Bureau at the above address or telephone number.

Dated: 7 December 1987

Paul W. Goldberg, Commissioner
Bureau of Mediation Services

Rule as Proposed (all new material)

REPEALER. *Minnesota Rules*, part 5510.3210, is repealed.

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

Official Notices

Pursuant to the provisions of 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.

Ethical Practices Board

Notice of 1988 Campaign Expenditure Limits

In accordance with *Minnesota Statutes* §§ 10A.25 and 10A.255, the following are nonelection year campaign expenditure limits in 1988, by office sought or held: Governor and Lt. Governor, \$283,643; Attorney General, \$47,274; Secretary of State, State Treasurer, State Auditor (each), \$23,637; State Senator, \$7,092; and State Representative, \$3,546. 1988 election year campaign expenditure limits for State Representative will be calculated and published by June 1, 1988, under *Minnesota Statutes* § 10A.25.

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations in December

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of December would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Peter Sausen
Assistant Commissioner
Cash and Debt Management

Department of Human Services

Notice of Hospital Cost Index

Minnesota Statutes, section 256.969, subdivision 1 and *Minnesota Rules*, part 9500.1120 require the establishment of a Hospital Cost Index (HCI) for rate setting purposes under the General Assistance Medical Care and Medical Assistance Programs. The inflation forecasts provided below were obtained from the Data Resources, Inc. *Health Care Costs* as published in the third quarter of 1987 using the percent moving average. The cost category weights were provided by the Minnesota Hospital Association. The HCI will be used to adjust the rates of hospitals whose fiscal year begins during the first quarter of 1988.

Comments concerning the HCI may be forwarded to the following address:

Paul Olson, Supervisor
Hospital Reimbursement Section
Audit Division
520 Lafayette Road
St. Paul, MN 55101

Cost Category	Weight	Percent	Weighted Percent
Salaries	53.0	4.4	.0233
Employee Benefits	9.1	6.8	.0062
Medical Fees (Medical Care Serv.)	3.1	6.7	.0021
Raw Food	1.4	3.7	.0005
Medical Supplies (Medical Commodities)	10.6	6.4	.0068
Pharmaceuticals	4.1	8.5	.0035
Utilities	2.8	4.4	.0012
Repairs/Maint.	1.5	4.7	.0007
Insurance*	1.4	4.7	.0007
Other Operating	13.0	4.7	.0061
	100.0		.0511

*Excludes Malpractice

Technology = .01
HCI = .061
= 6.1%

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is December 29, 1987.

- **ADVISORY COUNCIL ON BATTERED WOMEN:** 5 delegate members and 4 alternate members.
- **BOARD ON JUDICIAL STANDARDS:** 1 attorney member and 1 trial court judge member.
- **REAL ESTATE ADVISORY TASK FORCE:** 1 consumer member and 4 real estate licensed broker members.
- **TASK FORCE ON INSURANCE CONTINUING EDUCATION:** 7 insurance agents, 3 company representative members and 3 consumer members.

ADVISORY COUNCIL ON BATTERED WOMEN

Dept. of Corrections, 300 Bigelow Bldg.
450 N. Syndicate Ave., St. Paul 55104 612-642-0253. M.S. 241.64.

APPOINTING AUTHORITY: Commissioner of Corrections.

COMPENSATION: Reimbursed for expenses.

The council advises the dept. of corrections on funding for emergency shelters and programs for battered women.

Eighteen members, include persons knowledgeable in the fields of health, law enforcement, social services to battered women, and four public members.

Monthly meetings.

BOARD ON JUDICIAL STANDARDS

202 Minnesota State Bank Bldg., 200 S. Robert.
St. Paul 55107 612-296-3999. M.S. 490.15.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$35 per diem.

The board investigates allegations of misconduct by Minnesota judges and recommends judicial discipline to the supreme court, including censure, suspension, retirement or removal of judges.

Ten members, include one judge of the court of appeals, three trial judges, two lawyers with ten years experience in the state, and four public members. Senate confirmation is not required for the judicial members.

Monthly meetings.

REAL ESTATE ADVISORY TASK FORCE

500 Metro Square Bldg.
St. Paul 55101 612-296-6313. M.S. 82.30.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: Reimbursed for expenses.

The task force advises on licensing real estate brokers and salespersons.

Members include real estate brokers with at least five years experience in the state, and public members.

Quarterly meetings.

TASK FORCE ON INSURANCE CONTINUING EDUCATION

Dept. of Commerce, 500 Metro Square Bldg.
St. Paul 52401 612-297-3376. M.S. 60A.17.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: Reimbursed for expenses.

The task force provides suggestions for rules relating to mandatory continuing education for insurance licensees.

Thirteen members include three neither employed by insurance company nor licensed as insurance agent; three employed by insurance company, but not licensed and seven insurance licensed agents. All must be residents of Minnesota.

Teachers' Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers' Retirement Association, will hold a meeting on Thursday, December 10 at 9:00 a.m. in Suite 500 Gallery Building, 17 West Exchange Street, St. Paul, Minnesota to consider matters which may properly come before the board, and to consider recommendations of the administrative hearing judge in a contested case.

Department of Trade and Economic Development

Solicitation of Outside Opinion on Possible Federal Procurement Assistance

The Minnesota Department of Trade and Economic Development is exploring ways the state can facilitate Minnesota businesses' receiving a larger share of federal procurement dollars. The department is seeking opinions from interested and affected parties as to (1) the needs of current and potential federal contractors for procurement-related services and assistance and, (2) ways in which needed services and assistance might best be delivered.

Comments on practical needs, possible state policy direction, and possible state service program initiatives are welcome. For purposes of this solicitation, federal procurement means federal supply contracts, federal construction contracts, and federal R&D contracts. Comments on needed assistance relating to federal research or research and development grants will also be received.

At present this opinion and comment collection process is for needs assessment and planning purposes only. All comments received will be public information under the Data Practices Act.

Written comments should be addressed to:

Charles A. Schaffer
Minnesota Department of Trade and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

Department of the State Board of Vocational Technical Education

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary and Adult Vocational Technical Education Personnel

Notice is hereby given that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in Administrative Personnel, Special Needs Personnel & Support Services Personnel. The promulgation of these rules is authorized by *Minnesota Statutes*, sections 136C.04, subd. 9 and 125.185 subd. 4.

The State Board of Vocational Technical Education 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:

Ms. Glenda Moyers
State Board of Vocational Technical Education
522 Capital Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-9444

Ms. Georgia Pomroy
State Board of Vocational Technical Education
520 Capital Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Oral statements will be received during regular business hours over the telephone at (612) 296-0680 or in person at the above address.

All statements of information and comments shall be accepted until Thursday, January 21, 1988. Any written material received by the State Board of Vocational Technical Education shall become part of the record in the event that the rules are amended.

Helen Henrie, Deputy Director
State Board of Vocational
Technical Education

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 #
Tape drives (BV)	December 10	State Planning Agency	St. Paul	30000 16313
Microfilm reader/printer (DRT)	December 10	Natural Resources	St. Paul	29000 49157
Computer equipment (BV)	December 11	Transportation	St. Paul	79000 82071
Lateral files (LP)	December 14	Vo-Tech Education	St. Paul	36000 09507
Copier equipment (BT)	December 14	Attorney General	St. Paul	06000 06756
Meat & meat products for the month of January (JD)	December 14	Various	Various	Price Contract

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 #
Certificates two sizes: 2500 pads of 62,500 sets in two parts	December 8	Health	Minneapolis	3314
Forms in three parts finished size 3 x 5" detached—3,000	December 8	Human Services	St. Paul	3441
Forms three parts 3 x 5" finished size 25,000	December 8	Human Services	St. Paul	3442
Forms four part sets 8½ x 14 fin- ished size 5,000	December 8	Transportation	St. Paul	3235
ID Cards, 500,000, 8½ x 11"	December 8	Human Services	St. Paul	3423
Minute book refill 8½ x 14¾" 10,000	December 8	Transportation	St. Paul	3233
College catalog 12,000 6" x 9" 126p. + cover, type set	December 8	Community College	Minneapolis	3460
Summer session bulletin 20,000 camera ready 32 p. 8¼" x 10¾" 50# Flambeau	December 9	State University	Bemidji	3461
Computer forms	December 11	Revenue	St. Paul	3453

State Contracts and Advertised Bids

Department of Jobs and Training

Request for Proposal for Emergency Shelter Grants Program Funding

This announcement is a solicitation for proposals from units of general local government for the purpose of funding shelter for the homeless.

BACKGROUND

The State of Minnesota has been notified that it is eligible to receive \$396,000 in funding under the Emergency Shelter Grants Program (ESGP) funded by the Federal Department of Housing and Urban Development and established by the Stewart B. McKinney Homeless Assistance Act 24 CFR 575-576. The program authorizes the State as a HUD recipient, to make grants to units of general local government for the rehabilitation or conversion of buildings for use as emergency shelter for the homeless, and for the payment of certain operating expenses in connection with emergency shelter for the homeless.

The purpose of the program is to help improve the quality of emergency shelters for the homeless, to make available additional emergency shelters, and to meet the cost of operating emergency shelters and of providing essential social services to homeless individuals, so that these individuals have access to not only safe and sanitary shelter, but also to supportive services and other types of assistance they need to improve their situations.

FUNDING CATEGORIES

The State will solicit proposals for consideration under the following three categories:

Category I

Proposals which plan to fund shelters in currently unserved areas or to benefit currently unserved populations, or which propose to fund shelters which began operations after June 1, 1987 or planned shelters which will be able to use grant monies before the end of the grant period.

A total of \$75,000 will be available on a statewide competition basis. A maximum of \$25,000 will be awarded for each proposal. Special consideration will be given to those proposals which provide local government matching funds greater than 10% of the grant request in addition to funds which had previously been provided for this purpose.

Category II

Proposals from units of general local government which have a demonstrated need for shelter in excess of 1.5% the state total as determined by the State's shelter survey. Units of general local government which exceed this percentage will be notified prior to the State's application process. A distribution formula based on past shelter provision will be used as a guideline for determining grant amounts. Proposals meeting the requirements set-forth in the RFP will be eligible for the following amounts:

Anoka County Area	\$ 11,491
Crookston Area	47,401
Mankato Area	25,137
Minneapolis Area	82,868
Moorhead Area	16,518
Rochester Area	13,645
St. Cloud Area	15,800
St. Paul Area	43,004
Statewide for migrant farm workers	<u>43,810</u>
TOTAL	\$299,674

Category III

Proposals from units of general local government which have a demonstrated need for shelter equal to or less than 1.5% of the state's total as evidenced by the state's shelter survey.

A total of \$21,326 will be available to fund proposals meeting this criteria. The maximum amount that may be requested under this category is \$7,000 per proposals.

ESGP ENTITLEMENT RECIPIENTS

Cities and counties receiving their own (ESGP) entitlements may be eligible for supplemental funds from State (ESGP) grant amounts if their direct allocation is lesser than a proportional percentage of shelter provisions based on the state's formula. In order to be considered for supplemental funding, an entitlement city must match state funding with an equal amount of its own ESGP funds. To be considered as match, these funds are required to be made available to the types of programs eligible for state funding

as listed below. The requirement that 50% of all funds be awarded to overnight shelters where existent, also applies to funds used to match state dollars. Non-entitlement cities and counties will be expected to use the entire grant amount for eligible programs.

ELIGIBLE PROGRAMS

In accordance with the State's Comprehensive Homeless Assistance Plan, ESGP funding will be made available to units of general local government to provide assistance to shelters in the state. An example of some of the types of programs which may be funded are as follows:

- Overnight shelters
- Transitional housing programs
- Battered women's shelters or similar programs serving persons leaving abusive situations
- Runaway/throwaway youth shelters
- Supportive Living Residences
- Programs providing temporary housing to migrant and seasonal farm workers

ELIGIBLE ACTIVITIES

ESGP funds 24 CFR 575-21 may be used for one or more of the following activities relating to emergency shelter for the homeless:

1. Renovation, major rehabilitation, or conversion of buildings for use as emergency shelters for the homeless.
2. Provisions of essential services, including (but not limited to) services concerned with employment, physical and mental health, substance abuse, education or food. Funds may be used to provide an essential service only if:
 - a. the service is (1) a new service or (2) a quantitatively able increase in the level of a service above that which was provided during the 12 calendar months immediately before it received the grant award; and
 - b. not more than 15 percent of any grant award is used for these services.
3. Payment of maintenance, operation (including rent, but excluding staff), insurance utilities and furnishings.

No less than 50% of grant amounts received under Categories II and III may be used to fund overnight shelters, unless only other types of eligible shelters exist in proposed area. In exceptional circumstances, this requirement may be waived by the state.

PROPOSAL REQUIREMENTS

All proposals for funding will be required to contain the following information:

- a) Information on which category of funding is being applied for;
- b) An allocation plan listing the delegate agencies which will ultimately receive funding;
- c) For each of these delegate agencies;
 - (I) The dollar amount proposed to be awarded
 - (II) A narrative description of how the determination was made to apply on behalf of these agencies
 - (III) A description of how the matching fund requirement will be met
 - (IV) A description of the purpose for which the grant amounts will be used
- d) A certification that the local unit of government is authorized under local law to carry out Emergency Shelter Grant Activities.
- e) Certification that all requirements pertaining to the Emergency Shelter Grants Program as set forth in 24 CFR 575 will be met by the applicant.

An original and one copy of a complete application must be sent by mail or hand delivered to the following address. All applications must arrive no later than 4:30 p.m. on January 18, 1988.

Valerie Jerich, Director
Minnesota Department of Jobs and Training
Economic Opportunity Office
690 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
In c/o Emergency Shelter Grants Application

State Contracts and Advertised Bids

The following staff may be called to answer any questions or clarify information contained in this notice:

Pat Leary (612) 297-3409
Mark Kaszynski (612) 297-2590

The announcement of awards is expected on January 22, 1988.

This request for proposals is subject to all laws, rules and regulations promulgated by any federal, state and municipal authority having jurisdiction as the same and may be amended from time to time. DJT reserves the right, in their sole discretion, to modify and/or withdraw this RFP at any time. All applications pursuant to this RFP are prepared at the sole risk, cost and expense of the applicant.

Department of Public Safety

Office of Information Systems Management

Request for Proposals for Systems Programming Contract Services

The Department of Public Safety wishes to retain a contractor to provide systems programming services on a time and material basis for their message switching and NCP to application software programs.

The services of the contractor would include on-site system programming services which include, maintenance and modification of the CJIS message switching software, providing training, information and documentation on the software, interfacing the software to other State packages, and improving the software performance. The contractor must have systems programming experience that includes IMB MVS/XA, IBM BAL, commend level CICS, SNA, VSAM, VTAM, Bisync, interfacing application software to NCPs, and store and forward message switching software that does transaction queuing and logging.

The services would begin as soon as the contract becomes effective and will continue until June 30, 1989. The Department estimates that a total of 900 hours of service will be needed; 500 hours from contract initiation to June 30, 1988, and 400 hours from July 1, 1988 until June 30, 1989. It is estimated that the costs for the services will not exceed \$50,000.

Proposals must be received by 4:00 p.m. Monday, December 28, 1987.

For additional information and copies of the RFP, contact:

Kenneth A. Bentfield or Fred Logman
Minnesota Department of Public Safety
Office of Information Systems Management
1246 University Avenue
St. Paul, Minnesota, 55104
(612) 642-0670

Non-State Public Contracts

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

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

Metropolitan Council

Request for Proposals for Consultant Services for Computer Systems Programming Support

The Metropolitan Council, Suite 300 Metro Square Building, St. Paul, MN, 55101, will be releasing a Request for Proposal (RFP)

for consultant services for computer systems programming support on December 7, 1987. This RFP has a budget limit of \$10,000 and the work will be performed on an as needed basis during the first four months of 1988. Services requested are implementation of an emulation program on a 3705 and implementation of VTAM, GCS and PROFS on the Councils IBM 4300 computer system. Other services requested include assisting in other software upgrades/fixes and performance tuning. RFP must be submitted to the Council on or before December 28, 1987 at 10:30 a.m. Information can be obtained by contacting Clayton Erickson, Systems and Operations Supervisor, at 291-6441.

Supreme Court Decisions

Decisions Filed Friday, 4 December 1987

C9-86-706 Mary Grism v. TapeMark Charity Pro-Am Golf Tournament, et al., Southview Country Club, Gene Koeheler, petitioner, Appellant. Court of Appeals.

Spectator at golf tournament assumes risks inherent in being on golf course; only duty owed to spectator is to provide reasonably safe area for watching tournament.

Doctrine of primary assumption of risk bars recovery by spectator against golfer participating in tournament because golfer owed no duty to spectator.

Reversed in part and summary judgment for appellant reinstated. Amdahl, C.J.

Took no part, Popovich, J.

C8-86-731 Continental Western Insurance Company v. Russell Klug, et al., petitioners, Appellants. Court of Appeals.

Appellant's injuries, caused when uninsured motorist drove alongside of appellant and assaulted him with a shotgun, arose out of the use of assailant's automobile for motoring purposes.

Reversed and remanded. Amdahl, C.J.

Took no part, Popovich, J.

C9-87-165, C5-87-194 In the Matter of the Welfare of: J.W. and A.W. Hennepin County.

The trial court's findings and explanation for its family treatment plan comply sufficiently with statutory requirements.

That part of a court-ordered treatment plan requiring the parents to explain a child's death violates the parents' privilege against self-incrimination; the privilege does not, however, prevent the parents from incurring the possible adverse consequences of failure to undergo effective rehabilitation therapy.

Reversed and remanded. Simonett, J.

Took no part, Popovich, J.

Orders

C2-87-1240 Castner v. MCI Telecommunications Corporation and Travelers Insurance Company, Minnesota Department of Human Services. Workers' Compensation Court of Appeals.

Reversed and remanded. Kelley, J.

Announcements

Environmental Quality Board: Environmental Assessment Worksheets (EAWs) due December 30, 1987, and their respective regional governing units are: Heartland Horse Racing Track, City of Little Falls; Kensington, City of Mendota Heights; Reuter Recycling, Inc., Densified Refuse-Derived Fuel Plant, Metropolitan Council; North Mine Extension—Oglebay Norton Company, Department of Natural Resources; and Sauk Rapids Industrial Park East, MN Pollution Control Agency. For more information contact *EQB Monitor* editor Gregg Downing, (612) 296-8253.

Announcements

Unemployment Rates Rise in Minnesota: Minnesota's seasonally adjusted unemployment rate rose to 6.0 percent in October, up from 5.7 percent in September, and an increase from 5.0 percent for the same month a year ago. This was the third consecutive monthly increase and the highest state jobless rate since June 1985 when it reached 6.2 percent. Also, Minnesota's rate, which usually is well below the national figure, equaled the U.S. rate for October. The last time this occurred was in October 1973 when both rates were 4.6 percent.

The Minneapolis-St. Paul metropolitan area's unemployment rate rose slightly—to 4.4 percent in October from 4.2 percent in September, and up from 3.6 percent in October 1986. The comparable national unemployment rate for October was 5.7 percent and the statewide rate was 4.9 percent. (Figures are not adjusted for seasonal variations.) Although employment in the Twin Cities metro area increased in October, the total labor force grew more, causing both the number and percentage of jobless to rise. October was the third month in a row in which the jobless rate in the metro area has increased. Although the increases have been relatively small, this short-term trend is not typical. Usually, the jobless rate remains relatively stable in the early fall months.

Modest gains appeared in total wage and salary employment for the month, with most of the increases occurring in the education sector as schools and colleges added workers. Jobs in manufacturing dropped slightly and construction employment was unchanged—but should experience seasonal declines in coming months. Wholesale and retail trade posted a small gain as did services.

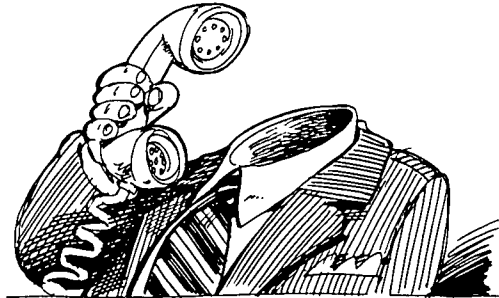
Compared with October a year ago, the size of the Twin Cities metropolitan area civilian labor force increased by 1.0 percent; the number of employed people rose by 0.2 percent; and the number of unemployed workers increased by 22.3 percent. The metropolitan area labor force in October was 1,337,500, up 10,300 from September and up 13,600 from October of last year. The number of persons employed in October was 1,278,800, up 7,300 from September and up 2,800 from October a year ago. The number of unemployed persons in the Twin Cities area in October was 58,600, up 2,900 from September and up 10,700 from October a year ago. The unemployment rates pertain to the entire labor force and are not used to determine whether unemployment insurance benefit payments will be extended beyond the usual 26-week maximum. The unemployment rate among persons covered by unemployment insurance is used to determine whether the benefit payments will be extended.

Wanted: Tree City USA Candidates: Does your community qualify for a Tree City USA award? Each year the National Arbor Day Foundation honors outstanding urban forestry programs with the Tree City USA designation. "Last year, 36 Minnesota cities qualified for the designation," said Meg Hanisch, public affairs specialist for the Department of Natural Resources (DNR) Division of Forestry. The 1986 recipients of the award were Anoka, Apple Valley, Arden Hills, Austin, Brainerd, Breckenridge, Coon Rapids, Cottage Grove, Duluth, East Grand Forks, Eden Prairie, Fergus Falls, Grand Rapids, Hopkins, Hutchinson, Kasson, Litchfield, Little Falls, Mankato, Maple Grove, Minneapolis, Moorhead, Mounds View, New Brighton, Oak Park Heights, Park Rapids, Plymouth, Preston, Richfield, Robbinsdale, Rochester, St. Cloud, St. Louis Park, St. Paul, Sleepy Eye, and Winona. Only five other states exceeded Minnesota in the number of communities participating in the program. Communities desiring to participate in the 1987 program must complete an application and send it to the DNR Division of Forestry no later than Dec. 31, 1987. Each application is reviewed by the state forester and forwarded to the National Arbor Day Foundation in Nebraska City, Neb. Winning communities will receive a Tree City USA flag, a walnut-mounted plaque and signs to place at the city entrances. "To be officially recognized and designated as a 1987 Tree City USA, communities must meet four criteria," said Hanisch. The community must have a legally constituted tree board, a community tree ordinance, an active and comprehensive community forestry program supported by a minimum of \$1 per capita, and an Arbor Day proclamation and public tree planting ceremony. "Many of the communities that have received this award in the past have surpassed these requirements and are exhibiting innovative, urban uses of trees," Hanisch said. "Many communities realize that trees are a valuable resource and that tree care and maintenance programs are important regardless of geographic location. Urban forestry programs get the public to contribute to tree management and can be run with limited tax expenditures," she continued. "A good urban forestry program is an investment in the economic, social and physical well-being of a community." For further information or applications for the Tree City USA program, contact the DNR Division of Forestry, 500 Lafayette Road, St. Paul, MN 55155-4044 or call (612) 296-5958 (outstate call 800-652-9747 and ask for DNR Forestry).

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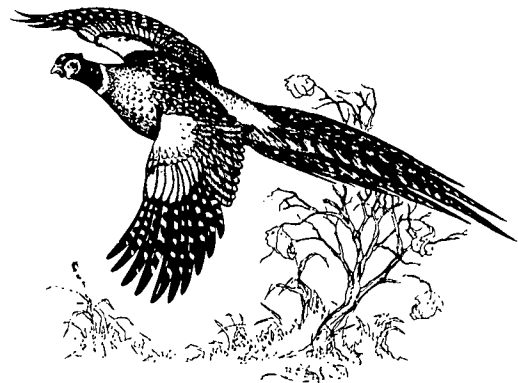
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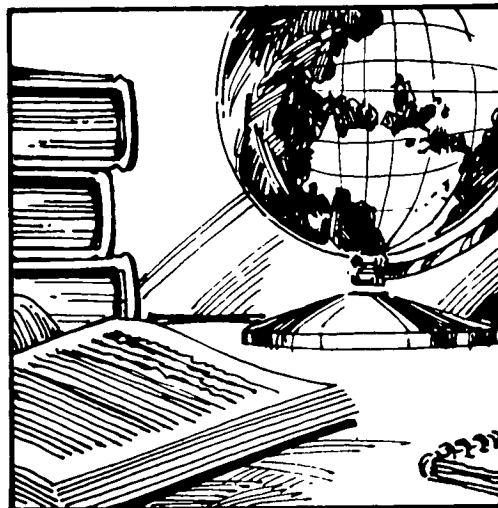
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